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Mr & Mrs Manning
Lower Overton Farm Overton Road
Congleton
CW12 3QW

Application no: SMD/2017/0628

Determined on: 12th October 2018

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015
(as Amended)**

FULL PERMISSION FOR DEVELOPMENT

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990.

Location of Development:

Lower Overton Farm, Overton Road, Congleton, Staffordshire, CW12 3QW

Description of Development:

Change of use to convert existing barn to single dwelling with garage and new vehicular access.

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** for the development described above subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details: Location Plan 6808 07 A, Proposed Barn Plans 6808 04 C, Proposed Garage Plans 6808 15, Proposed Site Plan 6808 09 D, Longitudinal Section 6808 10 B, Window and Door Details Sheets 1-4 (6808 11, 6808 12, 6808 13, 6808 14), window illustration, flue illustration and rainwater goods details.

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. The development hereby permitted shall not be brought into use until details of the permanent closure to vehicular traffic of the existing site access have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to the approved dwelling being first occupied and the access shall be permanently closed to vehicular traffic thereafter.

Reason:- To close a sub-standard access in the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

4. The approved new access drive rear of the public highway shall be surfaced in a bound material for a minimum distance of 5m back from the carriageway edge. Details of the access and driveway surfacing shall be submitted to and approved in writing by the Local planning authority prior to the approved development being brought into use. The approved details shall be fully implemented prior to the approved dwelling being occupied and retained as such thereafter.

Reason:- In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

5. The development hereby permitted shall not be brought into use until the visibility splays shown on plan 6808 09 Proposed Site Plan have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 900mm above the adjacent carriageway level.

Reason:- In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

6. If gates are to be sited near the new access/ on the new driveway they shall be located a minimum of 5m rear of the carriageway edge and shall open inwards only away from the highway.

Reason:- In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

7. The approved new access shall be constructed with a maximum gradient of 1 in 10 for a minimum distance of 5m rear of the carriageway edge.

Reason:- In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

8. Prior to the approved development being brought into use, details of how the new driveway will shed surface water onto surrounding garden/field areas, in accordance with SUDS principles, shall be submitted to and approved in writing by the Local Planning Authority. The driveway shall be constructed in accordance with the approved details and maintained as such for the life of the development.

Reason:- To prevent surface water flowing onto the public highway and provide surface water drainage in accordance with SUDS principles.

9. Prior to any part of the approved garage being constructed above ground level a sample panel of its wall construction - showing stone block size, coursing and pointing - shall be presented to, and approved in writing by, the Local Planning Authority. The garage walls shall be constructed in accordance with the approved details and retained as such thereafter.

Reason:- In the interest of maintaining the character and appearance of the area.

10. Prior to the garage door being inserted, joinery details shall be first submitted to and approved in writing by the Local Planning Authority. The garage door shall be constructed in accordance with the approved details.

Reason:- In the interest of maintaining the character and appearance of the area.

11. Prior to any part of the garage roof being constructed, details shall be submitted to and approved in writing by the Local Planning Authority. The garage roof shall be constructed in accordance with the approved details.

Reason:- In the interest of maintaining the character and appearance of the area.

12. Prior to any vents or ducts being inserted/installed, details shall be submitted to and approved in writing by the Local Planning Authority. Any vents and ducts shall in inserted/installed in accordance with the approved details.

Reason:- In the interest of maintaining the character and appearance of the area.

13. All windows and doors, rainwater goods and flue shall be completed in accordance with the details submitted to, and approved by, the Local Planning Authority during the course of the application. Such works shall be retained as such thereafter.

Reason:- In the interest of maintaining the character and appearance of the area.

14. Prior to commencement of development (including any demolition, site clearance, site stripping or site establishment) temporary protective fencing and advisory notices for the protection of the existing trees in and adjacent to the site which are to be retained shall be erected in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations. The fencing and notices shall be retained in position for the duration of the construction phase of the development, unless otherwise agreed by the Local Planning Authority, allowing that the proposed new site access would be partly within the Root Protection Area of a mature roadside Sycamore which should otherwise be protected as required under this condition with the exception of that part directly required to accommodate construction of the access. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or

site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed by the Local Planning Authority.

Reason:- To protect existing trees on and adjacent to the site and in the interests of the visual amenity of the area.

15. If development has not started before May 2019 a further dusk/dawn activity survey shall be undertaken during the period May to September of any year prior to commencement of development (as recommended in the submitted Bat and Bird Activity Survey, July 2017). The results of any such survey, along with any mitigation and/or enhancement measures, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be undertaken and completed in accordance with the approved mitigation.

Reason:- In the interest of ecology and to protect a protected species.

16. Unless prior permission has first been obtained in writing from the Local Planning Authority, all 'noisy' construction activities shall be restricted to the following times of operations:-

08:00 - 18:00 hours (Monday to Friday)

08:00 - 13:00 hours (Saturday)

No working is permitted on Sundays or Bank Holidays.

In this instance a 'noisy' construction activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason:- To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

17. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development shall not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, and approved in writing by the Local Planning Authority. Development shall be completed in accordance with the approved remediation scheme.

Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

18. No top soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material shall be submitted to and agreed in writing by the Local Planning Authority prior to the soils being imported onto site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.

Reason: - To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

19. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment.

Reason:- To protect the amenities of the area.

20. The foul drainage from the proposed development shall be discharged to a system which meets the requirements of British Standard (BS) 6297:2007+A1:2008 Code of practice for the design and installation of drainage fields for use in wastewater treatment

- a) There shall be no connection to any watercourse or land drainage system and no part of the soak away system shall be situated within 10 metres of any ditch or watercourse.
- b) Porosity tests shall be carried out and the results submitted to and approved in writing by the Local Planning Authority to demonstrate their suitable subsoil and adequate land area is available.

Reason:- To prevent pollution of the water environment.

21. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. If there are multiple tankages, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason:- To prevent pollution of the water environment.

22. Prior to the approved dwelling being first occupied a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any trees to be planted to mitigate against any loss of existing trees (at a ratio of 2:1), and details of boundary treatments to the site, shall be submitted to and approved in

writing by the Local Planning Authority. The approved details shall be fully implemented with all soft landscaping carried out in the first planting and seeding season following the first occupation of the approved dwelling or the completion of the development, whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall be completed in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:- To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and in the interests of visual amenity.

23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as may subsequently be amended or re-enacted) no extensions, alterations or buildings, gates, walls or fences within the site curtilage normally permitted by Classes A to E of Part 1 or Part 2 of Schedule 2 to that Order shall be carried out unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason:- In the interest of maintaining the character and appearance of the area.

Informatives

1. The applicant has worked closely with the LPA to achieve a sustainable form of development.

2. The access crossing to the site from the highway shall be constructed in accordance with submitted drawings and SCC requirements. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Although the pack refers to dropped crossings, a S184 notice is required for an access leaving the carriageway and crossing highway verge. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to nmu@staffordshire.gov.uk)
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

3. The existing access crossing to the site shall be reinstated to wall or retaining wall in accordance with details to be submitted to the LPA and SCC requirements. Please note that prior to the reinstatement works taking place you require a Permit to Dig. Please contact Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to nmu@staffordshire.gov.uk).

4. Based on the applicant's submitted specialist ecology report it is judged unlikely that Bats will utilise the building as a place of rest or shelter. However bats are protected by law and in the event that bats or bat droppings are encountered during the development work, all operations should be immediately ceased and advice obtained from an ecologically qualified bat specialist. Work should then continue only in accordance with the specialist advice obtained and with due reference to the law including the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981.

5. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

* A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>

* Any approved foul drainage system should meet the British Standard 6297:2007+A1:2008: Code of practice for the design and installation of drainage fields for use in wastewater treatment <http://www.bsigroup.com>

* Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>

* During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.

* The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils <http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>

* Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)

* If required, contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Planning Policy Statement 23 and the CLR Report Series 1-12.

* Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.

* The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the

contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become and "appropriate person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

* Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

* During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes.

* The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.

* Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section at BControl@staffsmoorlands.gov.uk
2. Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority at Staffordshire County Council.
3. This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. An application will need to be made to discharge conditions and a fee is payable with the application. For more details please refer to our web site: www.staffsmoorlands.gov.uk If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a “condition precedent”. The following should be noted with regards to conditions precedent:
 - (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.
4. Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.
5. The permission is granted in strict accordance with the approved plans. It should be noted however that:
 - (a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
 - (b) Variation to the approved plans will require the submission of a new planning application.
6. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
7. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority’s decision then you must do so within 12 weeks of the date of this notice.

8. If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
9. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
10. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
11. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
12. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- 13.