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Application no: SMD/2022/0143

Determined on: 12/10/2022

**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:

121 Tunstall Road, Knypersley, Staffordshire, ST8 7AA

Description of Development:

Demolition of existing dwelling and associated outbuildings. Erection of 6 No. detached dwellings

(Under the powers set out at s73 of the Act this is a 'differing' planning permission to that referenced SMD/2017/0510, granted on the 1st March 2018, with varied condition 2 to allow a substitution and approval of drawings that show revisions that have added sun rooms to Plots 1 & 3, and an alternative parking arrangement at Plot 2 to provide for the loss of a garage space and its use as an integrated habitable room).

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 have been begun before the expiration of three years from the date of the 1st March 2018, the date of planning permission SMD/2017/0510.

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 and described above shall be laid out, completed and retained in accordance with the revised Site Plan JL/TRK/2022/2/B/123 a, submitted on

the 23rd June 2022. Each plot, as referenced on that revised site plan, shall be completed and retained as follows:

PLOTS 1, 2 and 3

In accordance with the revised plans referenced and numbered: PLOT 1 TYPE 1 JL/TRK/2020/3/C a; PLOT 2 TYPE 1 JL/TRK/2020/3/C a; and PLOT 3 TYPE 2 JL/TRK/2022 sl a, all submitted on the 23rd June 2022 under this application SMD/2022/0143;

Existing Bungalow and PLOTS 4,5 and 6

In accordance with plans referenced and numbered Dormer Bedrooms DR-A-509, House Type 2 DR-A-507, House Type 3 DR-A-508 that were submitted and approved under application SMD/2017/0510.

Reason:- For the avoidance of doubt and in the interests of proper planning and to approve and regularise changes that the applicants have made to the development permitted.

3. No soil is to be, or have been, imported to the site until it has, or had, 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 validity evidence submitted to and approved in writing by the Local Planning Authority before any soil is imported to the site.

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.

4. No part of the development shall be brought into use or occupied until the works to the highway relative to the access bell mouth (to include the provision of tactile paving on the line of the existing footway and give way markings) have been carried out in accordance with details that have been pre agreed with the Staffordshire County Council Highway Authority; and, the existing site access to number 121, Tunstall Road has been permanently closed with the reinstatement of the verge/footway between the site boundary and the carriageway edge and the construction of a stone wall, in accordance with details that have been pre agreed with the Staffordshire County Council Highway Authority.

Reason:- In the interests of highway safety.

5. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the revised Site Plan JL/TRK/2022/2/B/123 a; the parking space to the side of Plot 2 has been provided by means of no-dig cellular confinement system designed for tree root protection; all other parking areas and driveways have been provided and surfaced with 'Barleystone Kingspave' damson cobble paving; and all circulation paths and pedestrian access points have been provided and surfaced in Macclesfield Stone type Riven slab paving. The parking, turning and servicing

areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development and there shall be no variation or alteration unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In the interests of highway safety. In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties and the surrounding area.

6. Before any part of the development is brought into use or occupied, the close boarded fences shall have been erected, with gravel boards that provide hedgehog access holes at the specified locations, in accordance with the drawn and written details shown on the revised 'Landscape and Enclosure Layout' plan numbered 1404-L01 Rev B Dec 2021, submitted with this application. There shall be no variation or alteration unless otherwise agreed in writing by the Local Planning Authority and the fences shall be retained and maintained as such, throughout the life of the development.

Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties and the surrounding area.

7. Before any part of the development is brought into use or occupied, the old timber board fence shall be removed from the stone wall at the front roadside boundary of the site and replaced with the vertically boarded fence painted grey; the existing stone wall in this location shall be infilled to a height of 700mm and completed to close the pre-existing access to 121 Tunstall Road and provide radius returns each side of the new site access; and, a new mixed hedgerow shall be planted behind the stone wall, all to be carried out and completed in full accordance with the drawn and written details shown on the revised plan numbered JL/TRK/2022/A submitted on the 11th October 2022, the revised 'Landscape and Enclosure Layout' plan numbered 1404-L01 Rev B Dec 2021 submitted with this application, and the 'Planting Layout' plan numbered 1404-L02 submitted with application ref. DOC/2020/0051. There shall be no variation or alteration unless otherwise agreed in writing by the Local Planning Authority and the wall and hedgerow shall be retained and maintained as such, throughout the life of the development.

Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties and the surrounding area and to assist with ecology enhancement and nature conservation.

8. All of the landscaping, planting and hedgerow planting detailed in the revised plan numbered JL/TRK/2022/A submitted on the 11th October 2022; the revised 'Landscape and Enclosure Layout' plan numbered 1404-L01 Rev B Dec 2021 submitted with this application; the 'Planting Layout' plan numbered 1404-L02 submitted with application ref. DOC/2020/0051; and, para. 5.2.1 and fig. 5 of the of the 'Bat and Bird Enhancement Plan' dated June 2020, produced by Elite Ecology and submitted with application DOC/2020/0051, shall be fully implemented and carried out before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees, shrubs and other plants which are planted in accordance with this landscaping scheme shall be thereafter retained and properly maintained for the life of the development. Any plants which

within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason:- In the interests of nature conservation to provide additional feeding and nesting habitat for birds

9. Before the development is brought into use or occupied, the artificial nest sites for swifts, house martin and house sparrow, to be installed as nest boxes on trees and structures, shall be installed in accordance with, and in the locations specified at, paragraphs 5.2.2 and figure 5 of the 'Bat and Bird Enhancement Plan' dated June 2020, produced by Elite Ecology. The bird boxes shall thereafter be retained and maintained, as being available to nesting birds, throughout the life of the development.

Reason:- In the interests of nature conservation.

10. Before the development is brought into use or occupied the artificial roost sites, to be installed as Eco Bat Boxes or Integrated Eco Bat Boxes on the new structures, shall be installed in accordance with, and in the locations specified at, paragraph 4.5 and Figure 2 of the 'Bat Method Statement' dated September 2020, produced by Elite Ecology. The bat boxes shall thereafter be retained and maintained, as being available to roosting bats, throughout the life of the development.

Reason:- In the interests of nature conservation.

11. The development hereby permitted shall only be carried out and completed with the provision of surface water drainage works that are based on sustainable drainage principles and incorporate surface water limitation systems and surface water drainage interceptors sited immediately to the rear of the highway boundary, connected to a surface water outfall or drained on SUDS principles.

Reason:- To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal Highways

12. The garages indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) they shall at no time be converted to living accommodation unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason:- In the interests of highway safety.

Informative(s)

The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. There are not judged to be any adverse implications for neighbours or wider public amenity and street scene. Amended plans were agreed with the agent in the

course of the determination in accordance with the principles of negotiation and amendment as advocated in the National Planning Policy Framework paragraph 38.

Ground Contamination

The original permission SMD/2017/0510 was granted subject to a condition that required the submission of evidence relative to the correct remediation of pre development land contamination. This was to ensure that the 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. The developer has since submitted: a statement from their Approved Building Inspectors confirming that they had witnessed the installation of gas membranes during construction works and that they “appear to be installed in accordance with manufacturers’ instructions”; and, a verification report from the developer’s appointed Environmental Consultant with statements relative to the testing, removal and remediation of ground contamination, little evidence has been provided to support such statements e.g. the planning authority has not been provided with photographic evidence or a waste transfer note. All information submitted by the developer is available and can, on request, be made available for review and inspection.

The Local Authority cannot confirm, on the evidence presented, that the developer has installed the gas protection measures correctly and remediated or removed all contaminated material. However, the information provided, does give indication that the site is unlikely to qualify as contaminated land in accordance with the part 2 A of the Environmental Protection Act. Should, at any time, new information reveal that the site has not been correctly remediated then the parties responsible for the development and remediation (regardless of subsequent sales), would be responsible for the breach and future clean up, the developer would be considered as 'Class A' persons, i.e. those who caused or knowingly permitted the contamination to be present.

X 

Signed by: Jane Colley Signature

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
1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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.
9. 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>
10. 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.
11. 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.
12. Domestic sprinklers
Fire sprinklers operate automatically even if you are not at home releasing water directly over the source of the fire and sounding the alarm, they are unobtrusive and easy to install. Sprinklers are NOT expensive; normally costing around 1-2% of the cost of construction of a new building. The use of sprinklers will usually allow design freedoms as well, which can reduce construction costs and improve usability and design freedoms of the building. The chance of an accidental discharge is 16,000,000:1
If you would like further advice please contact Staffordshire Fire and Rescue Service (www.staffordshirefire.gov.uk)
13. Working smoke alarms correctly positioned in your home can save your life.
The Fire Service recommends you have smoke alarms on every floor of your home, including in each bedroom, and make sure you test your smoke alarms at least once a month. Although the application of approved guidance and enforcement of regulations will give buildings the legally required baseline of fire protection, the Fire Service's viewpoint is many of these fall short of what we would consider adequate. This is why we campaign for the inclusion of sprinklers.