STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Mr Rob Duncan
Rob Duncan Planning
70 Ferndale Road
Lichfield
Staffordshire
WS13 7DL

Mr Rider
C/O Agent

Application no: SMD/2022/0532

Determined on: 16/12/2022

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:
Land East Of Sugar Street Rushton Spencer Staffordshire

Description of Development:
Variation of Conditions 2 & 22 of SMD/2021/0784

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 expiry of three years from 30/06/2022 being the date of planning permission reference SMD//2021/0784 to which this variation of condition permission relates.
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 approved shall be carried out in complete accordance with the submitted amended plans and specifications as follows:-

2127-AL-101B
2127-AL-106B
2127-AL-107B
2127-AL-108B
2127-AL-109B
2127-AL-110B
2127-AL-111B
2127-AL-112B
2127-AL-115A
2127-AL-117B

Reason:-
To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

3. The building materials shall comprise stone walls, Staffs Blue clay tiles, timber windows and aluminium rainwater goods in accordance with exact details of type, colour and texture to be submitted to and approved in writing by the local planning authority before any further development beyond damp course level. Development shall take place uin accordance with the approved details.
Reason:-
In the interests of the character and appearance of the area.

4. The hard surfacing of the site including access road shall be undertaken before the development is first brought into use in accordance with details of type, colour and texture to be submitted to and approved in writing by the local planning authority.
Reason:-
In the interests of the character and appearance of the area.

5. The stone materials for the new boundary walls shall match those of the dwellings hereby approved and shall be provided before the development is first brought into use.
Reason:-
In the interests of the character and appearance of the area.

6. The soft landscaping and planting of the site shall be undertaken before the development hereby permitted is first brought into use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These details shall include:
- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
- Implementation timetables
- Biodiversity Net Gain (BNG) metric information

- Meadow enhancement
- Details of species features and locations for bats, birds, hedgehogs, reptiles and invertebrates as laid out in the PEA report (Charnia Ecology, October 2021)

Reason:-
To ensure the appropriate landscape design and in the interests of the visual amenities of the area and the ecological value of the area.

7. The implemented planting scheme shall be subsequently properly maintained in accordance with good horticultural practice; any plants which are removed, die, become diseased or otherwise fail to establish within 5 years of planting shall be replaced during the next available planting season and the replacements themselves shall then be properly maintained.
Reason:-
To ensure the appropriate landscape design and in the interests of the visual amenities of the area.

8. The green open areas of the site shall be managed in accordance with a long-term habitat management plan to secure net biodiversity gain to be submitted to and approved in writing by the local planning authority before the development is first brought into use.
Reason:-
In the interests of the ecological value of the site.

9. Before the development is first brought into use, the following ecology measures shall be undertaken in accordance with the PEA report by Charnia Ecology submitted with the application, as follows:
a. Bird precautions to be followed as per sections 88 - 91, including timing of works.
b. Amphibian and mammal precautions to be followed as detailed within sections 83, 84, and 86.
Reason:-
In the interests of the ecological value of the site.

10. Measures to protect reptiles including retaining refuge areas and supervised clearance works shall be undertaken during the construction phase in accordance with a Reptile Method Statement to be submitted to and approved in writing before works commence.
Reason:-
In the interests of the ecological value of the site.

11. 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) no additional windows or any other openings shall be installed in any part of the development, without prior written consent from the District Council as Local Planning Authority.
Reason:-

To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and the visual amenities in the area.

11. 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), no development as specified in Part 1 Class(es) AA, A, B, C, D and E or Part 2 Classes A to C shall be undertaken without express planning permission first being obtained from the Local Planning Authority.
Reason:-
To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area and to protect the residential amenities of neighbouring residents.

12. Before the commencement of development, tree protection fencing shall be installed around all existing trees on site in accordance with details to be submited to and approved in writing by the local planning authority.
Reason:-
In the interests of the character and appearance of the area.

13. No phase of the development hereby permitted shall take place except for works of site clearance and demolition until a Construction and Environmental Management Plan for that phase of the site has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;

II. the method and duration of any pile driving operations (including expected starting date and completion date);

III. pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;

IV. the arrangements for prior notification to the occupiers of potentially affected properties;

V. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;

VI. a scheme to minimise dust emissions arising from construction activities on the site.

VII. a scheme for recycling/disposal of waste resulting from the construction works;

VIII. the loading and unloading of plant and materials;

IX. the storage of plant and materials used in constructing the development;

X. 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,

XI. details of any generator/s to be used on site. They should be sufficiently attenuated so that any noise generated shall be inaudible inside any nearby noise sensitive premise,

XII. during construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.

All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.
Reason:-
To protect the amenity of local residents and that of the surrounding area from noise disturbance.

15. 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 should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed 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 is subject to the approval in writing of the local planning authority.
Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of 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.

16. 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 should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should 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.

17. The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation and shall be provided in accordance with sections 109 and 112 of the Charnia Ecology PEA and in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason:-
To protect the local amenities of the local residents by reason of excess of illuminance.

18. Any Air Source Heat Pump installed under this permission should be compliant with Microgeneration Installation Standard: MCS 020 MCS; Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises.
Reason:-
To protect local amenities of the local residents by reason of excess noise.

19. Development shall not commence until specific details of the foul water drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and completed prior to the development being brought into use.
Reason:-
To ensure the protection of controlled waters in line with paragraph 174 of the National Planning Policy Framework.

20. Development shall not commence until specific details of the disposal of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
Reason:-
To ensure the protection of controlled waters in line with paragraph 174 of the National Planning Policy Framework.

21. The water run-off from the proposed gravel surface of the shared car parking area and the permeable paving shall be treated before discharge in accordance with details to be submitted to and approved in writing by the local planning authority before the development is first brought into use.

Reason:-
To prevent ground and water pollution.

22. Before the commencement of works, details of the existing off-site private wastewater system discharging onto the site adjacent to Sugar Lane shall be submitted to the local planning authority and any measures or works in response to the details as agreed in writing by the local planning authority shall be undertaken before the development is brought into use. The details shall include the following:
-If the drainage is a wastewater overflow or treated effluent;
-Whether or not the flow drains to ground on-site or enters surface water courses, via road drainage;
-Evidence to demonstrate the flow does not pose an additional contamination risk to the development site;
-An assessment of the potential contamination risk to groundwater at depth.
Reason:-
To prevent ground and water pollution as a result of development of the site.

23. The development hereby permitted shall not be brought into use until the visibility splays shown on plan AL109B have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
Reason:-
In the interests of highway safety.

24. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed.
Reason:-
In the interests of highway safety.

25. Before the development is first brought into use, a surface water drainage interceptor shall be provided across the access immediately to the rear of the highway boundary, connected to a surface water outfall or on SUDS principles in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason:-
In the interests of highway safety.

26. 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 approved plans. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.
Reason:-
In the interests of highway safety.

27. Before the proposed development is brought into use, revised details shall be first submitted to and approved in writing by the Local Planning Authority indicating: -

-Parking bays of minimum length of 4.8m;
-Pedestrian dropped crossings to facilitate pedestrian access onto Sugar Street.
The development shall thereafter be carried out in accordance with the approved details.
Reason:-
In the interests of highway safety.

28. No development shall be commenced until a scheme for the provision of electric vehicle charging points has been submitted to and agreed in writing by the Local Planning Authority. No property shall be occupied until any approved electric vehicle charging infrastructure associated with that dwelling has been installed in accordance with the approved details.
Reason:-
To promote the use of low emission vehicles and help mitigate the impact of any additional vehicles on local air pollution

Informatives

1.The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.

2.Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should be suitably designed to meet the non-statutory technical standards for sustainable drainage systems. These standards should be used in conjunction with the National Planning Policy Framework and Planning Practice Guidance and use a SuDS management treatment train.

3.The site directly overlies the sandstone rock, mainly within a Groundwater Source Protection Zone (SPZ) 2, overlapping onto SPZ 3. This forms a recharge zone for the aquifer, abstracted at depth by United Utilities for local public drinking water supply at nearby Rushton Spencer boreholes. The applicant should follow best practise on their use and storage of fuels, oils and chemicals, to remove the risk of causing pollution during construction.

4.The site maybe particularly vulnerable to the presence of contamination, due to the presence of an historic abstraction borehole (SJ96SW2 / SJ96/23). If present and not decommissioned, this could provide a direct connection to the groundwater table at depth. Other similar boreholes are located nearby, close to the site boundary. The Environment Agency may be able to advise further on appropriate sealing and decommissioning of the borehole, to prevent this forming a pathway for contaminants to reach the groundwater.

5.As the applicant intends to build a private Wastewater Treatment Works, the consent of the Environment Agency would be needed for the discharge of treated effluent. United Utilities would not wish to adopt the works on completion. The Applicant should follow EA guidance and apply for a permit for the new & changed discharges (https://www.gov.uk/permits-you-

need-for-septic-tanks/apply-for-a-permit)

6.Any private wastewater treatment plant must be designed to ensure that the discharges also do not pose an unacceptable risk of pollution to groundwater, in order to protect United Utilities drinking water abstraction sources in the vicinity of the site.

7.If the applicant intends to receive water and/or wastewater services from United Utilities, they should visit our website or contact the Developer Services team for advice. This includes seeking confirmation of the required metering arrangements for the proposed development. If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal. In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit: https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/ and go to section 7.7 for compulsory metering.

8.The applicant or developer should contact United Utilities Developer Services team for advice if their proposal is in the vicinity of water or wastewater pipelines and apparatus. It is their responsibility to ensure that United Utilities' required access is provided within their layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity.

9.Staffs Wildlife Trust advise that additional surface features such as a lined reedbed or swale could be considered at the lower end of the site as part of the detailed drainage plan requested in the planning conditions.

10.SWT also advise the following:
-In order for the permeable landscaped areas to absorb some run-off, they would need to be flush with the hard surfacing without a curb, or permeable curb materials used.
-Underground geocellular storage could be considered to provide more storage and filtration.
-Water butts should also be provided on each home.

X

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council

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Moorlands House, Stockwell Street, Leek, Staffordshire Moorlands, ST13 6HQ.
www.staffsmoorlands.gov.uk Tel: 0345 605 3010
All correspondence to Staffordshire Moorlands District Council, P O Box 136, Buxton, SK17 1AQ.

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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.