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Application no: SMD/2022/0639

Determined on: 07/02/2023

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

PRIOR APPROVAL REQUIRED FOR CHANGE OF USE

APPROVAL

Staffordshire Moorlands District Council hereby **APPROVE** this application for

Variation of Condition 3 and 6 in relation to DET/2020/0006 at Moss Cottage Macclesfield Road Rushton Spencer

in accordance with the submitted application, details and accompanying plans listed below and subject to the following conditions:-

1. The approval is granted subject to the conditions and limitations relevant to Class Q (a) and (b) as set out in the GPDO 2015 as amended including that the development under Class Q(a) and under Class Q(b) hereby approved must be completed within a period of 3 years starting with the date of the granting of prior approval DET/2020/0006.

Reason:- For clarity and the avoidance of doubt.

2. 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) A, B, C, D, E, F, G and H and/or Part 2 Class(es) A, B, C, D, E and F other than those expressly authorised by this permission, shall be carried out 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 ensure that adequate private open space is retained within the curtilage of the building.

3. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced in a bound material for a minimum distance of 5m back from the site boundary and surface water interceptor drains installed in accordance with the submitted Driveway Surfacing Plan, drawing No 10, Rev0.

Reason:- In the interests of highway safety.

4. The development hereby permitted shall not be brought into use until the visibility splays shown on plan Access Visibility have been provided. The visibility splay 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.

5. The development hereby permitted shall not be brought into use until the access gradient has been reduced to a maximum of 1 in 10 and the access otherwise improved in accordance with the approved plan Access Detail.
Reason:- In the interests of highway safety.

6. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the submitted Parking Area Details, drawing No 11, Rev0. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.

Reason:- In the interests of highway safety.

7. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy 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 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.

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

8. The development, including demolition hereby permitted shall not take place

until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include the following details:-
I. A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
II. a scheme for recycling/disposal of waste resulting from the demolition/construction works;
III. The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
Once approved, all relevant activities on the site shall be carried out in accordance with the Construction and Environmental Method Statement throughout the course of the development. Any alteration to this Statement shall be approved in writing by the Local Planning Authority prior to and deviation from it.

Unless the scheme follows the details approved in DOC/2020/0101 where these details should be followed in full.

Reason:- To protect the amenities of the area.

9. Prior to bringing the development into first use, all soils that are intended to be used for the proposed garden/ soft landscaping areas shall be tested for contamination and assessed for their suitability for the proposed use. Prior to sampling, a suitable methodology for testing the soil shall be submitted to and agreed in writing by the Local Planning Authority and shall include the sampling frequency, testing schedules, and criteria against which the analytical results will be assessed. The results of the soil tests shall be submitted and approved in writing by the Local Planning Authority. If soil results indicates that a potential risks exists, development shall not commence until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. The approved remediation shall be carried out prior to the first occupation of the development.

Unless the scheme follows the details approved in DOC/2021/0062 where these details should be followed in full.

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.

10. 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 continue 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 submitted to and approved in writing by the Local Planning Authority. The approved remediation shall be carried out prior to the first occupation of the development.
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 submitted to and approved in writing 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.

11. 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.

12. The sound insulation scheme set out in the Noise Assessment by SBM Safety Solutions E16290. CRTN ProPG BS8233 (Sections 5 and 6) shall be implemented in the final construction.

Reason:- For the avoidance of doubt.

13. 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 prior to the installation of any soakaway.

Unless the scheme follows the details approved in DOC/2021/0062 where these details should be followed in full.

Reason:- To prevent pollution of the water environment.

14. The recommendations for Reasonable Avoidance Measures (RAMS) and lighting mitigations during construction works, along with the habitat enhancements recommended on P10 & 11 of the report entitled 'Preliminary Bat Roost Assessment' and prepared by Haslam Ecology dated 30th October 2019 shall be adhered to unless otherwise agreed in writing by the Local Planning Authority.

Reason:- For the avoidance of doubt.

15. The development hereby permitted shall not be commenced until details of all boundary enclosures have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site and retained for the lifetime of the development.

Unless the scheme follows the details approved in DOC/2020/0101 where these details should be followed in full.

Reason:- In the interests of visual amenity, privacy and avoidance of doubt.

16. Prior to their installation joinery details of all external windows and doors shall be submitted to and agreed in writing by the Local Planning Authority. Details shall include (but not necessarily be limited to) materials, colour/finish, opening mechanisms and recess depth of the frame within the aperture. The windows and doors shall be installed in accordance with the approved details and be retained for the lifetime of the development.

Unless the scheme follows the details approved in DOC/2020/0101 where these details should be followed in full.

Reason:- In the interests of visual amenity.

17. In the event of any external brickwork, stone or tiles needing to be replaced, the replacements shall match in colour, form and texture those of the existing building unless agreed in advance and in writing with the Local Planning Authority.

Reason:- In the interests of visual appearance.

18. Prior to their installation, details of all rainwater goods including guttering and down pipes shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in full accordance with the approved details, be retained for the lifetime of the development and be completed prior to first occupation of the dwelling.

Unless the scheme follows the details approved in DOC/2020/0101 where these details should be followed in full.

Reason:- To ensure that the external appearance of the development is satisfactory.

19. The ventilation holes shall be infilled with recessed blue brick or glazing such that they remain visible.

Reason:- To ensure that the external appearance of the development is satisfactory.

20. Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

Site Location Plan 1 Rev 1 Sheet 1/1;
Existing Block Plan 2.1 Rev 1 Sheet 1/1;
Proposed Block Plan 3.1 Rev 1 Sheet 1/1;
Existing Plans and Elevations 4 Edition Rev 0 Sheet 1/1;
Proposed Plans and Elevations 5 Edition Rev 0 Sheet 1/1;
Access Visibility 6 Edition 0 Sheet 1/1;
Access Detail 7 Rev 0 Sheet 1/1.
Proposed parking area, drawing No 11,Rev 0 relating to condition 6.
Driveway Surface & Drainage drawing No 10,Rev 0.

Reason: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.

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 buildingcontrol@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.

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