STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Mr Ian Ankers
Ian Ankers Architecture
Rushton Spencer
Cheshire
SK11 0RP

Mr & Mrs Frank
Green Dales Woodhouse Green
Macclesfield
SK11 0RS

Application no: SMD/2018/0770

Determined on: 10th February 2023

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:
Dye House Dye House Lane Rushton Spencer Staffordshire SK11 0RS

Description of Development:
Demolition of existing house and construction of replacement dwelling.

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 commenced before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Location Plan: Dwg no TDH
Proposed Ground Floor Plans and Site Plan: Dwg no TDH 03 REV D
Proposed First Floor Plan: TDH 04 REV D
Proposed Elevations: TDH 05 Rev E

Plot Plan as proposed TDH-02 Rev A

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3.Notwithstanding the submitted details, precise specifications or samples of walling, doors and windows, door/window surrounds, fascia/barge boards, rainwater goods and roofing/ridge materials including surfacing, their colour and texture shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality.

4. 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 boundary.

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

5. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
-all previous uses;
-potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
-potentially unacceptable risks arising from contamination at the site; and
-any risks posed to nearby Drinking Water Abstractions and its Groundwater Source Protection Zone.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

6. Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

7. The development hereby permitted shall not be commenced until such time as a detailed scheme dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the following:
- Details for the disposal of surface water
-Details for the disposal of foul waste
- Details of roof drainage sealed at ground level
- Details showing the highest specification pipework and designs for a scheme involving new sewerage systems in Source Protection Zone 1 to minimise leakage
Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason To ensure that the proposed drainage does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and Position Statement G2, G8 and G12 of the ‘The Environment Agency’s approach to groundwater protection’>.

8. Prior to development commencing a Wastewater Drainage Design for the Development must be submitted to, and approved in writing by, the Local Planning Authority.

Prior to occupation of the development (hereby permitted) wastewater drainage shall be completed in accordance with the agreed design and subject to receipt of an Environmental Permit, or consent of the Environment Agency.

Reason: To manage the risk of pollution to the underlying aquifer, abstracted for drinking water supply and to promote sustainable development.

9. No development shall take place, including any works of demolition, until a Construction Environment Management Plan, including Pollution Risk Assessments and Method Statements, has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
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 with controlled disposal of the washwater;
ii) Details of wheel washing facilities. All demolition/construction vehicles shall have their wheels cleaned before leaving the site with controlled disposal of the washwater;
iii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
iv) the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
v) Protection of surface and groundwater resources;
vi) Pollution risk during demolition and appropriate storage of demolition waste;
vii) Best practise on the use and storage of fuels, oils and chemicals, to remove the risk of causing pollution during construction;
viii) the parking of vehicles of site operatives and visitors;
ix) loading and unloading of plant and materials;
x) storage of plant and materials used in constructing the development.
The approved Construction Environment Management Plan shall be adhered to throughout the construction period for the development.

Reason: To prevent pollution of groundwater and ensure there is no contamination to public water supply during construction.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking and re-enacting this Order with or without modification), no development other than that expressly authorised by this permission shall take place within the site which would otherwise be permitted under Schedule 2 Part 1 Classes A, B, C, D,E and F of the Order unless a further planning permission has first been granted on application to the local planning authority.

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the immediate area .

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 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. Details of all artificial lighting to be installed under this permission shall be submitted to and approved by the Local Planning Authority prior to installation

Reason: To protect the local amenities of the local residents by reason of excess of illuminance

13.In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (5) , and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of that condition. 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, in accordance with condition (6)

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.

14. No 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.

15.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 are carried out to demonstrate suitable subsoil and adequate land area is available and the results shall be submitted to and approved in writing by the Local Planning Authority

Reason: To prevent pollution of the water environment.

16. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication. The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation. The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the approved written scheme of archaeological investigation and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To ensure safeguarding, recording and inspection of any matters of archaeological and historical importance.

17. The residential curtilage of the dwelling hereby approved shall be restricted to that shown on approved drawing on TDH-02 Rev A. Prior to the first occupation of the development the land shown to be taken out of domestic curtilage on plan TDH-02 Rev A shall be seeded with meadow grass; the existing boundary wall separating this land from the neighbouring field shall be removed, and the new fence shown on plan TDH03 Rev D to separate this land from the newly defined curtilage shall be erected.

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.

18. The development hereby approved shall be carried out in strict accordance with the actions, methods & timing details included in the Preliminary bat roost assessment and emergency survey undertaken by Chase.

The four bat access tiles indicated on TDH 05 Rev E shall be installed to the roof coverings and three small Woodstone bat boxes and One large multi chamber Woodstone bat box shall be provided within the woodland area to the north east of the site to which this consent applies at least 30 days before any part of the site used by bats is altered in any way. This

provision shall be made at the earliest possible stage, not subjected to direct disturbance and thereafter the boxes shall be retained and maintained at all times.

Reason: To ensure that no species/habitat protected by the Wildlife and Countryside Act 1981 are destroyed or harmed

19. All hard landscaping (ground surfacing materials) shall be undertaken strictly in accordance with the details as shown on approved drawing TDH03 Rev D, and shall be completed in all respects before the first occupation of the development and thereafter retained.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area

20.Full details of the alignment, height and appearance of all boundary treatment, including but not limited to fences, walls and gates to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the first occupation of the development.

Reason: To ensure a satisfactory form of development in the interest of visual and residential amenities.

21.The development hereby permitted shall not be brought into use until the parking bays have been provided in accordance with the approved plans. The parking bays shall thereafter be retained unobstructed for parking of vehicles for the life of the development.

Reason:To comply with NPPF Paragraph 108; to comply with SMDC Core Strategy Policy DC1; in the interests
of highway safety.

22. The development hereby permitted shall not be brought into use until the parking bays rear of the public highway have been surfaced in a bound and porous material for a minimum distance of 5m back from the carriageway edge. The surfacing shall thereafter be maintained.

Reason:To comply with NPPF Paragraph 108; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

23. The development hereby permitted shall not be brought into use until details of the 2mx15m visibility splay to the west of the parking bays have been submitted to and approved in writing by the Local Planning Authority.. The visibility splay shall be provided in accordance with the approved plan prior to the development being brought into use and thereafter be kept free of all obstructions to visibility over a height of 900 mm above the adjacent carriageway level.

Reason: To comply with NPPF Paragraph 108; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

24. The dwelling hereby permitted shall be substantially completed within 12 months of the date on which the existing dwelling is demolished.

Reason: To comply with paragraph 204 of the National Planning Policy Framework.

Informative

The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern within the application as (originally submitted) and negotiating acceptable amendments to the proposal with the applicant in order to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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.