STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Mr L Millward
Yew Tree Farm
Eaves Lane
Armshead
Staffordshire
ST2 8LY

Application no: SMD/2023/0050

Determined on: 22nd July 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:
Yew Tree Farm, Eaves Lane, Armshead, Staffordshire, ST2 8LY

Description of Development:
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):

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:
- Amended Location Plan
- Proposed Site Plan

- Habitat Provision Plan
- Proposed Elevations and Floor Plans
- Existing Elevations and Floor Plans

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

3. Prior to the first occupation of the farmhouse hereby approved, the existing farmhouse shall be demolished. The material arising not reused in the approved development shall be removed from site and recycled.

Reason: - The permission is for a replacement dwellinghouse and therefore the original farmhouse has to be demolished in order to comply with Green Belt policy.

4. Prior to the first occupation of the farmhouse hereby approved, the existing mobile caravan shall be removed from the land adjacent to site. The land on which the mobile caravan stood shall be restored in accordance with the approved habitat plan and the restoration planting hereby approved shall be implemented in full prior to the occupation of the dwellinghouse hereby approved.

Reason: - The permission is for a replacement dwellinghouse and therefore the original farmhouse has to be demolished in order to comply with Green Belt policy.

5. The approved Habitat Plan shows a scheme of biodiversity enhancement. The approved measures, in addition to a requirement to plan two additional native trees (1 birch and 1 field maple) resulting in a total of 5 native trees, shall be implemented in full within twelve months of the occupation of the dwellinghouse hereby approved.

Reason: - To ensure the development achieves a net gain in biodiversity.

6. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 4428: 1989. The works shall be carried out in accordance with the approved Habitat Plan. Any trees or plants that, within a period of five years after planting, are removed, die, or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason: - To ensure the provision, establishment, and maintenance of a reasonable standard of landscape in accordance with the approved designs.

7. The external walls of the dwellinghouse hereby permitted shall be finished in facing materials in accordance with the approved details specified on the approved plans and application form.

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

8. Prior to the first occupation of the replacement dwelling hereby approved, 2 Wooden bat boxes on the barn, one bat brick and two roof access tiles in the new house and Barn owl tree box, these shall be erected in the locations shown on the approved Habitat Plan. The bird and bat boxes shall be retained in the approved locations thereafter.

Reason - To provide adequate safeguards for the protection of any protected species or habitats existing on the site.

9. Any external lighting on the building hereby approved shall be installed in accordance with best practice - lighting units shall be hooded to direct light downwards and lumens avoid blue-white short wavelength lights in favour of warm long-wavelength lights.

Reason: To provide adequate safeguards for the protection of protected species and their habitats.

10. 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 from the highway boundary and shall thereafter be retained and maintained for the lifetime of the development.

Reasons;
To comply with NPPF; to comply with SMDC Core Strategy Policy DC1 and T1; in the interests of highway safety.

11. Construction & Demolition works: Time of operations: 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. 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.

13. Unexpected Contamination: 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 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 recommence 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.

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 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.

Informative(s)

1. The local planning authority has sought to work with the applicant in a positive and proactive way to secure a development that will improve the economic, social, and environmental conditions of the area, in line with the NPPF.

2. The works required relating to condition 10 will require the relevant permit from our Traffic and Network Unit. Please email trafficandnetwork@staffordshire.gov.uk for further details. The link below provides an overview of the permissions and licences required for undertaking work on or adjacent to the adopted highway: https://www.staffordshire.gov.uk/Highways/licences/Overview.aspx

3. 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

   • The development shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and the ProPG - Planning and Noise: New Residential

Development. It should be designed to achieve noise levels of less than 30dB LAeq in bedrooms (night time), 35dB Laeq in bedrooms (daytime), less than 40 dBLAeq in living areas and 50dB LAeq in outside living areas.

• 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 the Land contamination risk management framework (LCRM), published by the Environment Agency https://www.gov.uk/government/publications/land-contaminationrisk-management-lcrm

• 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 an "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

STAFFORDSHIRE moorlands DISTRICT COUNCIL

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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.