STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Mr Rob Duncan
Rob Duncan Planning Consultancy Ltd
28 Ferndale Road
Lichfield
WS13 7DJ

Mr Taylor
Springfields Farm Hulme Lane
Werrington
Staffordshire
ST3 5BH

Application no: SMD/2023/0422

Determined on: 15/12/2023

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:
Springfields Farm Hulme Lane Werrington Staffordshire ST3 5BH

Description of Development:
Conversion of former agricultural building to retail use and associated formation of parking area and vehicular access improvements (part retrospective)

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 approved, including the building materials specified, shall be carried out in complete accordance with the submitted amended plans and specifications as follows:-

Location Plan 1845 05 Revision A
Site Plan 1845 03 Revision A dated 18.10.23
Block Plan 1845 04 Revision A
Elevation and Layout Drawing 1845 02

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

2. The Use hereby permitted shall be restricted to Class E(a) of the Town and Country Planning (Use Classes) Order 2015 (as amended) and there shall be no sales from the site other than cold food and drink and no hot food shall be available for purchase except for hot drinks and pies.
Reason:-
To avoid an intensification of the use to the detriment of highway safety and residential amenity and the character of the area.

3. 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 further development as specified in Part 3 (Changes of Use) 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 amenities of the area.

4. Within four months of the date of this Decision Notice, all hardstanding areas within land edged blue to the north of the site and within the area shown on the approved Site Plan as External Seating Area, together with the sandpit in the land edged blue, shall be removed from the land edged red and blue and the land shall be reinstated to its former grass/turf condition.
Reason:-
In the interests of the character and appearance of the area and the openness of the Green Belt.

5. Within four months of the date of this Decision Notice, the access drive rear of the public highway shall have been surfaced in a bound material for a minimum distance of 10m back from the carriageway edge in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The surfacing shall thereafter be accordance with the approved details for the lifetime of the development.
Reason:-
In the interests of highway safety.

6. Within four months of the date of the Decision Notice, visibility splays shown on drawing 1845-03 Revision A Site Plan shall be provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 900 mm above the adjacent carriageway level.
Reason:-
In the interests of highway safety.

7. There shall be no removal or alteration of dry-stone walls from the land edged red and blue as shown on the approved drawings, other than what is required in order to provide the visibility splays in Condition 6 of this Decision Notice.

Reason:-
In the interests of the character and appearance of the area

8. Within four months of the date of the Decision Notice, details of the the new hedgerow shown on the approved Site Plan shall 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

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

9. The implemented new hedgerow shall be planted in the first planting season following the approval of the details referred to in condition 8 and shall 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.

10. Within four months of the date of this Decision Notice, parking and turning areas shall be provided in accordance with the approved plans. 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.

11. Within four months of the date of this Decision Notice, additional overflow parking areas shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The overflow parking area shall thereafter be retained unobstructed as parking and turning areas for the life of the development.
Reason:-
In the interests of highway safety.

12. The site shall not be open to customers outside of the following hours:

1000hrs to 1900hrs on any day.

Reason:-

In the interests of the character and amenities of the area.

13. No further development hereby permitted shall be undertaken until a Demolition and Construction and Environmental Method Statement 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 arrangements for prior notification to the occupiers of potentially affected properties;
III. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
IV. a scheme to minimise dust emissions arising from 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. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;
V. 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,

All works shall be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:-
To protect the amenities of the area.

14. 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 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 approved remediation shall 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.

15. No top soil or fill material 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.

16. Details of any floodlighting and external lighting at the site shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of the Decision Notice. The floodlighting and external lighting shall be low level bollard lighting only and shall provided in exact accordance with the approved details for the lifetime of the development. The external lighting installed on this site in connection with this permission shall not increase the pre-existing illuminance or cause at the adjoining light sensitive locations (residential) when the light (s) is (are) in operation.
Reason:-
To protect the local amenities of the local residents by reason of excess of luminance.

17. The machinery, plant or equipment including air condition and ventilation systems (""machinery"") installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142 (2014 +A1:2019)(Method for Rating and assessing industrial and commercial sound)
Reason:-
To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

18. No means for the amplification of voice or music shall be installed for use outside of the building in the application site or for onward external transmission. Any broadcast or background music played inside the building shall at all times be set at a level that will ensure that it is inaudible outside of the building.
Reason:-
To safeguard the amenity of local residents and that of the surrounding area from noise

disturbance.

19. The hatched area on the approved Site Plan shown as ""External Seating Area"" shall be used for no other purpose other than as an outdoor seating area for customers of the approved new use of the building on site and all items and furniture used for this purpose in this area shall be moveable non-fixed items.
Reason:-
In the interests of the openness of the Green Belt and the visual amenities of the area.

20. The land edged in red and blue on the plans hereby approved shall not be used for the siting of play equipment, bouncy castles or other inflatables, catering vans, marquees or food and drink stalls at any time for the lifetime of the approved development except for domestic play equipment within the residential curtilage of the dwelling within the land edged red which shall be used only for purposes incidential to the enjoyment of that dwellinghouse
Reason:-
to protect the visual and residential amenities of the area.

21. The outdoor seating area shown in the approved drawings shall not be brought into use until native hedging is planted on the boundaries of this area in accordance with drawings 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

All planting, comprised in the approved details of boundary hedge planting shall be carried out in the first planting seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
Reason:-
To ensure the appropriate landscape design and in the interests of the visual and residential amenities of the area.

22. Within four months of the date of this decision, bollards or stones shall be positioned on the area marked ""grass verge"" on the approved plans in accordance with drawings to be submitted to and approved in writing by the local planning authority in order to prevent parking on this area and shall be thereafter retained.
Reason:-
To prevent vehicle parking on the verge in the interests of highway safety.

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23. Within the first available planting season from the date of this decision, a scheme of biodiversity enhancements shall be provided within the site in accordance with details which shall first be submitted to and approved in writing by the local planning authority and shall include new native hedgerows, bat boxes and bird boxes.
Reason:-
In the interests of the ecological value of the area and to compensate for any harms caused by new areas of hardstanding over greenfield land.

Informatives

1. The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

2. An application for Full Advertisement Consent is required for the existing signage at the site and the applicant is advised to submit this to the Council as soon as possible.

3. The applicant is requested to use the rear entrance to the building (facing east) for customers using the car park to the east of the building on site to access the ice cream shop and internal seating as this is considered safer for customers than using the access way to gain access to the main entrance at the front where there may be conflict between pedestrians and vehicles.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of 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 DBCP Limited, Web: dbcp.co.uk; Email: info@dbcp.co.uk ; Tel:0333 880 2000.

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.

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.