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Application no: SMD/2024/0025

Determined on: 10th April 2024

**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 Adj Knott Inn Station Lane Rushton Spencer Staffordshire

Description of Development:

Erection of new detached dwelling and associated landscaping works.

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 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 approved shall be carried out in accordance with the details as submitted in the application form and submitted specifications and as shown in drawings:

Site location plan in drawing 001 dated 16.01.2024

Drawings 02E; 03E; 04E and 05E dated 25.03.2024

Reason: To ensure that the development is carried out in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of doubt.

3. Prior to the commencement of development samples of all external facing and roofing materials notwithstanding any details shown on the submitted plan(s), specifications and

documents) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The development shall thereafter be carried out in accordance with the approved materials prior to first occupation and there shall be no variation without the prior consent in writing of the Local Planning Authority.

Reason: To ensure that the materials used are appropriate to the locality including heritage and in the interests of visual amenity.

4. No site work of any kind associated with the development hereby approved shall take place on the application site until the tree protection fencing has been erected around the retained trees in the positions and to the specifications shown on the approved Site Plan Dwgs no 002 E and 003 E. The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place when the work commences. The approved fence(s) shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.

Reason: To protect the retained trees from damage during construction, including all ground works and works that may be required by other conditions, and in recognition of the contribution which the retained tree(s) give(s) and will continue to give to the amenity of the area.

5. 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) Protection of surface and groundwater resources;
- ii) Best practice on the use and storage of fuels, oils and chemicals, to remove the risk of causing pollution during construction;
- iii) the parking of vehicles of site operatives and visitors;
- iv) loading and unloading of plant and materials;
- v) storage of plant and materials used in constructing the development;
- vi) wheel washing facilities;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Method Statement 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.

6. The development shall be carried out in accordance with the applicant's submitted reports as referenced by the Environment Agency (EA) in their letter of 22nd Feb 2024 ref SV/2024/112222/01-L01 ensuring that the specified package sewage treatment plant is

installed and used to discharge to the neighbouring surface watercourse and ensuring that there is no discharge of foul effluent to ground. The development shall only utilise drainage pipework to the upgraded standard as previously requested by / agreed with the EA and the pipe trenches shall be lined with 0.6mm HDPE membrane along with the Package treatment plant and inspection chambers. The installed pipework shall be integrity tested and CCTV surveyed post installation and prior to the first coming into use of the development hereby approved and the testing and survey details shall be submitted to the LPA to be approved in writing prior to the first coming into use of the development.

7. The soft landscaping planting scheme details submitted with the application shall be implemented in the first planting season (November to March) following the coming into use of the development whether in whole or part and shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority. Any plants which die or are lost or otherwise fail to establish in the first five years following the completion of the planting shall be replaced in the next available planting season with plants of the form and size as originally planted. The planting shall thereafter be allowed to grow and be maintained for the lifetime of the development. The hard landscaping and boundary treatments detailed in the application submissions shall be implemented in accordance with the approved details prior to the first occupation of the development and shall be maintained thereafter for the lifetime of the development.

Reason: To ensure that the site is satisfactorily landscaped in the interests of visual amenity and the character and appearance of the location and in the interests of biodiversity.

8. i. No waste material arising from or associated with the development as it is carried out shall be burnt on site but shall be kept securely for removal to prevent escape into the environment. All waste transfer records shall be retained for inspection by officers of the Local Planning Authority; ii. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape beyond the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These shall be made available for inspection when required by officers of the Local Planning Authority

Reason: To protect the amenities of the area during construction.

9. Contamination - Remediation Strategy - No development approved by this planning permission shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme must include: (a) The results of the submitted site investigation and detailed risk assessment and, based on these, an options appraisal and a remediation strategy giving full details of remediation objectives and remediation criteria. (b) A validation plan providing details of the data that will be collected in order to demonstrate that all works set out in (a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

10. Contamination – Validation – prior to bringing the development into first use, a validation report demonstrating completion of the 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 validation plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the validation plan, and for the reporting of this to the local planning authority.

11. Unexpected Contamination - 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. A further investigation and risk assessment must be, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (9a), which 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 in accordance with condition 10, and is subject to the approval in writing of the Local Planning Authority.

12. Soil Importation. 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 validity evidence submitted to and approved in writing to by the Local Planning Authority prior to the soil being brought on to the site.

Reasons common to 9 to 12: 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. 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.

14. Any external lighting incorporated into this development shall not increase the pre-existing illuminance at any adjoining light sensitive locations when the lighting is in operation.

Details of all external artificial lighting shall be submitted to and approved in writing by the Local Planning Authority prior to installation. At any time during and following the completion of the development all exterior lighting installations shall be erected only in accordance with the protocols contained in the Institute of Lighting Engineers document "Guidance for the Reduction of Obtrusive Lighting" (2005) and the Bat Conservation Trust's "Artificial Lighting and Wildlife Interim Guidance: Recommendations to Help Minimise the Impact of Artificial Lighting" (2014).

Reason: To protect the living conditions of neighbouring residents from excess illuminance and minimise disturbance by artificial light to protected species including bats and minimise sky-glow across the site.

15. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved drawing titled Proposed Site Plan (DWG 002 E). The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development. The garage associated with the proposed new dwelling and indicated on the approved drawing titled Proposed Site Plan (DWG NO 002) shall remain ancillary to the new dwelling and shall be used for domestic purposes only and shall not be used for commercial operations, sold, let, or occupied independently without the prior approval of the Local Planning Authority

Reason: To comply with NPPF; to comply with SMDC Local Plan Policies DC1 and T1; in the interests of highway safety.

16. The drainage for the development hereby approved, shall be carried out in accordance with the principles set out in the submitted document referenced L-00149-002, dated 12th January 2024 which was prepared by SEA Consulting Engineers. Prior to occupation of the proposed development, the drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

17. No drainage from parking areas and hard-standings shall discharge into any watercourse, surface water sewer or soak-away system, without first being passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

18. Prior to the first occupation of the dwellinghouse hereby approved a phasing plan (or timetable) for the implementation of the biodiversity measures as proposed at table 3 of the Biodiversity Enhancement Plan accompanying the application shall be submitted to and approved in writing by the Local Planning Authority (LPA) together with locational and quantity details and the Biodiversity Enhancement Plan shall thereafter be implemented in accordance with the phasing, site position and amounts as subsequent approved.

Reason: In the interests of biodiversity.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the grant of

further specific planning permission from the Local Planning Authority.

Reason: To retain garage/car space for parking purposes.

20. 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, E and F or Part 2 Class(es) A to C 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 heritage and to protect the openness of the Green Belt.

21. The living space annex hereby approved shall remain ancillary to the main dwelling hereby approved and shall not be sold, let or otherwise occupied as a separate unit of accommodation, including as a short term holiday let at any time.

Reason: To define the permission and in the interests of residential amenity.

Informatives

1. The Planning Consultation response letters from United Utilities and from the Environment Agency which address this development should be considered in full and can be found on the Council's website link for this application at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=177184>

2. The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. There are not judged to be any adverse implications for neighbours or wider public amenity and street scene. Amendments were agreed with the agent in the course of the determination in accordance with the approach to decision making as advocated in the National Planning Policy Framework at paragraph 38.

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 DBCP Limited, Web: dbcp.co.uk; Email: info@dbcp.co.uk ; Tel: 0333 880 2000.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

10. 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>
11. 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.
12. 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.
13. 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).
14. 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.