

Mrs Teresa Critchlow
Sammons Architectural Limited
10 Cawdry Buildings
Fountain Street
Leek
Staffordshire Moorlands
ST13 6JP

Mr Thompson
Riggs Lane
Ashbourne
DE6 2FD

Application no: SMD/2024/0128

Determined on: 21/06/2024

**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:

IVY COTTAGE Tythe Barn Alton Staffordshire ST10 4AZ

Description of Development:

Variation of a Conditions 2, 4 & 5 in relation to application SMD/2017/0497

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 shall be carried out in accordance with the following submitted plans and subject to the following conditions and/or modifications:

2014-1983-89 Rev E;
2014-1983-90 Rev E;
2014-1983-103 Rev D;
2014-1983-113;
2014-1983-114;
2014-1983-115;
2014-1983-116;
2014-1983-117;
2014-1983-119;

2014-1983-120;
2014-1983-121;
2014-1983-122 Rev A;
2014-1983-124;
2014-1983-125;
2014-1983-126;
2014-1983-127;
2014-1983-128;
2014-1983-47 Rev A
2014-1983-57
2014-1983-58
2014-1983-46
2014-1983-55 Rev A
2014-1983-56 Rev A
GGL-EDP-0114

Reason: For 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, 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: In the interests of visual and residential amenity.

3. The development shall be carried out in accordance with the following;

- Facing brickwork shall be Birtley Olde English;
- Tiles shall be Wienerberger Sandtoft 20/20 clay roof tiles in Antique Slate.
- The stone from the cottage to be demolished shall be reclaimed and re-used in the construction of the roadside elevation of the new dwellings on the site frontage.
- York Stone for the parapets of the single storey lean-to's and the pillars to the side of the front door serving plot 11.
- Reconstituted York stone to be used for all linear headers and cills where shown
- Birtley Olde English brick to be used for all arched window headers
- Site access road as shown on approved drawing reference 2014-1983-90 Rev E shall be black tarmac.
- Turning head shall be constructed using Tegula block pavers (Bridle colour)
- Tegula block pavers shall be used for all parking areas (shared and private) and the path outside plots 7-11.
- Notwithstanding the porch tile details as shown on drawing numbers 2014-1983-47A, 2014-1983-57 and 2014-1983-58, the tiles shall be Wienerberger Sandtoft 20/20 clay roof tiles in Antique Slate unless otherwise agreed in writing by the Local Planning Authority

- Metal estate fencing shall be Chatsworth Parkland fencing, 1.2m high.
- Timber panel fencing to rear gardens shall be 1.8m high.

Reason:- In the interests of visual amenity.

4. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development, unless otherwise approved in writing by the Local Planning Authority. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (March to August inclusive), unless otherwise agreed in writing by the Local Planning Authority and in this case only following careful inspection by a competent person to establish that such trees, shrubs or hedgerow are not in active use by nesting birds.

Reason: In the interests of biodiversity

5. Throughout the course of the development (including any demolition, site clearance, stripping or site establishment) temporary protective fencing and advisory notices for the protection of the existing trees to be retained must be erected in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations, and as set out in the Tree Heritage Arboricultural Report reference THLR17/64, and shall be retained in position for the duration of the period that development takes place, unless otherwise agreed in writing by the Local Planning Authority. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect existing trees of amenity value

6. Within 3 months of the date of this decision notice, details showing a landscaping scheme (which shall include fruit trees within public areas of the site) shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include full details of all new trees, shrubs and other planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting and all boundary treatments. The landscaping scheme so approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees and shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season. The details shall be broadly in accordance with Sammons Architectural Drg. No. LS/1 but the plan shall be revised to reflect the above approved residential layout.

Reason:- In the interests of ecology, biodiversity, visual appearance and for the avoidance of

doubt as to what is approved.

7. No development shall commence between 1st November- 31st March unless a check for the presence of hedgehogs has been carried out to confirm that none are present during the hibernation period. During the course of development, the developer shall create sloping escape ramps at any excavations for badgers/ hedgehogs by edge profiling by placing planks into them at the end of each working day. Open pipework greater than 150mm shall be planked off at the end of each working day.

Reason: In the interests of biodiversity

8. The development shall be carried out in accordance with the Ecological details approved pursuant to condition number 10 of planning permission reference number SMD/2017/0497 under reference number DOC/2023/0040.

Reason:- In the interests of biodiversity.

9. The external lighting to be used in the development hereby permitted shall be in accordance with the details approved pursuant to condition number 11 of planning permission reference number SMD/2017/0497 under reference number DOC/2023/0040.

Reason:- In the interests of biodiversity.

10. In order that there is no disturbance to nesting birds no ground clearance shall be carried out between 1st March and the end of 31st August in any year, unless a survey for nesting birds has been undertaken and it can be clearly shown that birds are not nesting in areas scheduled for vegetation clearance. If birds are nesting work cannot proceed until the young have fledged.

Reason: In the interests of biodiversity

11. The development shall be carried out in accordance with the Ecological details approved pursuant to condition number 13 of planning permission reference number SMD/2017/0497 under reference number DOC/2023/0040 and all features shall be retained in that manner thereafter.

Reason:- In the interests of biodiversity.

12. Within 3 months of the date of this decision notice, details showing the visibility splays of 2.4m x 43m shall be submitted to and approved in writing by the Local Planning Authority. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.

Reason: In the interests of highway safety and for the purposes of clarity as to what is approved. The condition is imposed due to the previous visibility splays being shown on a now

superseded site layout plan.

13. Within 3 months of the date of this decision notice, an up to date site plan shall be submitted to and approved in writing by the Local Planning Authority to show the following;

- bellmouth access;
- 2m wide footway on Denstone Road frontage extending into the site to a point 2m past the rumble strip;
- details of pedestrian connectivity to the existing footway network including dropped kerbs and tactile paving;
- details of the surface water drainage interceptor or gullies sited immediately to the rear of the highway boundary, connected to a surface water outfall,

The highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

Reason:- In the interests of highway safety, to secure acceptable drainage arrangements and for the purposes of clarity as to what is approved. The condition is imposed due to the fact the site layout plan has now changed.

14. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed in accordance with the approved plans.

Reason: In the interests of highway safety.

15. The development shall be carried out in accordance with the Construction Method Statement approved pursuant to condition number 17 of planning permission reference number SMD/2017/0497 under reference number DOC/2023/0040.

Reason:- In the interests of highway safety.

16. No individual plot within the development hereby permitted shall be brought into use until the access to that individual plot has been completed in accordance with the approved plans.

Reason: In the interests of highway safety.

17. Nothing shall be placed, planted or allowed to remain within 2m of the kerbline of the access that is greater than 600mm in height above the adjacent carriageway level. Anything that is greater than 600mm in height within 2m of the adjacent carriageway shall be immediately removed.

Reason: In the interests of highway safety.

18. The garages indicated on the above approved plan(s) shall be retained for the parking of motor vehicles and cycles. 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), they shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

Reason: In the interests of highway safety

19. The development hereby permitted shall not be brought into use until the parking and turning areas have been 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

20. The development shall be carried out in accordance with the Demolition, Construction and Environmental Method Statement/information approved pursuant to condition number 22 of planning permission reference number SMD/2017/0497 under reference number DOC/2023/0040.

Reason:- In the interests of residential amenity.

21. 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. If after consultation with the Local Planning Authority the contamination is considered to pose a possible risk, to human health, buildings and other property and the natural and historical environment (receptors), development shall not continue further until a site investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority. If the contamination investigation and risk assessment indicates that potential risks exists to 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 the receptors has been submitted to and approved in writing by the Local Planning Authority. The approved remediation shall be carried out prior to the development being brought into use.

Reason: In the interests of public safety and the future occupants of the site

22. 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 should 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, the

development shall not be occupied 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 and fully implemented.

Reason: In the interests of public safety and the future occupants of the site

23. The development hereby permitted shall only be carried out in accordance with the approved Soakaway Assessment and Drainage Strategy October 2017 and with the following mitigation measures detailed within the FRA, which shall require the confirmation of the maintenance of each element of the surface water system to an acceptable maintenance standard over the lifetime of the development. The maintenance records shall be retained for inspection on request by the Local Planning Authority.

Reason: To protect against the risk of flooding.

Informatives

1. The Council has sought a sustainable form of development which complies with the requirements of the National Planning Policy Framework.

2. It should be noted that remaining existing trees, other than recently planted sapling fruit trees, are protected by Tree Preservation Order. Other than where directly required in order to implement the development hereby approved, this planning permission does not authorise any work to these trees. Specific consent following separate application to the local planning authority under the terms of Tree Preservation Order would be required to carry out any such work other than where specified as exempt under the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require exemption under Section 219 - 226 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals are secured before commencement of works.

4. The conditions requiring construction of the bellmouth, construction of the footway and pedestrian connections to the existing footway (dropped kerbs and tactile paving to provide access to the opposite side of Tythe Barn) shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

5. 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.

6. The developer is encouraged to provide electric vehicle charging points and a 4 phased electricity supply to serve each of the new dwellings.

7. This Planning Permission should be read in conjunction with the Section 106 Agreement dated 23rd February 2023 between Staffordshire Moorlands District Council and Vital Construction (UK) Limited, Planning approval reference SMD/2017/0497 and the discharge of conditions application reference DOC/2023/0040.

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.
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.