

**TOWN AND COUNTRY PLANNING ACT 1990**

**Discharge of Conditions 1 to 21 [now amended] in relation to  
application SMD/2024/0025**

**Land Adj Knott Inn Station Lane Rushton Spencer Staffordshire SK11 0QU**

The application was first submitted as a request to discharge all 21 conditions. However, not all are required to be discharged. The full list of conditions have been reproduced below from the signed decision notice. Where the condition stands without a requirement for the submission of further information to discharge the condition this is noted below against the relevant condition. Where a discharge submission is required the LPA's response is provided against the relevant condition. Following discussion the applicant agreed to amend the description to request the DOC specifically for conditions 3; 4; 5; 9; 12; 14 and 18.

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.

- **Condition stands, no submissions required**

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.

- **Condition stands, no submissions required**

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.

- Proposed wall facing materials – confirmed as York Handmade Brick Company, Old Clamp Brick Blend, Standard DBH7 size 215 x 102.5 x 65mm
- Proposed roofing materials – confirmed as Staffordshire Blue, Clay, Sandfaced Roof Tiles from Dreadnought Tiles
- **Submitted details agreed and requirement discharged**

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.

- Tree protection fencing required in accordance with Site Plan Drawings no 002 E and 003 E – fencing confirmed by applicant 17<sup>th</sup> June 2024
- **Notification requirement agreed as now having been discharged**
- NB Condition remains active post discharge

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.

- The proposed CEMP is the same as that approved 9<sup>th</sup> May 2024 in response to the earlier application (SMD/2023/0067 – condition 11) and is equally applicable now and can therefore be approved.
- **Agreed**
- NB Condition remains active post discharge

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 22<sup>nd</sup> 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.

- No submissions at this stage – condition requires post-installation confirmation of pipe work integrity

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.

- No submissions required
- Condition stands and remains active for the life of the development

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.

- No submissions required
- Condition stands

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.

- the applicant puts forward in response their 'Soil-technics' site investigation, remediation strategy and validation plan
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- Refer to EH tbc

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.

- To follow ie. – for later stage?

11. [was condition 14 of previous permission SMD/2023/0067] 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.

- No submissions required at this stage – and only in event contamination is found
- Condition stands

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.

- Methodology required in event of soil importation – none proposed at this stage
- Condition stands

Applicant says: "With regards to Condition 12, we will definitely have to import soil as part of our remediation strategy and we have sourced Oakshire Environmental to do this. We have also had their Soil Quality and Contamination Test results (see attachment) verified by Soiltechnics too so it would be great if this condition could be dealt with now if possible, to save time on the build process".

**EH to confirm if possible at this stage**

**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.

- No submissions required
- Condition stands

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.

- Details of external lighting plan have been supplied – EH confirm acceptable
- Condition can be discharged

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.

- No submissions required
- Condition stands

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.

- No submissions required
- Condition stands

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.

- No submissions required
- Condition stands

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.

- Details submitted including additional information with e-mail dd 13.08.2024 accepted
- **Agreed**
- NB Condition remains active post discharge

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.

- No condition discharge submissions required
- Condition stands

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.

- No condition discharge submissions required
- Condition stands

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.

- No submissions required
- Condition stands