

Mr Benjamin Wibberley
Wyvem Partnership LLP
101 The Courtyard Radway Green
Alsager
CW2 5PR

Mr Wibberley
Sexton Farm Ipstones Edge
Stoke-on-Trent
ST10 2LR

Application no: SMD/2022/0340

Determined on: 18th October 2024

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015**

APPROVAL OF RESERVED MATTERS

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:

158 The Miners Rest Froghall Road Cheadle Staffordshire ST10 2DN

Description of Development:

Approval of all reserved matters in relation to outline planning permission SMD/2020/0413. Redevelopment of former public house and associated car parking to eight residential houses and the discharge of conditions 5, 6, 7, 14, 15 and 17 of outline consent SMD/2020/0413.

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **APPROVES** the following matters which have been reserved for later approval on the grant of outline planning permission for development: Access; Appearance; Landscaping; Layout and Scale

1. This notice of approval of reserved matters shall only relate to outline planning permission SMD/2020/0413 dated 22/06/2021

Reason: For the avoidance of doubt and to comply with Section 92 of The Town and Country Planning Act 1990 and Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Location Plan: Dwg no 19
Proposed Property Layout: Dwg no 12B
Block Plan: Dwg no 13B

Proposed Site Layout: Dwg no 18 C
Visibility Splay: Dwg no 17B
Visibility Splay: Dwg no 16B
Visibility Splay: Dg no 15B
Landscaping plan 19 dated August 2023

Reason: For the avoidance of doubt and to define the permission.

3. The materials to be used on the external surfaces of the development as indicated on dwg no 12B shall be implemented as indicated.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality.

4. Notwithstanding any details shown on the approved plans; prior to the installation of any means of enclosure, details of all boundary treatment, including a screen fencing to a height of 1.8m above ground level on the boundaries between the adjacent rear gardens and any other boundaries, shall be submitted to and approved in writing by the Local Planning Authority. These fences shall be erected in accordance with the approved details prior to the first occupation of the development and thereafter retained for the lifetime of the development.

Reason: In order to protect nearby residential amenity.

5. 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) no fences, gates or walls shall be erected within the curtilage of the dwellinghouse(s) hereby permitted forward of any wall of the dwellinghouse(s) which fronts onto a road.

Reason: In the interests of visual amenity and the character of the area.

6. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plan 12653A (CH) 13B. 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.

7. The development hereby permitted shall not be brought into use until a surface water drainage interceptor, connected to a surface water outfall, has been provided across the access immediately to the rear of the highway boundary unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of highway safety.

8. No dwelling hereby permitted shall be occupied until the hard landscaping proposals hereby approved have been carried out in accordance with the approved plans. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding 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 that the appearance of the development is satisfactory

9. The location of the bin storage area as shown on the approved plans shall be made available prior to the first of occupation of the development hereby approved and thereafter retained for its designated use.

Reason: To ensure that the suitable bin storage is provided on the site.

10. The approved bat boxes as shown on the application plans shall be installed prior to the first occupation of the development hereby approved and thereafter retained for the lifetime of the development.

Reason: To ensure that the development results in a net gain of biodiversity of the site.

In Pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council, **DISCHARGES** conditions 6 and 17 of outline planning permission SMD/2020/0413, subject to the development being carried out in accordance with:

Condition 6 – Foul and surface water details as shown on plan ref 18C dated February 2023

Condition 7 – It is noted that the submitted Phase 2 ground investigation report by SRL, Doc No: SRL1519 has concluded that the findings of the intrusive coal investigation, did not indicate the presence of any unrecorded voids. This condition is therefore satisfied.

Condition 17 – The noise mitigation measures set out in Noise Impact assessment being implemented into the final construction. (Peak Acoustics Ref. No. JP0704225NR)

And **REFUSES TO DISCHARGE** conditions 5, 14 and 15 of SMD/2020/0413 due to insufficient information.

Informatives

- 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-contamination-risk-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 Health Department and agreed in principle prior to site investigation works being undertaken. The Environmental Health 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.
- Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contact our Development Services Team (Tel: 0800 707 6600).
- This consent will require approval under Section 7 of the Staffordshire Act 1983 and as it is to remain private, will require exemption under Section 219 of the Highways Act 1980. Please see <https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx> and contact Staffordshire County Council at road.adoptions@staffordshire.gov.uk to ensure that approvals and exemptions are secured before commencement of works.
- The applicant is advised to read the accompanying delegated report in respect of the reasons for the refusal of conditions 5, 14 and 15 of SMD/202/0413.

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 the Councils Building Control Section at buildingcontrol@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.

