

# TOWN AND COUNTRY PLANNING ACT 1990

## PERMISSION FOR DEVELOPMENT



**Application number:** 21/00343/FUL

Mr Stephen Locke  
Stephen Locke Associates  
Barcaldine  
Barrack Lane  
Lilleshall  
Newport  
Shropshire  
TF10 9ER

**Applicant:** Mr Nigel Porter

### **Description of development**

Conversion and change of use of former farm buildings to 2 residential dwellings, demolition of additional building and replacement with 2 domestic single-storey timber-framed garages, creation of residential curtilages and connection to foul drains

### **Location of development**

103 High Street Harriseahead Kidsgrove

The Council of the Borough of Newcastle-under-Lyme in pursuance of powers under the above-mentioned Act hereby **PERMIT** the above development, in accordance with the submitted plans and other documents, subject to compliance with the conditions specified below. Failure to carry out the development in accordance with the permission/consent or to comply with any condition may make the permission/consent invalid and may lead to enforcement or other legal action

**This decision does not convey any approval or consent which may be required under any enactment, by-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.**

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1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
- R1. To comply with the provisions of Section 91 of the Town and Country Planning Act.
2. The development hereby permitted shall be carried out in accordance with the following approved plans submitted with the application:-
  - Drawing no. 433-149p - Location Plan
  - Drawing no 433-149p - Existing and Proposed Site Plan
  - Drawing no. 433-149p - Plans & Elevations - Proposed
  - Drawing no. 433-149p - Building Repairs
- R2. For the avoidance of doubt and in the interests of proper planning.
3. Prior to the commencement of the development hereby permitted a Level 1 photographic survey, undertaken by an appropriately qualified archaeologist, shall be carried out for all buildings to be converted. The survey shall then be submitted to the Local Planning Authority and lodged on the Staffordshire's Historic Environment Record (HER).
- R3. The buildings are on the historic farmsteads register held by Staffordshire County Council and represent non-designated heritage assets and the recording of the buildings, prior to their conversion, is necessary in the interest of protecting the historic interest of the farm, in accordance with the guidance and requirements of the National Planning Policy Framework 2019.

Reason for the condition being a pre-commencement condition:

The recording needs to be carried out before construction works start to ensure that all historic features are reported and evidenced.

4. Any proposed materials that are required to complete the works hereby permitted, additional to those required by condition 5, shall be submitted to and approved in writing by the Local Planning Authority prior to them being used. The development shall be carried out in accordance with the approved details.
- R4. To ensure the satisfactory appearance of the development in accordance with Policies B8, N17 and N21 of the Newcastle-under-Lyme Local Plan 2011, Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and the aims and objectives of the National Planning Policy Framework 2019.

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5. Prior to any external works being carried out to the buildings the following shall be submitted to and approved in writing by the Local Planning Authority;
- Window details, including material and level of reveal;
  - Guttering and downspouts;
  - Timber cladding, including material, colour and level of reveal

The development shall be carried out in accordance with the approved details.

- R5. To ensure the satisfactory appearance of the development in accordance with Policies B8, N17 and N21 of the Newcastle-under-Lyme Local Plan 2011, Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and the aims and objectives of the National Planning Policy Framework 2019.
6. Prior to the occupation of the development hereby permitted full and precise details (materials, height and position) of all proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.
- R6. To ensure the satisfactory appearance of the development in accordance with policy CSP1 of the Newcastle-under Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and the aims and objectives of the National Planning Policy Framework 2019.
7. Prior to the occupation of the development hereby permitted full and precise details of all proposed hardstandings shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.
- R7. To ensure the satisfactory appearance of the development in accordance with policy CSP1 of the Newcastle-under Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and the aims and objectives of the National Planning Policy Framework 2019.
8. Prior to the occupation of the development hereby permitted a full soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season after completion of the development, or within 18 months of the commencement of the development, whichever is the sooner and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.
- R8. In the interests of visual amenity to comply with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 -2026 and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD.

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9. The development shall not be brought into use until the access, parking, and turning areas have been provided in accordance with the approved plans which shall thereafter be retained for the approved use only for the life of the development.
- R9. To ensure safe access, parking and servicing arrangements in the interests of highways safety to comply with the aims and objectives of the National Planning Policy Framework 2019.
10. The development shall not be brought into use until the driveway has been surfaced in a bound material for a minimum distance of 5m rear of the public highway in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority beforehand. The development shall proceed and be maintained in accordance with the approved details.
- R10. To ensure safe parking and servicing arrangements in the interests of highways safety to comply with the aims and objectives of the National Planning Policy Framework 2019.
11. During the construction of the development hereby permitted tree protection measures should be implemented in accordance with BS5837:2012 and shall remain in place for the entirety of the Construction Phase.
- R11. To mitigate the impact on the visually significant trees in the interests of visual amenity, and in accordance with policy N12 of the Newcastle Local Plan 2011 and the requirements of the National Planning Policy Framework 2019.
12. Construction activities which are audible beyond the site boundary, including deliveries, ground works and earth movements, shall be restricted to the following days and times:
  - 08:00 - 18:00 Monday to Friday
  - 08:00 - 13:00 SaturdayConstruction shall not be undertaken on a Sunday or a public holiday.
- R12. In the interests of residential amenity in compliance with the aims and objectives of the National Planning Policy Framework 2019.
13. Prior to first occupation of the development hereby permitted at least 1 parking space per residential unit must be provided with a fully operational dedicated electric vehicle charging point and thereafter maintained unless otherwise agreed by the Local Planning Authority. All other parking spaces shall be provided with passive wiring to allow future charging point connection. Charge points shall be a minimum of 32Amp with Type 2 Mennekes connections Mode 2 (on a dedicated circuit), or equivalent.

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- R13. To ensure an adequate provision of spaces for charging plug-in vehicles and to sustain compliance with the adopted Newcastle under Lyme Borough Council Air Quality Action Plan 2019 to 2024, as per the objectives within paragraphs 105 and 181 of the National Planning Policy Framework 2019.
14. Prior to the occupation of the development hereby permitted bat and bird boxes shall be erected on the building unless otherwise agreed in writing by the Local Planning Authority.
- R14. In the interests of ecological habitat protection and the prevention of harm to protected species and other wildlife, in accordance with policy N3 of the Newcastle-under-Lyme Local Plan 2011 and the requirements of the National Planning Policy Framework 2019.
15. The development hereby permitted shall not commence until a desk study report and site reconnaissance, which has been undertaken by a competent person in line with the requirements of BS10175, has been submitted to and approved in writing by the Local Planning Authority.
- R15. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Planning Policy Framework 2019.

Reason for the condition being a pre-commencement condition:

Land contamination needs to be addressed prior to construction because of the nature of the risks involved and the long term damage and seriousness of the implications if matters are not controlled and resolved accordingly.

16. The development hereby permitted shall not commence until sufficient site investigation works have been undertaken to adequately assess the nature and extent of any land contamination on the site.

The scope of site investigation works should be submitted to, and approved in writing by, the Local Planning Authority. The works must be undertaken by competent persons and in accordance with the requirements of:

- BS10175 (2011) + A1 (2013) Investigation of Potentially Contaminated Sites - Code of Practice
- BS8576 (2013) Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds

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The findings of the site investigation should be used to assess the potential risks from land contamination to:

- Human health
- Controlled water
- Property
- Ecological systems
- Archaeological sites and ancient monuments

A report of the results of the site investigation works, together with a risk assessment should be submitted to, and approved in writing by, the Local Planning Authority.

- R16. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Planning Policy Framework 2019.

Reason for the condition being a pre-commencement condition:

Land contamination needs to be addressed prior to construction because of the nature of the risks involved and the long term damage and seriousness of the implications if matters are not controlled and resolved accordingly.

17. The development hereby permitted shall not commence until a detailed remediation scheme/ strategy to bring the site to a condition suitable for its intended use by removing unacceptable risks has been submitted to, and approved in writing by, the Local Planning Authority. The scheme must include:

- All remediation works to be undertaken
- Proposed remediation objectives and remediation criteria
- Site management procedures

- R17. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Planning Policy Framework 2019.

Reason for the condition being a pre-commencement condition:

Land contamination needs to be addressed prior to construction because of the nature of the risks involved and the long term damage and seriousness of the implications if matters are not controlled and resolved accordingly.

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18. The approved remediation scheme must be carried out in accordance with the approved remediation statement prior to the occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of the approved remediation scheme, a verification report that demonstrates its effectiveness must be submitted to, and approved in writing by the Local Planning Authority prior to the occupation of the dwelling houses.

- R18. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Planning Policy Framework 2019.

19. Prior to the occupation of the development hereby approved, written confirmation that no contamination was found or suspected should be submitted to the Local Planning Authority.

In the event that contamination is found, or is suspected to be present, at the site when carrying out the approved development, then development shall be halted and the suspicion reported in writing to the Local Planning Authority.

If required by the Local Planning Authority, an investigation and risk assessment of the suspected land contamination must be undertaken by appropriately qualified and experienced persons and in accordance with the requirements of:

- BS10175 (2011) + A1 (2013) Investigation of Potentially Contaminated Sites - Code of Practice,
- BS8576 (2013) Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds
- CLR 11 Model Procedures for the Management of Land Contamination, issued by The Environment Agency

The findings of the investigation, an appropriate risk assessment and, if required, any proposed remediation measures, together with a scheme of validation, should be submitted to, and approved in writing by, the Local Planning Authority.

If remediation is required, then the agreed works must be carried out, together with independent validation of the same (in accordance with the approved validation proposal), the report of which should be submitted to and approved in writing by, the Local Planning Authority.

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R19. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Planning Policy Framework 2019.

20. No soils (or soil forming materials) are to be imported to the site until information on their source, the results of any soil analysis, and an assessment of their suitability for use has been submitted to and agreed in writing by the Local Planning Authority.

Prior to their import onto site, a suitable methodology for testing soils following their import and placement on the site should be submitted to and agreed in writing by the Local Planning Authority. The methodology should include:

- The sampling frequency
- Soil analysis schedules
- The criteria against which the analytical results will be assessed

The agreed methodology shall then be carried out, the results of which should be submitted to, and approved in writing by, the Local Planning Authority.

R20. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Planning Policy Framework 2019.

21. Prior to the occupation of the development hereby permitted details of the design and location of the bin store/storage area near to the site access shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved bin store/storage area shall be used to hold waste receptacles awaiting, and following, collection by the Local Authority.

R21. To ensure an appropriate area for waste bin collection is achieved to avoid bins being left on the highway, in the interests of visual amenity and highways safety.



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### Note to the applicant

1. If the adjoining public footpath No.69 Kidsgrove Parish has to be closed in the interests of health and safety the closure should be for the minimum period possible and at no point should the footpath, when open to use, be obstructed by material or plant associated with the carrying out of this development.
2. Your attention is drawn to the comments of the Highways Authority (of 30 April 2021), Environmental Health Division (of 12 April 2021), and the Public Rights of Way Officer (of 07 April 2021) as their responses provided further advice on the development and the requirements to satisfy conditions set out above, along with Advisory Notes. Such comments can be viewed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/21/00343/FUL>

### Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

The application is a resubmission and it is accepted that the applicant has addressed the previous concerns and the subsequent reason for refusal. The development is now considered to be a sustainable form of development in accordance with the National Planning Policy Framework.



Shawn Fleet  
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Date: 18 June 2021

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### Notes to the applicant

You are advised that a report has been prepared which provides more details on the consideration of this proposal. The report is viewable as an "associated document" on line at <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00343/FUL>

### **Appeals to the Secretary of State**

- 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.
- If you want to appeal against your Local Planning Authority's decision 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>
- The Secretary of State can allow a longer period giving notice of an appeal, but he 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 him 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.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

### **Purchase Notices**

- 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 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.