STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Ken Wainman
St. Edwards Street
Leek
Staffordshire
ST13 5DN

Mr & Mrs Wagstaff
C/o Ken Wainman

Application no: DET/2016/0024

Determined on: 16th June 2016

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

PRIOR APPROVAL REQUIRED AND DETAILS SUBMITTED APPROVED

Staffordshire Moorlands District Council hereby **APPROVE** this application for **DETERMINATION** for

Change of use of existing agricultural building to two residential dwellings at Cresswell Ford Farm Dilhorne Lane Dilhorne

in accordance with the submitted application, details and accompanying plans listed below for the following reasons:-

1.The development hereby permitted shall be carried out in accordance with the following approved plans
PL01, 02, 03, 04A and 06A
Reason:- For the avoidance of doubt and in the interests of proper planning.

2.No development shall commence unitl full joinery details have been submitted to and approved in writing by the Local Planning Authority. Details should include: the recess depth of frame within the aperture; moulded timber sections; finish; opening mechanism; and glazing bar subdivision. The development shall thereafter be carried out in full accordance with the approved details.
Reason:- To maintain the character and integrity of the barns and in the interests of the character and apperance of the area

3.No development shall be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority:

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- External facing materials, including hard surfacing
- Boundary details

Development shall thereafter be undertaken in accordance with the approved details.

Reason:- To maintain the character and integrity of the barns and in the interests of the character and apperance of the area

4.The development hereby permitted shall not be brought into use until details of the parking, servicing and turning areas have been first submitted to and approved in writing by the Local Planning Authority. The parking, turning and servicing areas shall thereafter be provided in accordance with the approved plans
Reason:-To comply with NPPF paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

5.Any gates shall be set back a minimum of 6m rear of the carriageway edge and shall open inwards away from the highway.
Reason:-To comply with NPPF paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

6.The development hereby permitted shall not be brought into use until details of the surfacing of the access drive in a bound material for 5m rear of the public highway have been submitted to and approved in writing by the Local Planning Authority. The access drive shall therafter be surfaced in the bound material in accordance with the approved plans.
Reason:-To comply with NPPF paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

7.The development hereby permitted shall not be brought into use until details of the maximum achievable visibility splays have been 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 600 mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development being brought into use.
Reason:-To comply with NPPF paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

8.Prior to the commencement of development there shall be submitted to the Local Planning Authority (LPA) a detailed Ecological Construction Method Statement (ECMA) supported by further appropriate bat survey as necessary in order to plan the work to accord with the latest published Bat Conservation Trust Guidelines and Natural England requirements and which as a minimum sets out seasonal timing of works and working methods as well as providing appropriate roosting sites in the completed development and the development shall be implemented in accordance

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with the ECMA as approved by the LPA unless subsequently amended by a Natural England European Protected Species (EPS) Licence in which case the work shall be implemented in accordance with the EPS Licence.
Reason: In the interests of safeguarding the populations of European Protected Species.

9.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.

10.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. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared, and 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, and is subject to the approval in writing of the Local Planning Authority.
Reason:- 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

11.Prior to bringing the development into first use, soil used in the creation of garden and soft landscaping areas should be tested for contamination to ensure suitability

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for the proposed use. Prior to sampling, a suitable methodology for testing the soil should be submitted to and agreed by the Local Planning Authority and should include the sampling frequency, testing schedules, and criteria against which the analytical results will be assessed. The results of the soil tests should be submitted and approved in writing by the Local Planning Authority.

If soil test results indicates that a potential contamination risk exists, development shall not be brought into use, until a detailed remediation strategy to bring the site to a condition suitable for the intended purpose has been prepared and subject to the approval in writing by 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, and is subject to the approval in writing of the Local Planning Authority.

Reason:-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

Signed on behalf of Staffordshire Moorlands District Council

NOTES

1. The applicant's attention is drawn to the fact that Permitted Development Rights for dwelling houses granted only by virtue of Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, as amended are removed in respect of certain classes of development including, but not exclusive to Classes A - H of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, as amended.

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2. Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date

3. The proposed development is considered to represent a sustainable form of development and thereby complies with the requirements of the NPPF.

4. The confirmed presence of bats utilising the building proposed to be developed means that work can only take place if carried out in accordance with Natural England's licensing procedures for work which will affect European Protected Species. Details can be obtained from Natural England at https://www.gov.uk/bats-protection-surveys-and-licences. Failure to carry out the requirements in accordance with the legislation risks offences being committed which could result in legal action including prosecution.

5. The submitted ecology survey records evidence of swallows nesting in the application building. Swallows winter in North Africa and migrate to their breeding locations in Britain and Europe each spring often returning faithfully to the same sites. All wild birds including their nests and eggs are protected by law. It is an offence, with certain exceptions, to kill, injure or take wild birds or to take, damage, or destroy their nests or take or destroy their eggs. This level of protection applies to Swallows. Site clearance and/or demolition cannot therefore take place where there are birds nesting. Typically this will be in the period mid February or, in the case of Swallows from April, to late August. As this development involves vegetation clearance and/or demolition and/or other activities which would be damaging to any nesting birds present the work should avoid the bird nesting season so far as possible. If such work is to take place in the nesting season an ecologist experienced in bird nesting habits should first be engaged to advise on and ensure that the intended work can legally take place. The developer is urged to provide Swallow nesting sites within the completed development.

6. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State in accordance with Sections 78 & 79 of the Town & Country Planning Act, 1990, within six months of the date of the decision notice. Appeals must be made on a form which is obtainable from the Department of Transport, Local Government and the Regions, Planning Inspectorate, Temple Quay House, No. 2 The Square, Temple Quay, Bristol, BS1 6PN. The Secretary of State has power to allow a longer

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period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise then subject to the conditions imposed by them, having regard to the statutory requirements, to the provision of the Development Order, and to any directions given under the Order.

7. If permission to develop land is refused or granted subject to conditions whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Borough or District Council or County Council in which the land is situated as the case may be, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provision of Part 6 of the Town & Country Planning Act, 1990.

8. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town & Country Planning Act, 1990.