STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Chief Executive

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Application no: SMD/2016/0322

Determined on: 28/11/2016

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:
Home Farm Bradshaw Lane Ipstones Staffordshire ST10 2LJ

Description of Development:
Proposed mixed use developement comprising of conversion of redundant agricultural buildings to form three open market dwellings, 1 agricultural dwelling and a holiday complex comprising of four letting units. Existing outbuildings to be used for car parking and ancillary storage/amenity facilities and continued agricultural use of part of steel framed building for on site farming operations.
Amenity space and carparking to be created throughout the site by minor repositioning of part of the southern boundary concrete block wall to be replaced by a steel parkland style fence

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 permitted shall be begun before the expiration of three years from the date of this permission.

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Reason:-
To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be carried out in complete accordance with the submitted amended plans and specifications as follows:-

Amended Plan - 1593.3 Revision C
Amended Plan - 1593.5 Site Plan (Revision B DATED 24.10.16)
Location Plan
1593.4 Rev A
4562.2 Rev A

Reason:-
To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

3. The proposed windows in the western elevation of the "cow houses" building (as shown on the site plan) shall be fitted with obscure glazing to level 5 (minimum) from the Pilkington range or equivalent and then shall be maintained and retained in perpetuity.

Reason:-
To protect the amenity and living conditions of the adjoining residential property from overlooking or perceived overlooking.

4. Before the commencement of works, details of all new facing and roofing materials for the cow houses, hay barn and implement store shall be submitted to and approved by the Local Planning Authority and the agreed details shall be implemented.

Reason:-
In the interests of the appearance of heritage assets and the character of the area.

5. Before the commencement of works, details of the treatment of all proposed blocked openings of the buildings shall be submitted to and approved by the Local Planning Authority and the agreed details shall be implemented.

Reason:-
In the interests of the appearance of heritage assets and the character of the area.

6. All new windows and doors shall comprise painted wood or powder-coated metal materials and the joinery design details of the windows and doors, shown on drawings at a scale of 1:10, shall be submitted to and approved by the Local Planning Authority before the

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commencement of works and the agreed details shall be implemented.

Reason:-
In the interests of the appearance of heritage assets and the character of the area.

7. Before the commencement of works, the specific details of all repairs, pointing and re-building of the cow houses and hay barn shall be submitted to and approved by the Local Planning Authority and the agreed details shall be implemented.

Reason:-
In the interests of the appearance of heritage assets and the character of the area.

8. Before the commencement of works, details of all new vents, cowls and ducts shall be submitted to and approved by the Local Planning Authority and the agreed details shall be implemented.

Reason:-
In the interests of the appearance of heritage assets and the character of the area.

9. Before the commencement of works, details of all new facing and roofing materials for the cow houses, hay barn and implement store shall be submitted to and approved by the Local Planning Authority and the agreed materials shall be implemented.

Reason:-
In the interests of the appearance of heritage assets and the character of the area.

10. Before the commencement of works, details of all treatment of eaves and verges and position of infill panels for the hay barn shall be submitted to and approved by the Local Planning Authority and the agreed details shall be implemented.

Reason:-
In the interests of the appearance of heritage assets and the character of the area.

11. The stone wall marking the original south boundary of the site shall be completely rebuilt before the occupation of any part of the approved development.

Reason:-
In the interests of the appearance of heritage assets and the character of the area.

12. The holiday let accommodation units in the hay barn hereby approved shall not be occupied by any person(s) for a period of longer than 2 calendar months and no person(s)

who has occupied any of the units shall occupy any of the units again at any time within six months of the day of the last occupation of the units.

Reason:-
In order to prevent the use of any of the holiday let units as a permanent unit of accommodation/dwelling which would be harmful to the character of the area.

13. The occupation of the agricultural workers dwelling in the hay barn hereby approved shall be limited to a person solely or mainly employed in the agricultural business occupying the land edged red and blue in the Location Plan, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.

Reason:-
In the interests of ensuring appropriate development in the open countryside.

14. The development hereby approved shall not commence until details of all existing and proposed underground services and also drainage plans for the disposal of surface water and foul sewage, including all drainage runs, have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented in exact accordance with the approved details before the development is first brought into use.

Reason:-
To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem, to minimise the risk of pollution and also in the interests of protecting trees and the general appearance of the site.

15. The vehicle parking provision shall be provided exactly as shown in the amended site plan (1593.5 Revision B DATED 24.10.16) and none of the spaces shall be used for any purpose other than the parking of vehicles for the life of the development hereby approved.

Reason:-
In the interests of the character and appearance of the site.

16. Before the commencement of development (including any demolition, site clearance, stripping or site establishment) an arboricultural method statement shall be submitted to and approved by the Local Planning Authority. Such a statement shall include full details of any remedial or accommodation works to existing trees, any appropriate construction specification or working method measures to avoid damage to trees which may arise from installation of new or alteration of/connection to existing underground services along the northern side of the existing buildings and any appropriate ground protection measures between the northern elevations of the existing buildings and the northern boundary of the site in order to avoid damage to or impact on tree roots and rooting zones during the period that development takes place. Thereafter, the development shall be constructed only in full

accordance with details approved under this condition.

Reason-
In the interests of protecting the trees which contribute positively to the character and appearance of the area.

17. The development hereby permitted shall not be commenced until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
- Means of enclosure
- Hard surfacing materials

Soft landscape details shall include:
- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
- Implementation timetables

Reason:-
To ensure the appropriate landscape design and in the interests of the visual and residential amenities of the area.

18. The implemented planting scheme shall be subsequently properly maintained in accordance with good horticultural practice; any plants which are removed, die, become diseased or otherwise fail to establish within 5 years of planting shall be replaced during the next available planting season and the replacements themselves shall then be properly maintained.

Reason:-
To ensure the appropriate landscape design and in the interests of the visual and residential amenities of the area.

19. 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 additional windows or any other openings shall be installed in any part of the development, without prior written consent from the District Council as Local Planning Authority.

Reason:-
To protect the character and appearance of heritage asset buildings and protect the amenity and living conditions of an adjacent residential property from overlooking or perceived overlooking.

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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) A, B, C, D, E, F, G and H 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 to protect the residential amenities of neighbouring residents.

21. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of building recording to be carried out within the site, including appropriate publication. The Scheme shall thereafter be implemented in full in accordance with the approved plans.

Reason:-
In the interests of the character and appearance of heritage assets.

22. Prior to the commencement of development, there shall be submitted to the Local Planning Authority, a detailed Ecological Construction Method Statement (ECMA) supported by a 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. The development shall be implemented in accordance with the ECMA as approved by the Local Planning Authority 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 and in either event shall be implemented and retained as approved for the lifetime of the development.

Reason:-
In the interests of the ecological value of the site.

23. Prior to the commencement of development, details shall be submitted in writing to the Local Planning Authority of the means by which the completed scheme shall incorporate nesting sites suitable specifically for swallows. The development shall be completed in accordance with the details of swallow nesting provision as approved.

Reason:-
In the interests of the ecological value of the site.

24. Details of all external lighting on the buildings or anywhere within the application site shall be submitted to and approved by the Local Planning Authority before the occupation of any part of the development hereby approved and no external lighting shall be provided that is not in accordance with the approved details.

Reason:-
In the interests of the character and appearance of heritage assets, ecology and residential amenity.

25. 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.

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.

Informatives

1. The Council entered into pre-application discussions with the applicant to secure a revised/improved scheme, as has been submitted and consequently approved. It is therefore considered that the proposals meet the provisions of paragraphs 186-187 of the NPPF.

2. The confirmed presence of bats in 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. Failure to carry out the requirements in accordance with the legislation risks offences being committed which could result in legal action including prosecution. Please note that notwithstanding references in the submitted details to the use of externally affixed bat boxes, roost provision incorporated within the building fabric is likely to be preferred for reasons of security, longevity, minimisation of maintenance and aesthetic / design suitability.

3. In relation to condition 23 above (relating to swallow nests) information and guidance is available for example from the following web link:
http://www.rspb.org.uk/discoverandenjoynature/discoverandlearn/birdguide/name/s/swallow/

encouraging.aspx

4. 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.

5. It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required. Further details are required regarding how the surface will be safeguarded during the development.

6. The developer also needs to confirm that they have a private right to use the bridleway with vehicles. If there is a private right to use with vehicles then the fact that the route is a public highway takes precedence and needs to be stressed in any planning permission. The use by private vehicles is subject to, and subordinate to, the public's right. In other words pedestrians have a public right and vehicles need to give way to them not the other way around. This might necessitate widening of the track and the provision of passing places. The applicant should also be advised that the County Council is not responsible for maintaining the footpath for private rights of access, i.e. vehicular.

X J Curley

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council

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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

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

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8. 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.

9. 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.

10. 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

11. 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.

12. 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.
13.