STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Ken Wainmann
Ken Wainman Associates Ltd
31a Edward Street
Leek
ST13 5DN

Mr J and Mrs A Wagstaff
C/O Ken Wianman Associates Ltd

Application no: SMD/2018/0002

Determined on: 27/02/2018

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:
Cresswell Ford Farm Dilhorne Lane Dilhorne Staffordshire Moorlands ST10 2PH

Description of Development:
Conversion of redundant rural building into two dwellings and formation of access and track to serve the site (part retrospective).

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.
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 accordance with the details as submitted in the application form and submitted specifications and as shown in drawings:
PL70 site location plan
PL73 A – site plan as proposed
PL74 A – plans and elevations as proposed
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.

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3. Prior to the commencement of development there shall be submitted to and approved in writing by 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 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 and in either event shall be implemented and retained as approved for the lifetime of the development.
Reason: To ensure that the development proceeds with appropriate protection and safeguard for European Protected Species.

4. Notwithstanding the submitted details and drawings the timber frame and metal sheet clad lean-to abutting the southerly most elevation shall be demolished and removed from the site prior to the first residential occupation of the development.
Reason: In the interests of the appearance of the finished development and in the interests of amenity for occupants of the rooms with windows in the elevation covered by the lean-to.

5. Notwithstanding the submitted details in drawing PL73A a revised layout for the parking and garden areas to serve the two dwellings shall be submitted to and approved in writing by the Local Planning Authority and the layout as subsequently approved shall be completed prior to the first residential occupation of the development.
Reason:

6. Prior to the commencement of development a full schedule giving details of all the repair, renovation and alteration works to be undertaken including work to walls with a method statement for any taking down and rebuilding and for all making good and repointing, details of window and door surrounds, cills and lintels, work to floors and wall footings, shall be submitted to the Local Planning Authority and approved in writing and the works shall thereafter be undertaken in accordance with the details in the schedule as approved. The existing ventilation slits shall be retained to appear externally visible with any glazing set to the interior of the openings.
Reason: In the interests of proper planning and the character of the building.

7. The existing extant built structure of the building as shown in drawing PL74A shall be retained as existing within the development hereby approved and there shall be no demolition or rebuilding of the building elements unless otherwise agreed in writing by the Local Planning Authority (LPA) save for the lean-to addressed in condition 3.
Reason: In the interests of the integrity of the building and the appearance of the development and its setting and the amenities of the area.

8. Prior to the commencement of development and notwithstanding the submitted details and drawings detailed plans and sections of the proposed windows and doors which shall be of painted timber and recessed to a minimum of 75mm within the wall openings shall be provided at scales of 1:10 submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the details as subsequently approved.

Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area.

9. Prior to commencement of development details of the proposed roof light details are to be submitted to and approved in writing by the Local Planning Authority and shall be fitted and thereafter retained in accordance with the details approved. Roof lights shall be of Conservation standard and shall be designed to fit flush with the plane of the roof and the frame shall have a black finish. The glazed area shall be subdivided vertically.
Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area.

10. Prior to the commencement of development details of all boundary treatments including gates and gateways to the public highway and hard landscaping shall be submitted to the Local Planning Authority and approved in writing and prior to the first occupation of the development shall be completed in accordance with the design details as subsequently approved and thereafter so retained.
Reason: In the interests of the visual appearance of the development and the amenities of the area.

11. 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 anti social hours.

12. The 'Reasonable Avoidance Measures' set out in the submitted Amphibians report 2016 shall be followed in the course of the development.
Reason: In the interests of ensuring appropriate safeguard for protected species.

13. The development hereby permitted shall not be brought into use until the visibility splays shown on plan ref. no PL73A have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 900 mm above the adjacent carriageway level.
Reason: To comply with NPPF Paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

14. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced in a bound material for a minimum distance of 5m back from the carriageway edge in accordance with the approved plan ref PL73A. The surfacing shall thereafter be maintained.
Reason: To comply with NPPF Paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

15. Any gates shall be located a minimum of 5m 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.

16. A lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The strategy shall show how and where external lighting will be installed (through the provision of appropriate specifications and plans) so it can be demonstrated that lighting will not prevent or disturb bats or breeding birds using their territories or having access to breeding sites or resting places. All lighting shall be installed according to the approved strategy and shall be maintained thereafter in accordance with the strategy.
Reason: To minimise adverse impacts on biodiversity, in particular bats and birds, from lighting.

17. No external cowls, vents, ducts flues or extractor equipment whatsoever shall be installed at the premises hereby permitted without the prior written consent of the Local Planning Authority.
Reason: To protect the amenities of occupiers of adjoining properties, the integrity and appearance of the building and the visual amenities of the area.

18. 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 other than those shown on the approved plans shall be installed in any part of the development, unless a further planning permission has first been granted on application to 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, to protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking.

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 development as specified in Part 1 Classes A; B; C; D; E; F and G and Part 2 Classes A and B other than those expressly authorised by this permission, 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, to ensure that adequate private or shared amenity space is retained within the curtilage of the building and to safeguard the Green Belt.

20. The rainwater goods to be used in the development hereby permitted shall be cast metal and finished in black.
Reason: In the interests of visual amenity and to protect the character of the building.

Informatives

1. 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 details of which 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.

2. 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. Site clearance, building alterations and/or demolition cannot therefore take place where there are birds nesting. Typically this will be in the period mid February to mid 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.

3. The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. With suitable conditions and informatives attached there are not judged to be any adverse implications for neighbours or wider public amenity and street scene. Amended plans were agreed with the agent in the course of the determination in accordance with the principles of negotiation and amendment as advocated in the National Planning Policy Framework paragraphs 186-187.

X B.J. Haywood

Signed by: Ben Haywood

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 BControl@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.

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.