STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Chief Executive

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Application no: DET/2016/0029

Determined on: 05/12/2016

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT ORDER) (ENGLAND) 2015

PRIOR APPROVAL REQUIRED AND DETAILS SUBMITTED APPROVED

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

Change of use of agricultural building to a single dwellinghouse including associated building operations. at Building Opposite Rue Hill House ASHBOURNE ROAD CAULDON LOW

in accordance with the accompanying plans listed below:-

Location Plan
Site Plan
Proposed Ground Floor Plan
Proposed First Floor Plan
Proposed Elevations

The above development is permitted subject to the condition that development under Class Q(a) and Class Q(b) must be completed within a period of 3 years, starting with the prior approval date, and also subject to the following conditions:

1. The development shall take place in accordance with the working methods as set out at page 19 in the submitted Bat and Bird Survey by S.Christopher Smith dated 12th July 2016 and shall incorporate in the construction the proposed bat roosting and bird nesting

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opportunity enhancements as set out at pages 15 to 17 of the same document.

Reason - To safeguard the populations of European Protected Species and wild birds.

2. The construction and sound insulation of the property shall be carried out in accordanc with the mitigation measures set out in section 9 of the submitted Noise Assessment and shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and be completed to achieve sound levels of less than 35 dB LAeq in bedrooms, less than 40 dBLAeq in living areas and 50dB LAeq in outside living areas.

Reason - To protect occupiers from noise and safeguard their residential amenities.

4. The development hereby permitted shall not be brought into use until 2 parking spaces of 2.4m x 4.8m and a facility for vehicles to turn and leave the site in a forward gear have been provided. The parking and turning areas shall thereafter be retained for the life of the development.

Reason - In the interests of highway safety and to accord with NPPF Paragraph 32 and SMDC Core Strategy Policy DC1.

5. Before the proposed development is brought into use, the vegetation on the verge on the site frontage shall be reduced to a maximum height of 600 mm above the adjacent carriageway level. The vegetation shall thereafter be maintained at a maximum height of 600mm above the carriageway level for the life of the development.

Reason - In the interests of highway safety and to accord with NPPF Paragraph 32 and SMDC Core Strategy Policy DC1.

6. Any gates shall be located a minimum of 5m rear of the carriageway edge and shall open away from the highway.

Reason - In the interests of highway safety and to accord with NPPF Paragraph 32 and SMDC Core Strategy Policy DC1.

Informatives

1. It is judged unlikely that Bats will utilise this building as a place of rest or shelter. Nevertheless, in the unlikely event that bats or bat droppings are encountered during the demolition work, all operations should be immediately ceased and advice obtained from an ecologically qualified bat specialist. Work should then continue only in accordance with the specialist advice obtained and with due reference to the law including the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981.

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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 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. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

• A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: http://www.hse.gov.uk/

• Any approved noise scheme and measurements should pay due regard to British Standard BS8233: 2014 Sound insulation and noise reduction for buildings (Guidance Document), BS4142 Methods for rating and assessing industrial and commercial sound and the Building Regulations 2010 Document E or other appropriate guidance.

• Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf

• During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.

• The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf

• Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)

X B.J. Haywood

Signed by: Haywood, Ben

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.