STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

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Consall Lane
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Staffordshire
ST9 0AD

Application no: SMD/2017/0447

Determined on: 01/06/2018

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:
Lower Farm, Consall Lane, Consall Staffordshire ST9 0AD

Description of Development:
Conversion and alteration of redundant former agricultural buildings to form 3no. dwellings

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 following submitted plans and subject to the following conditions and/or modifications:-

00464 AL(0)01 Rev A;

00464 AL(0)02 Rev A;
00464 AL(0)03 Rev C;
00464 AL(0)04 Rev C;
00464 AL(0)05 Rev C;
00464 AL(0)06 Rev A;
00464 AL(0)07 Rev A;
00464 AL(0)08 Rev B;
00464 AL(0)09 Rev B;
00464 AL(0)10 Rev B;
00464 AL(0)11 Rev B;
00464 AL(0)12 Rev F.

Reason:- For the avoidance of doubt and in the interests of proper planning and in accordance with the National Planning Policy Framework.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 and/or Part 2 Class(es) A, B and C, 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, and to ensure that adequate private open space is retained within the curtilage of the buildings.

4. The development hereby permitted shall not be commenced until samples and details of the types and colours of all roof tiles, facing materials and hard surfaces (including pathways, driveways and patios) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, completed prior to first occupation of the development and retained for the lifetime of the development.

Reason:- To ensure that the external appearance of the development is satisfactory.

5. Prior to the commencement of development joinery details for all windows, sky/rooflights, doors, shutters and glazed screens (including recess depth) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, completed in full prior to first occupation of the development and retained for the lifetime of the development.

Reason:- In the interests of visual amenity and integrity of the Listed Buildings.

6. Prior to the commencement of development details of all cills and lintels including those to be replaced and/or maintained shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details, completed prior to first occupation and be retained for the lifetime of the

development.

Reason:- In the interests of visual amenity and the integrity of the Listed Buildings.

7. Prior to the commencement of development details of all rainwater goods including materials, fixings and locations shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details, completed prior to first occupation and be retained for the lifetime of the development.

Reason:- In the interests of visual amenity and the integrity of the Listed Buildings.

8. Soil pipes shall be internally located unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In the interests of visual amenity and the integrity of the Listed Buildings.

9. Prior to the commencement of development details of all vents, cowls and ducts shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details, completed prior to first occupation and be retained for the lifetime of the development.

Reason:- In the interests of visual amenity and the integrity of the Listed Buildings.

10. Prior to the commencement of development a sample panel of pointing shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details, completed prior to first occupation and be retained for the lifetime of the development.

Reason:- In the interests of visual amenity and the integrity of the Listed Buildings.

11. Prior to the commencement of development a schedule of repair works to the fabric of the historic buildings shall be submitted to and approved in writing by the Local Planning Authority and shall include treatment of floors, walls and ceilings.

Reason:- In the interests of visual amenity and the integrity of the Listed Buildings.

12. Notwithstanding the above approved plans and prior to the commencement of development details of all walls, fences, gates and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Details shall include proposed works to any existing walls, fences, gates and/or other means of enclosure including (but not limited to) infilling openings, removal of gate posts or the changing of heights. Therafter the development shall proceed strictly in accordance with the approved details and prior to the first occupation of the development hereby approved.
Reason:- In the interests of visual amenity and the integrity of the Listed Buildings and their setting.

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13. Prior to the commencement of development a schedule of demolition works for the removal of the modern agricultural building positioned to the south-east of the application site and attached to the rear of barn number 3 (as identified on approved drawing number 00464 AL(0)12 Rev F) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the finish/making good of the land, any land level alterations and the making good of any damage/repair works needed to the rear (south eastern facing wall) of barn number 3 (as identified on approved drawing number 00464 AL(0)12 Rev F. The development shall then be carried out in accordance with the approved details and be completed in full prior to the first occupation of the development hereby approved.

Reason:- In the interests of visual impact within this visually prominent site.

14. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plan 00464 AL(0)12 Rev F. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.

Reason:- In the interests of highway safety

15. The development hereby permitted shall not be brought into use until the access drives rear of the public highway have been surfaced and thereafter maintained in a bound material for a minimum distance of 5m back from the carriageway edge. The details/samples of the surfacing materials shall firstly be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in full accordance with the agreed details and retained for the lifetime of the development.

Reason:- In the interests of highway safety and visual impact.

16. The development hereby permitted shall not be brought into use until the visibility splay shown on plan 00464 AL(0)12 Rev F for access to barns 2 and 3 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:- In the interests of highway safety and to maximise available visibility.

17. The development hereby permitted shall not be brought into use until vegetation between the access to barn 1 and the westernmost corner of the existing barn 1 has been cut back to the face of the wall. The vegetation shall thereafter be maintained such that it does not grow beyond the face of the wall of the life of the development.

Reason:- In the interests of highway safety and to maximise available visibility.

18. The development shall be undertaken by incorporating the mitigation measures and in accordance with the working methods as detailed at pages 43 to 45 in the submitted Bat and Bird Survey by S. Christopher Smith dated 22nd August 2016 or as stipulated by any Natural England European Protected Species (EPS) Licence, in which case the work shall be implemented in accordance with the EPS Licence. The works shall be implemented and

retained as approved for the lifetime of the development.

Reason:- To safeguard the population of European Protected Species.

19. The development hereby permitted shall not be commenced until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s), have been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason:- In order to ensure the satisfactory appearance of the development within this visually prominent site.

20. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), unless otherwise agreed in writing by the Local Planning Authority and in this case only following careful inspection by a competent person to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds.

Reason:- In the interests of biodiversity.

21. Before the commencement of development (including any demolition, site clearance, site stripping or site establishment) a landscaping scheme for the entire site shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include full details of all surfacing, new trees, shrubs, hedging and any other planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting. The landscaping scheme so approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees and shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason:- In the interests of visual amenity and biodiversity.

22. 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.

23. In the event that contamination, including surface coal measures 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 in writing 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. The development shall be carried out in full accordance with the agreed details and implemented in full prior to first occupation of the development.

Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

24. No top soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development, in accordance with a suitable methodology for testing this material which shall be submitted to and agreed in writing by the Local Planning Authority. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority. If soil results indicates that a potential risks exists, no soil shall be brought on to site until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared submitted to and approved in writing by the Local Planning Authority. The approved remediation shall be carried out prior to the first occupation of the site.

Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

Informatives

1. During the course of the consideration of the application the Council sought amendments to the proposals to ensure that the scheme was acceptable in terms of its impact upon the Listed Buildings and their setting. It is therefore considered that the proposals meet the provisions of paragraphs 186-187 of the National Planning Policy Framework.

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2. The surfacing of the accesses will require works within the highway. Please note that prior to the surfacing works taking place you require a Permit to Dig. Please contact Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to nmu@staffordshire.gov.uk)

3. Attention is drawn to condition number 3 of this approval, the effect of which is to withdraw permitted development rights in respect of development which would otherwise not require planning permission. You are advised to contact the Local Planning Authority Development Control Section telephone 0345 605 3013 before undertaking any other development in the future in order to ascertain whether planning permission is required.

4. 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.

5. 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.

6. This Permission does not confer on the Applicant the right to build on or over land owned by a third party without the third party's consent. You should therefore seek the prior agreement of your neighbour(s) before entering their land.

7. Attention is drawn to the requirements of The Party Wall Etc Act 1996 in relation to development close to the boundary of the application site.

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

"" Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice) 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)

"" If required, contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Planning Policy Statement 23 and the CLR Report Series 1-12.

"" Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.

"" The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become an 'appropriate person'. In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

"" Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

"" During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes

"" The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.

"" Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation

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works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

X

Signed by: Jane Colley

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

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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.