STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING • EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Robert Berry
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Mr Parrish
Cockings Farm Sandy Lane
Stoke-on-Trent
Staffordshire
ST11 9DX

Application no: DET/2018/0025

Determined on: 9th November 2018

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

PRIOR APPROVAL IS REQUIRED AND GRANTED FOR CHANGE OF USE

APPROVAL

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

Prior approval for proposed change of use of agricultural building to one dwellinghouse at Cockings Farm Sandy Lane Caverswall

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

Plans

182401
1824/02

Reasons

The proposal complies with the details outlined in Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Conditions

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1. All noisy construction 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 construction 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.

2. 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 shall 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 exist to any identified receptors, development shall not re-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 submitted to and approved in writing by the Local Planning Authority. The approved remediation shall be completed prior to the 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.

3. 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, a suitable methodology for testing this material shall be submitted to and agreed in writing by the Local Planning Authority prior to the soils being imported onto site. 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.

Reason :- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health,

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controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

4. Any waste material associated with demolition or construction associated with the development shall not be burnt on site but shall be kept secure for removal to prevent escape into the environment. Such waste shall be securely removed prior to the dwelling being first occupied.

Reason:- To protect the amenities of the area.

5. The foul drainage from the proposed development shall be discharged to a system which meets the requirements of British Standard (BS) 6297:2007+A1:2008 Code of practice for the design and installation of drainage fields for use in wastewater treatment

a) There shall be no connection to any watercourse or land drainage system and no part of the soak away system shall be situated within 10 metres of any ditch or watercourse.

b) Porosity tests shall be carried out and the results submitted to and approved in writing by the Local Planning Authority to demonstrate that there is suitable subsoil and adequate land area is available.

Reason:- To prevent pollution of the water environment.

6. Any facilities installed for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. If there are multiple tankages, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason:- To prevent pollution of the water environment.

7. The scheme for construction of the proposed residential dwelling shall have due regard to the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and be designed to achieve noise levels of less than 35 dB LAeq in bedrooms, less than 40 dBLAeq in living areas and 55dB LAeq in outside living areas.

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

8. The dwelling granted prior approval shall only be occupied by a person employed soley to work on the farm - Cockings Farm, Sandy Lane, Caverswall.

Reason:- The siting of the dwelling is considered not to be suitable for any person(s) not working on the farm, due to the relatively poor level of amenity that would be experienced from occupants of the dwelling stemming from noise and smells associated with the operation of the farm. If the property was to be occupied by someone not working on the farm the proposal would not accord with the stated criteria of Schedule 2, Part 3, Class Q, Q.2-(1) (e) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) , i.e. it would be impractical and undesirable for the building's use to change from agricultural to residential.

9. The external roofing and wall materials shall match as closely as possible in type colour and texture those of the existing dwelling

Reason:- To protect the character and appearance of this traditional agricultural building

10. The doors and windows to be used in the development hereby permitted shall be fabricated in timber and set behind a 75mm reveal.

Reason:- To protect the character and appearance of this traditional agricultural building

11. The rainwater goods to be used in the development hereby permitted shall be fabricated in case metal and finished in black.

Reason:- To protect the character and appearance of this traditional agricultural building

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as may subsequently be amended or re-enacted) no gates, walls, fences or other means of enclosure normally permitted by Class A of Part 2 Schedule 2 to that Order shall be erected unless a further planning permission has first been granted on application to the Local Panning Authority.

Reason:- To protect the character and appearance of this traditional agricultural building and its setting

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13. Within 1 month of works commencing shall commence until details of the positions, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the scheme has been implemented in accordance with the approved details.

Reason:- To protect the character and appearance of this traditional agricultural building and its setting

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as may subsequently be amended or re-enacted) no extensions, alterations or buildings within the site curtilage normally permitted by Classes A to E of Part 1 Schedule 2 to that Order shall be carried out unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason:- To protect the character and appearance of this traditional agricultural building and its setting

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 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

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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.