STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Application no: DET/2023/0008

Determined on: 23/05/2023.

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

PRIOR APPROVAL REQUIRED FOR CHANGE OF USE AND BUILDING OPERATIONS REASONABLY NECESSARY

APPROVAL

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

Application to determine if prior approval is required for a proposed: Change of Use of Agricultural Building to one Dwellinghouse (Use Class C3), and for building operations reasonably necessary for the conversion at Upper Heakley Farm Ball Lane Brown Edge.

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

1. The approval is granted subject to the conditions and limitations relevant to Class Q (a) and (b) as set out in the GPDO 2015 as amended including that the development under Class Q(a) and under Class Q(b) hereby approved must be completed within a period of 3 years starting with the date of this prior approval

Reason- For clarity and the avoidance of doubt.

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:-

RLM1084/1 Rev A;
RLM1084/2 Rev B;
RLM1084/3;

RLM1084/4 Rev A;

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

3. The development hereby permitted shall not be brought into use until the parking and turning area has been provided in accordance with the approved plan DRWG. No. RLM1084/2 Rev B. The parking and turning area shall thereafter be retained unobstructed as a parking and turning area for the life of the development.

Reason:- In the interests of highway safety.

4. All construction works, including deliveries 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.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

5. I. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment. All waste transfer records should be retained for inspection by officers of the Local Planning Authority;

II. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority.
Reason:- To protect the amenities of the area during construction

6. (a) Development shall not commence until a site risk assessment has been undertaken to assess the nature and extent of any contamination on the site. Once completed, a written report of the findings and recommendations shall be submitted to and approved in writing by the Local Planning Authority.

(b) If the site risk assessment (a) indicates that potential risks exist, development shall not commence, until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared, and is subject to the approval in writing by the Local Planning Authority.

(c) Following completion of measures identified in the approved remediation scheme (b) and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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.

7. 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 should be submitted to and agreed in writing by the Local Planning Authority prior to the soils being imported onto site. The methodology should 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, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

8. The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation. Details of all external artificial lighting to be installed under this permission should be submitted to and approved by the Local Planning Authority prior to its erection.

Reason: To protect the local amenities of the local residents by reason of excess of illuminance.

9. Prior to first occupation of the residential accommodation hereby approved, a site specific scheme for protecting the proposed residential unit from noise, shall be submitted to, and approved in writing by the Local Planning Authority. The submitted scheme shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and be designed to achieve noise levels of less than 30dB LAeq in bedrooms (night time), 35dB Laeq in bedrooms (daytime), less than 40 dBLAeq in living areas and 50dB LAeq in outside living areas. Thereafter the approveed scheme shall be carried out prior to the first occupation of the development hereby approved.

A report shall be produced containing all raw data and showing how calculations have been made. A copy of such report shall be submitted to the Local Planning Authority for its approval.

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

10. Prior to first occupation of the development hereby approved, details of a minimum of six (6no.) individual nesting boxes (suitable for small passerine finches), two (2no.) Sparrow

terrace boxes and one (1no.) barn owl box including their proposed locations shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the following types of boxes;-

- 2no. open-fronted nest boxes (for Robins, wrens, flycatchers)
- 2no.closed nest boxes with diameter entrance holes of 32-35mm
- 2no. closed nest boxes with diameter entrance holes of diameter 25-28mm (for Nuthatch, Tree creeper and smaller finches).
- 2no. Schwegler '1SP Sparrow Terrace' box
- 1no. Barn Owl nest box

All of the boxes shall be erected prior to first use of the development and shall be retained for the lifetime of the development.

Reason:- In the interests of biodiversity and to secure future nesting sites for other bird species.

11. Prior to first occupation of the development hereby approved, 4 No. external bat boxes suitable for long-eared bats and crevice-dwelling species shall be fitted around the building elevations at apex regions or other appropriate locations in accordance with details to be firstly submitted to and agreed in writing by the Local Planning Authority. The boxes shall be installed prior to first occupation of the building and be retained for the lifetime of the development.

Reason:- in the interests of biodiversity and to secure future bat nesting sites.

12. Notwithstanding the above approved plans and prior to their installation, joinery details of all external windows and doors shall be submitted to and agreed in writing by the Local Planning Authority. Details shall include (but not necessarily be limited to) materials, colour/finish, opening mechanisms and recess depth of the frame within the aperture. The windows and doors shall be installed in accordance with the approved details and be retained for the lifetime of the development.

Reason:- In the interests of visual amenity and good design.

13. The extent of new stonework (as shown on the approved plans) shall match in colour, form and texture the stone of the existing building. In the event of any existing external stone needing to be replaced it shall match in colour, form and texture the stone of the existing building.

Reason:- In the interests of visual appearance.

14. Prior to their installation, details of all rainwater goods including guttering and down pipes shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in full accordance with the approved details, be retained for the lifetime of the development and be completed prior to first occupation of the dwelling.

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

15. Prior to the fiitting of any roof tiles, details of the type of tile proposed 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. and retained for the lifetime of the development.

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

16. Prior to the installation of any surface water drainage, details of the method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in full accordance with the agreed scheme and be completed prior to first occupation.

Reason:- To ensure a satisfactory form of surface water drainage.

Informatives

1. The proposed works should be sensitive to the bird breeding season (March to August inclusive).

2. In the event that bats are discovered during works, then all work must cease immediately, and further consultation with a qualified bat ecologist should be sought before any further works can proceed.

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 foul drainage system should meet the British Standard 6297:2007+A1:2008: Code of practice for the design and installation of drainage fields for use in wastewater treatment http://www.bsigroup.com

• The development shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and the ProPG - Planning and Noise: New Residential Development. It should be designed to achieve noise levels of less than 30dB LAeq in bedrooms (night time), 35dB Laeq in bedrooms (daytime), less than 40 dBLAeq in living areas and 50dB LAeq in outside living areas.

• 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 the Land contamination risk management framework (LCRM), published by the Environment Agency https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm

• 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 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.

4. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).Works should ideally be undertaken outside the bird breeding season (March to

September inclusive). Where this is not possible, then an inspection by a suitably qualified ecologist for nesting birds should be carried out within 24hrs prior to any works commencing.

5. Should any active bird nests be found during works, then these should be left undisturbed until offspring have fully fledged. If necessary, an exclusion work zone of 5m should be adopted to reduce disturbance and minimize potential displacement of nesting birds.

6. Should bats be present onsite, then a European Protected Species (EPS) development license issued by Natural England (NE) may be required, prior to any works taking place.

The Developer is reminded of their obligations under the provisions of Part I of the Wildlife and Countryside Act 1981 as amended in respect of protected species and their habitats. Failure to comply with the obligations of the Act could constitute a criminal offence.

7. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/buildingonorwithintheinfluencingdistanceofmineentries
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider. If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/thecoal-authority

X J Colley

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council

NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting DBCP Limited, Web: dbcp.co.uk; Email: info@dbcp.co.uk ; Tel:0333 880 2000.

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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

10. 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.

11. 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.

12. Domestic sprinklers
    Fire sprinklers operate automatically even if you are not at home releasing water directly over the source of the fire and sounding the alarm, they are unobtrusive and easy to install. Sprinklers are NOT expensive; normally costing around 1-2% of the cost of construction of a new building. The use of sprinklers will usually allow design freedoms as well, which can reduce construction costs and improve usability and design freedoms of the building.
    The chance of an accidental discharge is 16,000,000:1
    If you would like further advice please contact Staffordshire Fire and Rescue Service (www.staffordshirefire.gov.uk)

13. Working smoke alarms correctly positioned in your home can save your life. The Fire Service recommends you have smoke alarms on every floor of your home, including in each bedroom, and make sure you test your smoke alarms at least once a month. Although the application of approved guidance and enforcement of regulations will give buildings the legally required baseline of fire protection, the Fire Service's viewpoint is many of these fall short of what we would consider adequate. This is why we campaign for the inclusion of sprinklers.