



**TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION FOR DEVELOPMENT**

Date valid application received: 08/02/2021

Application No: P/2020/01491

Name and address of Agent

Name and address of Applicant

Rob Duncan Planning Consultancy Ltd
70 Ferndale Road
Lichfield
WS13 7DL

Hoar Cross Hall Ltd.
c/o Rob Duncan Planning Consultancy
70 Ferndale Road
Lichfield
WS13 7DL

EAST STAFFORDSHIRE BOROUGH COUNCIL in pursuance of powers under the above mentioned Act hereby **PERMITS**:

**Conversion and alteration of existing building to accommodate 3 no. biomass boilers and associated works and construction of storage bay
Hoar Cross Hall, Maker Lane, Hoar Cross, DE13 8QS**

in accordance with the submitted documents and plans and subject to the condition(s) specified hereunder:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans/documents subject to compliance with other conditions of this permission:

Drawing No.s:

20-043-101 Existing Plans and Elevations at scales 1:50 and 1:100 dated as received 21st December 2020

20-043-203 C Existing Site and Site Location Plans at scales 1:500 and 1:1250 dated as received 13th August 2021

20-043-103 C Proposed Plans and Elevations at scales 1:50 and 1:100 dated as received 16th September 2021

20-043-104 D Proposed Site Plans at 1:200 and 1:1250 dated as received 13th August 2021
JAVO Toploader Noise Assessment by Martec Environmental Consultants dated as received 11th June 2021

Noise Assessment by Martec Environmental Consultants dated as received 9th March 2021

Air Quality Assessment by DustScanAQ dated as received 8th February 2021

Updated Technical Note by Martec Environmental Consultants dated as received 18th March 2021

Heritage Statement by Philip E Heath dated as received 13th July 2021

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Preliminary Bat Roost Assessment and Bird Survey (S Christopher Smith, July 2021) dated as being received on 30th July 2021

Noise Emission ETA Hack VR 250-500kw by ETA dated as received 21st December 2020.

Planning and Heritage Statement (heritage part superseded by the above listed report received 13th July 2021) by Rob Duncan Consultancy received 21st December 2020

ETA HACK VR manufacturers brochure dated as received 8th February 2021

Photograph of existing lighting in situ to the front elevation of the building dated as received on 8th October 2021

Where any deviations exist between the drawings in the submitted reports and those listed individually above the drawings listed individually shall have precedence as the approved scheme.

Reason: For the avoidance of doubt to ensure the development will not adversely affect the character and appearance of the conservation area/setting of heritage assets, the amenities of neighbouring properties, biodiversity or the safe and efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24, SP25, SP28, SP29, SP35 and DP1, DP5 and DP7, the East Staffordshire Design Guide, Re-use of Rural Buildings SPD, Hoar Cross Conservation Area Appraisal and the National Planning Policy Framework.

- 3 The development shall only be carried out in accordance with the external materials that are stated within the application and shown on the approved plans (as listed in condition 2 above).

Reason: To safeguard the character of the locality/setting of heritage assets in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, DP1, DP3 and DP5, the East Staffordshire Design Guide, and the National Planning Policy Framework.

- 4 The construction phase of the development hereby approved shall be carried out in accordance with the species protection measures contained within the Preliminary Bat Roost Assessment and Bird Survey (S Christopher Smith, July 2021) dated as received on 30th July 2021.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

- 5 The ecological enhancement measures as detailed within 'Preliminary Bat Roost Assessment and Bird Survey (S Christopher Smith, July 2021) dated as received 30th July 2021 shall be installed prior to the first operation of any of part of the development and thereafter retained and made available at all times for their designated purposes for the life of the development.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

- 6 Within seven days of the date of the first bringing into use of the biomass boilers, a further BS4142 noise assessment shall be undertaken at the site and submitted for approval in writing to Local Planning Authority to confirm that the rated noise levels from the final installed boilers, associated plant and storage activities do not individually or cumulatively, exceed background noise levels during the daytime (07:00-23:00) or the recommended BS8233 guideline values for the night-time (23:00-07:00) at the nearest receptors. If the daytime background noise levels or the night-time guidelines are exceeded, then the use of the

biomass boilers shall cease until (further) means of mitigation have been submitted to and agreed in writing by the Local Planning Authority and then in turn it shall be demonstrated by a further report(s) submission to the Local Planning Authority that the necessary levels of mitigation (as set out in this condition) have been achieved by any approved scheme prior to resuming the regular operation of the biomass boilers. Once installed any approved mitigation measures shall be retained and maintained for the lifetime of the development.

Reason: To safeguard the amenities of adjoining and nearby residents in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

- 7 The approved structure enclosing the Toploader (as shown on the approved plans listed at condition 2 above) shall be installed to achieve a noise reduction of at least 10dB prior to the Toploader being first brought into use and within seven days of the date of the first bringing into use of the Toploader, a noise assessment shall be undertaken at the site and submitted for approval in writing to Local Planning Authority to demonstrate that Toploader is in full compliance with the specifications and recommendations set out in the JAVO Toploader Noise Assessment by Martec Environmental Consultants dated as received 11th June 2021. Should the Toploader not be compliant with the approved details/documentation (listed at condition 2 above) then the use of the toploader shall cease until (further) means of mitigation have been submitted to and agreed in writing by the Local Planning Authority and then in turn it shall be demonstrated by a further report(s) submission to the Local Planning Authority that the necessary levels of mitigation have been achieved by any approved scheme prior to resuming the regular operation of the Toploader. The approved structure enclosing the JAVO Toploader and any other approved mitigation measures shall be retained and maintained for the lifetime of the development

Reason: To safeguard the amenities of adjoining and nearby residents in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

- 8 The planting comprised in the approved details of landscaping shall comprise a mixed native hedge and be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality/setting of heritage assets and in accordance with East Staffordshire Local Plan Policies SP1 and SP24, the East Staffordshire Design Guide and the National Planning Policy Framework.

- 9 With the exception of necessary and reasonable use for the purposes of the ingress and egress of personal into the building, the roller shutter door and any pedestrian door(s) hereby approved shall remain closed shut during the operation of the boilers. All window units shall remain closed shut during the operation of the boilers.

Reason: To safeguard the amenities of adjoining and nearby residents in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

- 10 The boilers hereby approved (as per the documents listed at condition 2 above) shall be

installed and thereafter operated in strict accordance with the Air Quality Assessment by DustScanAQ dated as received 8th February 2021

Reason: To safeguard the amenities of adjoining and nearby residents in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

- 11 There shall be no fuel or other deliveries to the site in connection with the development hereby approved outside of the hours of 08:00-21:00 daily.

Reason: To safeguard the amenities of adjoining and nearby residents in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

- 12 There shall be no additional external lighting installed or used within the application site or on the building hereby approved unless otherwise approved by the Local Planning Authority.

Reason: To safeguard the visual and residential amenities and wildlife habitats of the locality in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24, SP29 and DP3 and the National Planning Policy Framework.

Informatives:

- 1 The conditions identified below require details to be approved before first bringing into regular use of the approved development.

Conditions No. 6 and 7

This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of these conditions have been met.

As from 6th April 2008 requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request.

Payment can be made by cheque or card only. Please telephone 01283 508606.

Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

- 2 During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
- 3 The applicant(s) is/are advised that this permission does not override any obligations in respect of protected species under relevant wildlife legislation. In particular, trees/vegetation can provide a habitat for nesting birds which are protected species. It is a criminal offence to wilfully cause harm to either. The works should therefore be carried out outside the bird nesting season.

- 4 The applicant is advised that construction hours ought to be restricted to the following having regard to the proximity of existing dwellings: -

Mon-Fri: 08:00 - 17:00

Sat: 08:00 - Noon.

Sun/Bank Holiday: No Working

- 5 You are advised that this approval does not override any legal agreement(s) that may be in place in relation to rights of access to other parties.
- 6 With regard to condition 12 above this relates to any new lighting over and above that shown to the front elevation of the building on the photograph submitted by the applicant's agent on 8th October 2021.

This permission is granted by the under signed under powers delegated by the Borough Council in accordance with the provisions of Section 101 of the Local Government Act 1972.

This consent is given in pursuance of the relevant Planning Legislation and does not entitle you to do anything for which the consent of some other landowner, person, public authority, or department of the Council is required.

Dated 8th October 2021

Signed

E Summers

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- 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.
- In the case where we refuse planning permission or grant it subject to conditions decision if you want to appeal then you must do so within 6 months of the date of this notice. (Unless the application is for a minor commercial application, please see the criteria for a minor commercial application below). In the case where we refuse planning permission or grant it subject to conditions for a minor commercial application, if you want to appeal against your decision then you must do so within 12 weeks of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-inspectorate>.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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.

Minor Commercial Development Uses

Shops

1. Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,

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- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café, where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet, where the sale, display or service is to visiting members of the public.

Financial and professional services

2. Use for the provision of—

- (a) financial services,
- (b) professional services (other than health or medical services), or
- (c) any other services (including use as a betting office) which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Restaurants and cafes

3. Use for the sale of food and drink for consumption on the premises.

Drinking establishments

4. Use as a public house, wine-bar or other drinking establishment.

Hot food takeaways

5. Use for the sale of hot food for consumption off the premises.”