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Greenfields Farm
Crowborough Road
Lask Edge
Staffordshire Moorlands
ST13 8QR

Application no: SMD/2016/0208

Determined on: 28/03/2017

**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:

Greenfields Farm, Crowborough Road, Lask Edge, Staffordshire Moorlands ST13 8QR

Description of Development:

Proposed demolition and replacement of existing farmhouse, demolition of existing outbuildings and agricultural structures and erection of 2 no. agricultural buildings

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 details as submitted in the application form and submitted specifications and as shown in drawings: GF/CR/01/D; GF/CR/03/A; GF/CR/04/A; GF/CR/05/C; GF/CR/06/B.

Reason: To ensure that the development is carried out in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of doubt.

3. Prior to the commencement of the development hereby permitted, including site clearance and preparation, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local (District) Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication. The Scheme shall thereafter be implemented in full in accordance with the approved details.

Reason: In the interests of recording and understanding the archaeological heritage of the site as an extant historic farmstead identified in the Historic Environment Record for Staffordshire.

4. Prior to the commencement of development hereby permitted there shall be submitted for the written approval of the Local Planning Authority details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed buildings. The development shall be implemented in accordance with the levels details as subsequently approved in writing by the Local Planning Authority. There shall be no variation in these levels without the written approval of the Local Planning Authority.

Reason: In order to ensure the satisfactory appearance of the development and its relationship to the site and adjoining land.

5. Prior to the commencement of development detailed drainage plans for the disposal of surface water and foul sewage shall be submitted to the Local Planning Authority for written approval. The scheme shall be implemented in accordance with the details as subsequently approved in writing, including any agreed phasing, before the development or such part which has been completed is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

6. Prior to the commencement of development details including types and colours along with samples of requested of all roofing materials, facing materials and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as subsequently approved. All pointing shall be of a strength and style appropriate to the type of walling materials used (see SMDC leaflet on pointing) and shall not include 'tuck', 'strap' or 'recessed' pointing. A sample panel shall be completed on site which shall be inspected and approved in writing by the Local Planning Authority before development commences and shall remain on site during the period of construction.

Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area.

7. The sample wall panel required by the above condition 6 shall also demonstrate the masonry coursing structure. The development shall be carried out in accordance with the details of stone, coursing structure and mortar mix as subsequently approved in writing by the Local Planning Authority. The sample panel as approved in writing shall be retained on site and shall not be removed until such time as the external walls are complete.

Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area.

8. Prior to the commencement of development and notwithstanding the submitted drawings, details shall first be submitted to the Local Planning Authority for written approval of all eaves and verges of the farm house and garage and the development shall subsequently be completed to the details approved which shall be implemented prior to the first coming into use of the building.

Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area.

9. Prior to the commencement of development detailed plans and sections of the proposed windows and doors of the farm house at a scale of 1:20 together with details of the materials and proposed finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as subsequently approved.

Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area.

10. Prior to the commencement of development (including any demolition, site clearance, stripping or site establishment) there shall be submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. Such a scheme shall include full details of all new tree and shrub planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting, together with management proposals for existing trees and hedgerows to be retained along with measures for their protection in the course of the development. The landscaping scheme so approved shall be fully implemented before the end of the first available planting season (November to February inclusive) following the first coming into use of the development. Any plants which die or are lost or otherwise fail to establish in the first five years following the completion of the planting shall be replaced in the next available planting season with plants of the form and size as originally planted. The planting shall thereafter be allowed to grow and be maintained for the lifetime of the development.

Reason: In the interests of the visual appearance of the development and the amenities of the area.

11. Prior to the commencement of development details of all boundary treatments and hard landscaping shall be submitted to the Local Planning Authority for written approval and shall be completed in accordance with the design details as subsequently approved.

Reason: In the interests of the visual appearance of the development and the amenities of the area.

12. The precautionary working methods set out in the submitted ecological report at section 4.3.3 shall be followed during the course of the development.

Reason: In the interests of biodiversity and proper safeguard for protected species.

13. The proposed biodiversity enhancement measures for bats and swallows as detailed at section 4.3.2 of the submitted ecological report shall be incorporated in the development and be completed prior to the first coming into use of the development.

Reason: In the interests of biodiversity.

14. Manure or effluent generated from the proposed unit shall be managed in accordance

with the recognised Best Available Technique (BAT) outlined in the Protecting our Water, Soil and Air, A Code of Good Agricultural Practice for growers and land managers (DEFRA, 2009) to ensure so far as is possible that there is no reasonable cause for annoyance from any odours at any nearby sensitive receptors and pollution of controlled waters is prevented.

Reason: To protect local amenities from odour and prevent pollution of controlled waters.

15. 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 anti social hours.

16. The development, including demolition hereby permitted shall not take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement should include the following details:-

- I. A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
- II. Details of wheel washing facilities. All demolition/construction vehicles shall have their wheels cleaned before leaving the site;
- III. A scheme for recycling/disposal of waste resulting from the demolition/construction works;

Once approved, all relevant activities on the site should be carried out in accordance with the Construction and Environmental Method Statement throughout the course of the development. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

Reason: *To protect the amenities of the area from dust.*

17. 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.

Reason: *To protect the amenities of the area.*

18. 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 should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed 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. Following completion of measures

identified in the approved remediation scheme 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.

19. No top soil or fill material associated with the development, 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 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 validating 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.

20. In respect of the two agricultural buildings hereby approved the land and the buildings shall be used for agriculture and for no other purpose.

Reason: In order to restrict the use of the premises in the interest of the amenities of the area and the Green Belt.

21. If the agricultural buildings as shown on plan ref GF/CR/01/D (annotated as New Cattle Shed and New Storage Shed) hereby permitted ceases to be used for agricultural purposes in relation to the agricultural use of the holding, the buildings shall be removed and the land restored in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall implemented within 6 months of the date of the removal of the building.

Reason: In the interests of the visual landscape amenities of the area as the site lies within open countryside within the Green Belt and the building has only been permitted for reasons to serve an agriculture related need in accordance with Policy SS6c.

22. Within two months of the first use of the New Cattle Shed and New Storage Shed as shown on plan ref GF/CR/01/D the existing farm shed shown west of the outbuildings to be removed and the building parallel to Crowborough Road shall be removed from the land.

Reason: In the interests of the Green Belt and to keep the extent of development proportionate to the agricultural needs of the holding at Greenfields Farm.

23. In respect of the residential development the approved garden area shall be restricted to that defined by green edge on drawing GF/CR/01/C.

Reason: In the interests of good planning, for clarity and the avoidance of doubt.

Informatives

1. In relation to condition 3 – archaeological survey:

(a) Taking into consideration the scale of the proposals to entirely demolish this historic farmstead and its recognised historic significance, the Local Planning Authority is advised that a building recording survey be carried out prior to any works to all of the historic buildings. This work would record evidence of the original and any changing functions, the survival of historic fixtures and fittings and the use and management of space within and

between the buildings. It would effectively equate to a Level 3 survey as identified in the Historic England volume entitled 'Understanding historic buildings: a guide to good recording practice' (Revised May 2016). Further information on the historic farmsteads of Staffordshire can be found at www.staffordshire.gov.uk/historic-farmsteads

(b) This approach is supported by National Planning Policy Framework (NPPF) para 141 which states that '... they [Local Planning Authorities] should also require developers to record and advance understanding of significance of any heritage asset to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.'

(c) The building recording should be carried out by a suitably experienced historic environment professional or organisation working to the Chartered Institute for Archaeologists (CIfA) standards and guidance for the 'Archaeological investigation and recording of standing buildings and structures' (2014) and the Level 3 survey standard as identified in the English Heritage (now Historic England) volume entitled 'Understanding historic buildings. A guide to good recording practice' (revised May 2016).

2. In relation to Condition 4 – drainage: the aim should be to manage drainage by sustainable means within the site preventing foul discharge to watercourses and minimising any increase in flow rates of clean water to adjacent watercourses.

3. In relation to condition 9 – landscaping: it will be expected that the existing roadside hedgerows should be retained. Additional new landscape planting should aim to introduce further screening between the roadside and the new agricultural buildings.

4. A public footpath right of way passes through the site and this must not be obstructed at any time during the development and must remain available for public use on foot at all times both during development and on completion. Should temporary closure or diversion be necessary to allow the works to proceed then application should be made to the Staffordshire County Council Public Rights of Way officer. Contact: Rights of Way, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford ST16 2DH. Email: rightsofway@staffordshire.gov.uk
Tel: (01785) 277244 or 277247

5. The submitted ecology survey records evidence of swallows nesting in the application buildings. Swallows winter in North Africa and migrate to their breeding locations in Britain and Europe each spring often returning faithfully to the same sites. 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. This level of protection applies to Swallows. Site clearance and/or demolition cannot therefore take place where there are birds nesting. Typically this will be in the period mid February or, in the case of Swallows from April, to late 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. Based on the submitted professional ecology assessment it is judged unlikely that bats will utilise the buildings as a place of rest or shelter. However bats are protected by law and in the event that bats or bat droppings are encountered during the development 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.

7. 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: 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>
- Protecting our Water, Soil and Air, A Code of Good Agricultural Practice growers and land managers (Defra, 2009 [ISBN: 978 0 11 243284 5]), is available as a free download from the defra website: www.defra.co.uk
- The site is situated within a nitrate vulnerable zone and therefore manure disposal must therefore comply with the Nitrate Pollution Prevention Regulations 2015
- 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 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.

8. The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. There are not judged to be any adverse implications for neighbours or wider public amenity and street scene. Amended plans were agreed with the agent in the course of the determination in accordance with the principles of negotiation and amendment as advocated in the National Planning Policy Framework paragraphs 186-187.

X 

Signed by: Jane Colley

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 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.
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.