STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Miss Joanne Stanley
A & H Structures Ltd
Narlow Works
Narlow Lane
Ashbourne
DE6 2AT

Mr Hughes
New House Farm
Charles Knowle Lane
Rushton Spencer
SK11 0RB

Application no: SMD/2018/0327

Determined on: 25/07/2018

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:
New House Farm, Charles Knowle Lane, Rushton Spencer, Staffordshire SK11 0RB.

Description of Development:
Agricultural replacement building to house livestock and store fodder.

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:-

1253-001 Rev A;
1253-002 Rev B;
1253-003 Rev A;
1253-004.

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

3. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds and the results submitted to and approved in writing by the Local Planning Authority. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.

Reason:- All breeding birds, nests egss and young are protected from harm under the Wildlife and Countryside Act 1981 as amended.

4. Demolition shall be carried out carefully by hand. If bats are located work shall cease and an ecologist licenced to survey for bats shall be contacted and advice sought regarding the appropriateness of works continuing. Advice shall be obtained from Natural England. A European Protected species Licence may be required for work to proceed.

Reason:- In the interests of protected species.

5. The installation of the Barn Owl Nesting Box, three Sparrow Terrace Style Nest Boxes and Swallow Nests shall be in accordance with the details as set out within the supporting information 'Bird Boxes and Barn Owl Nesting Box' by A & H Structures Ltd and submitted as part of this application. The nests shall be installed in accordance with the aforementioned details prior to first use of the building hereby approved and shall remain in situ for the lifetime of the development.

Reason:- In the interests of protected species and biodiversity gain.

6. Before the commencement of development (including any demolition, site clearance, site stripping or site establishment) a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority (please see informative number 2). Such a scheme shall include full details of all new trees, shrubs and 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.

7. 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 growers and land managers (defra, 2009) to ensure as 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.

All generated manure shall be stored in a dedicated storage area, with sufficient capacity to store 6 months worth of manure. The manure storage area shall have an impermeable surface capable of containing, or facilitating the collection of, all manure generated leachate and sited at least 50m from all dwellings. The burning of manure as a means of disposal is not permitted.

Reason:- To protect the amenity of neighbours and pollution of the environment.

8. No fill material, used in connection with the above development is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development and the results submitted to and approved in writing by the Local Planning Authority. A methodology for demonstrating the material is suitable for its proposed use, shall be submitted to and agreed in writing by the Local Planning Authority prior to the material being imported.

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.

9. The development hereby permitted shall not commence until foul drainage plans have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason:- To prevent pollution of the water environment.

Informatives

1. The application has been assessed against adopted Development Plan policies (including paragraph 38 of the National Planning Policy Framework - July 2018) and any

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other material considerations. The application is acceptable and therefore there was no need for any negotiation, accordingly a sustainable form of development is approved.

2. In respect of condition number 6 the applicant/developer is advised to contact the Local Planning Authority before submitting any information in order to discuss potential planting locations.

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/

- During any demolition and construction activities (including landscaping) the contractor should 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).

- 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

- 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

The site is situated within a nitrate vulnerable zone and therefore manure disposal must therefore comply with the Nitrate Pollution Prevention Regulations 2008.

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 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.