STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr David Byatt
Byatt Oliver Associates
Unit 1B
Whitebridge Way
Whitebridge Industrial Estate
Stone
ST15 8LQ

Mr A Byatt & Mrs P Hughes
Far Lake Farm
Shaw Wall Lane
Whiston
Staffordshire
ST10 2HS

Application no: SMD/2019/0051

Determined on: 11th April 2019

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:
Far Lakes Farm Shaw Wall Lane Whiston Staffordshire ST10 2HT

Description of Development:
Proposed construction of cattle store and extension to existing hay store

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 permitted shall be carried out in accordance with the following approved plans: Dwg Nos. 5460-001 Rev A, 5460-002 Rev A and 5460-003.

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

3. Unless otherwise agreed in writing by the Local Planning Authority, the materials used in construction of the external walls and roofs of the buildings shall be as detailed on the approved plans, ref. Dwg Nos. 5460-001 Rev A and 5460-003.

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

4. The development hereby permitted shall not be commenced until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s), have been submitted and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved levels. 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 adjoining properties.

5. Within 1 month of the commencement of the development hereby approved, an Ecological Design Strategy (EDS) shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- Purpose and conservation objectives for the proposed work.
- Tree, shrub, hedge and wild flower planting plus establishment, focusing on native species that are attractive to pollinating insects.
- Detailed designs and methods to create a minimum of 12 nesting sites for house sparrow attached to the side of buildings.
- An artificial nesting site within the new agricultural building for barn owls.
- Multiple, minimum five artificial nest sites for swallows within the agricultural building.
- A lighting plan to ensure all biodiversity features are not adversely impacted by light.
- The location of features on appropriate scale plans.
- Timetable for creation of features.
- Persons responsible for overseeing and installing features.
- Details of initial aftercare and long term management (at least 10 years) for all features of the plan.

The EDS shall thereafter be implemented in accordance with the approved details prior to first occupation of the development hereby approved and all features shall be retained in that manner thereafter.

Reason - In the interests of biodiversity in accordance with Policy NE1 of the Core Strategy.

6. No development or other operations shall take place except in complete accordance with the recommendations in relation to precautions and working methods to avoid harm to bats, badgers and hedgehogs as detailed in Section 5 of the Preliminary Ecological Appraisal prepared by Elite Ecology and dated March 2019.

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Reason:- In the interests of protected species and habitats in accordance with Policy NE1 of the Core Strategy.

7. Unless prior permission has been obtained in writing from the Local Planning Authority, 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 unsocial hours.

8. Manure or effluent generated from the development hereby approved 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 or effluent 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.

9. No fill material, used in connection with the above development hereby permitted or associated farm track, is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. 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. Only material which has been confirmed as suitable by the testing shall be brought onto site.

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.

10. In the event that contamination, including surface coal measures, 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 submitted to and 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 exists to any identified receptors, development shall not recommence 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. 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, submitted to and approved in writing 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.

11. The machinery, plant or equipment including installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014. Prior to the installation of any plant or machinery, details shall be submitted to and approved in writing by the Local Planning Authority and thereafter the plant and machinery shall be installed in accordance with the approved details.

Reason:- To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

12. If the use of the buildings hereby approved for the purposes of agriculture within the unit permanently ceases, unless the local planning authority have otherwise agreed in writing, within 6 months the buildings shall be removed from the land and the land shall, so far as practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing with the local planning authority.

Reason: In the interests of the visual landscape amenities of the area as the site lies within open countryside and the buildings have only been permitted for reasons to serve an agriculture related need in accordance with Policies SS1, SS1a, SS6c and the NPPF.

Informatives

1. 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. As the application was considered

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acceptable there was no need for any negotiation or amendment as would otherwise be advocated within the National Planning Policy Framework paragraph 38.

2. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

• 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

• 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.

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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.
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