STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Mr Rob Duncan
Rob Duncan Planning
70 Ferndale Road
Lichfield
Staffordshire
WS13 7DL

Mr Plant
South Fields Farm Leek Road
Wetley Rocks
ST9 0AR

Application no: SMD/2020/0101

Determined on: 30th September 2020

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:
South Fields Farm, Leek Road, Wetley Rocks, Staffordshire, ST9 0AR

Description of Development:
Demolition of existing commerical buildings and stables and erection of new vehicle repair and storage building

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. Priot to the construction of the external walls of the building hereby approved, samples/details of the facing materials including colour 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.

Reason:- To ensure that the external appearance of the development is satisfactory and to comply with policy DC1 of the Staffordshire Moorlands Local Plan (2020) and the NPPF (2019).

3. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows 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 ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

4. The three buildings as shown on the approved Site Plan (Ref: 19/578/03/E) shall be demolished within one month of the completion of the replacement building hereby approved. All construction waste associated with the demolished buildings shall be removed from the site to a suitable waste recycling centre.

   Reason:- The development is only acceptable in Green Belt terms if the existing buildings that justified the proposed development are demolished and to comply with policy SS10 of the Staffordshire Moorlands Local Plan (2020) and the NPPF (2019).

5. The demolition of the buildings as shown on the approved Site Plan (Ref: 19/578/03/E) must not occur during the bird nesting season between 1st March and 31st August in any year. If this is not possible 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:- In the interests of nesting birds and to comply with policy NE1 of the Staffordshire Moorlands Local Plan (2020) and the NPPF (2019).

6. Should bats be found during the demolition of any of the buildings, a method of working shall be submitted to and approved in writing by the Local Planing Authority. The approved method of working shall thereafter be put in place with the contractors to ensure that no injuries to bats occur.

   Reason:- In the interests of nesting birds and to comply with policy NE1 of the Staffordshire Moorlands Local Plan (2020) and the NPPF (2019).

7. Prior to the occupation of the building hereby approved, details of a bat box and its location (on a tree on the adjacent land) shall be submitted to and approved in writing by the Local Planning Authority. The bat box shall be erected in accordance with the approved details prior to the occupation of the building hereby approved and thereafter retained.

   Reason:- In order to result in an enhancement for bat species, in accordance with policy NE1 of the Staffordshire Moorlands Local Plan (2020) and the NPPF (2019).

8. Prior to the commencement of development, a Demolition and Construction and Environmental Method Statement shall be submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-
   i) The hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
   ii) The arrangements for prior notification to the occupiers of potentially affected properties;
   iii) The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
   iv) A scheme to minimise dust emissions arising from 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. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;
   v) A scheme for recycling/disposal of waste resulting from the construction works;
   vi) During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary;
   vii) 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 works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to any deviation from it.

   Reason: To protect the amenities of the area, in accordance with policy DC1 of the Staffordshire Moorlands Local Plan (2020) and the NPPF (2019).

9. In the event that contamination, including any suspected asbestos containing materials (e.g. bonded cement), 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 continue further until an initial investigation and risk assessment has been completed in accordance with a scheme to be 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. The approved remediation shall be carried out prior to the first occupation of the development.

Reason:- To ensure that the proposed development meets the requirements of the NPPF (2019) 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. No top soil or fill material 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 shall be submitted to and agreed in writing by the Local Planning Authority prior to the soils being imported onto site. The methodology shall 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 NPPF (2019) 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. Details of any floodlighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the building hereby approved. The lighting shall be installed in accordance with the approved details and thereafter retained. 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 (residential) when the light(s) is (are) in operation.

Reason: To protect the local amenities of the local residents by reason of excess of luminance, and to comply with policy DC1 of the Staffordshire Moorlands Local Plan (2020) and the NPPF (2019).

12. The machinery, plant or equipment 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.

Reason:- To safeguard the amenity of local residents and that of the surrounding area from noise disturbance, and to comply with policy DC1 of the Staffordshire Moorlands Local Plan (2020) and the NPPF (2019).

13. No power tools or machinery which are audible at the site boundary/ies shall be used outside the fabric of the proposed building.

Reason:- To safeguard the amenity of local residents and that of the surrounding area from noise disturbance, and to comply with policy DC1 of the Staffordshire Moorlands Local Plan (2020) and the NPPF (2019).

14. No vehicles shall arrive, depart, be loaded or unloaded within the general site except between the hours of 06.00 and 19.00 Mondays to Saturdays and at no time on Sundays and Bank Holidays.

Reason:- To avoid the risk of disturbance to neighbouring dwellings during unsocial hours, and to comply with policy DC1 of the Staffordshire Moorlands Local Plan (2020) and the NPPF (2019).

15. The vehicle repair use hereby permitted shall take place only between the hours of 7am to 6:30pm Monday to Saturday and at no time on Sundays or Bank Holidays.

Reason: To avoid the risk of disturbance to neighbouring dwellings during unsocial hours, and to comply with policy DC1 of the Staffordshire Moorlands Local Plan (2020) and the NPPF (2019).

16. Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and hard standings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason:- To prevent pollution of the water environment and to ensure that the proposed development meets the requirements of the NPPF (2019) 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.

17. The development hereby permitted shall be carried out in accordance with the following approved plans:
- 19/578/03/E

- 19/578/04/E
- 19/578/06/D

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework (2019).

Informative

1. During the course of the consideration of the application the Council sought amendments to the proposals to ensure that it would comply with the relevant national and local policy governing development in the Green Belt. It is therefore considered that the proposals meet the provisions of paragraphs 186-187 of the NPPF.

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

   b) Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance.

   c) 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

   d) 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)

3. 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.

a) 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.

b) 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 and 'appropriate person'. In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

c) 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.

d) 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

e) 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.

f) 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.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

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 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.