DELEGATED DECISION REPORT

DET/2020/0050 **Valid 09/10/2020**	**HURST FARM EARLSWAY WATERHOUSES**	**DEMOLITION OF FORMER AGRICULTURAL BUILDINGS** **(DEMOLITION DETERMINATION)**

MAIN ISSUES

- Whether or not the method of demolition of the buildings applied for and any proposed restoration of the site is acceptable.

DESCRIPTION OF SITE

The site is in the open countryside to the south of the village of Waterhouses and comprises a number of former farm buildings which lie on the east side of Earlsway, directly to the other side of the road from the Lafarge cement works.

PROPOSAL

The application is a "Prior Notification" application for the prior approval of the Council to demolish all of the former farm buildings on site. Class B of Part 11 of the GPDO allows the demolition of certain types of building without the need to apply for full planning permission. However, the same legislation also requires that the site owner apply to the Council for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site. The reason for the demolition of the building is to prepare the land for a proposed "fuel storage and feed system" development which was approved by Staffs County Council, although it appears the formal decision is subject to the completion of a S106 Agreement.

The applicant explains via email that *"the application aims to enable me to submit a Bat Licence for the demolition of the 6 former agricultural buildings present at Hurst Farm. I am required to submit a copy of a Decision Notice for the buildings' demolition accompanying an application for a Bat Licence to Natural England, as there is a day roost present in one of the buildings.*

The buildings at Hurst Farm are required to be demolished to facilitate the erection of a fuel storage platform associated with the adjacent Cauldon Cement Plant. We benefit from a resolution to grant that application (SCC ref. SM.19/10/111 MW). However, the Section 106 agreement (relating to Community Liaison and Highways) is still being drafted and therefore I hope that by benefitting from Prior Application for the buildings' demolition, the applicant will at least be able to demolish the buildings in anticipation of the signing of the Section 106 and formal permission to construct the fuel storage platform. Receipt of Prior Approval from yourselves would enable

me to submit a Bat Licence to Natural England without having to wait for a signed S106."

The method of demolition would be by hand, small machinery and loaders.

Spoil and rubble would be re-used on-site to form hardstanding permitted under permission SCC ref. SM.19/10/111 MW wherever possible or otherwise transferred by HGV to licensed waste premises.

There was no other information accompanying the application other than an email and the application form. A location plan showing the site and buildings on site was emailed to the case officer 28 days after the application was submitted.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

N/A

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

Staffs County Council application SM.19/10/111 MW: Fuel storage and feed system. Decision pending. It was approved at SCC Committee subject to completion of a S106 Agreement.

CONSULTATIONS

Publicity

Site Notice: The applicant placed a site notice on 9.10.20 (as required under Part 11 of the GPDO) and submitted a copy with the application.

Neighbour consultation period ends: N/A
Press Advert: N/A

Public Comments

None.

Town / Parish Comments

None.

OFFICER COMMENTS

The demolition of buildings can lead to potential harms such as noise/polluting impacts on nearby neighbours, harm to the appearance of the area, loss of heritage assets (if the buildings have historical interest) and harm to the ecological value of the site particularly as bats tend to roost in rural buildings particularly if vacant. The main potential harms that could be identified in this particular demolition case would

be harm to residential amenity of the nearest dwellings via noise or other polluting effects and also harm to bats as a protected species.

When the application for the proposed plant including demolition of buildings was submitted to SCC, the SMDC Environmental Health Section were consulted and from the details in the SCC Committee Report for the application, no objection was raised and in relation to the demolition of the buildings raised no concerns over noise impacts affecting nearby residents providing works were undertaken during the day. There were no other concerns raised about the demolition.

The SCC Environmental Advice Team also raised no objection to the application but, in relation to building demolition, considered the following conditions should be added:

- submission of Biodiversity Mitigation Management Plan (BMP) prior to commencement of any site works including vegetation clearance and building demolition. BMP to include details of how retained grassland will be enhanced and then maintained; monitoring and remediation details; and details of swallow and bat mitigation measures;

- submission of details of how bats will be protected during building demolition prior to commencement;

Bats are a protected species and a day roost was discovered in one of the buildings, according to the applicant. No details of bat protection measures from the method of demolition have been given in the application and also no mitigation measures. Although mitigation measures do not relate to method of demolition, if the proposed plant was not approved or implemented, demolition could be undertaken with no mitigation measures and therefore impacts on the restoration of the site.

Furthermore, if permission was not granted for the proposed redevelopment of the site and the buildings were demolished, it has to be questioned how the site is going to be restored as the current restoration includes the formation of a hard-standing from the demolition spoil and rubble as well as the removal to waste site.

CONCLUSION

Overall, it is considered that Prior Approval will be required for the proposed demolition of the buildings and the details of bat protection and mitigation along with further details of restoration would need to be provided.

OFFICER RECOMMENDATION : PRIOR APPROVAL REQUIRED

Case Officer: Chris Johnston
Recommendation Date: 6.11.20

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council