STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Application no: SMD/2020/0607

Determined on: 31st December 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:
Fould House, Meerbrook Road, Leek, Staffordshire, ST13 8SQ

Description of Development:
Demolition of existing outbuildings and erection of replacement agricultural building; and installation of proposed air source heat pump and effluent plant.

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 Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

2. Only the development described above is permitted and it shall only be carried out in accordance with the following drawings identified and numbered as 'LOCATION PLAN' AR-E-100-ST-003; 'PROPOSED SITE BLOCK PLAN-EXISTING SITE' AR-P-100-ST-004; 'PROPOSED BARN GA' AR-P-100-00-003; and 'PROPOSED BARN ELEVATIONS' AR-P-200-XX-003 that were submitted with the application.

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework and because some of the plans show elements of other developments permitted under the terms of other planning permissions and don't form part of the proposals made with this application.

3. The development shall be constucted using the external facing and roofing materials that are specifed on the drawing identified and numbered as 'PROPOSED BARN ELEVATIONS' AR-P-200-XX-003 that was submitted with the application.

Reason:- To ensure that the works harmonise with the surrounding landscape.

4. All of the buildings shown on the submitted drawings with red dashed lines as 'existing buildings to be demolished' shall, as the first works of the development, be demolished and removed from the site befiore construction work commences to erect the replacement building.

Reason:- To ensure the new building is erected as a genuine replacement and to minimise the impact of the development on the surrounding landscape.

5. In the event that contamination is found at any time when carrying out the development hereby approved 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 exist to any identified receptors, development shall not continue 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 shall be 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.

6. No topsoil 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 and a suitable methodology for testing this material shall first have been 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 validating evidence confirming suitability shall be 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.

7. Any waste material associated with the demolition or construction hereby approved 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.

8. At any time during and following the completion of the development all exterior lighting installations shall be erected only in accordance with the protocols contained in the Institute of Lighting Engineers document "Guidance for the Reduction of Obtrusive Lighting" (2005) and the Bat Conservation Trust's "Artificial Lighting and Wildlife Interim Guidance: Recommendations to Help Minimise the Impact of Artificial Lighting" (2014).

Reason:- To minimise disturbance by artificial light to protected species including bats and minimise sky-glow across the site and in the interests of the visual appearance of the development and the amenities of the area.

9. The Ground Source Heat Pump and the Effluent Plant, the installation of which form part of the development permitted by this planning permission, shall only serve, and be used by the occupiers of either the existing dwelling at Fould House or the new dwelling to be built as a replacement under planning permission SMD/2019/0672.

Reason:- To ensure that the potential for any noise or odour pollution remains under the control of those residents that occupy the nearest adjacent dwelling.

10. The replacement agricultural building hereby approved shall be used only for the purposes of agriculture. It shall not be used at any time for domestic purposes, or for any other purpose incidental or ancillary to the existing or replacement dwelling at Fould House. The building shall be removed from the site within 6 months of the date on which it ceases to be required for agricultural purposes.

Reason: For the avoidance of doubt and to protect the character and appearance of the Open Countryside.

Informative

1. The confirmed presence of bats in the buildings proposed to be developed means that work can only take place if carried out in accordance with Natural England's licensing procedures for work which will affect European Protected Species details of which can be obtained from Natural England at https://www.gov.uk/bats-protection-surveys-and-licences. Failure to carry out the requirements in accordance with the legislation risks offences being committed which could result in legal action including prosecution.

2. 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. Site clearance, building alterations and/or demolition cannot therefore take place where there are birds nesting. Typically, this will be in the period mid-February to mid-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.

3. A public footpath right of way passes through the site and this must not be obstructed at any time during the development and must always remain available for public use on foot both during development and on completion. Should the temporary closure or diversion of the footpath 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

4. 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 regarding 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 based on 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 to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

3. 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 during the determination in accordance with the principles of negotiation and amendment as advocated in the National Planning Policy Framework at paragraph 38.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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

10. 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.

11. 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.