

6 Heather View
Ball Green
Stoke on Trent
Staffordshire
ST6 8BB

23rd March 2023

To whom it may concern

Ref DOC/2022/0085 following permission under application SMD/2021/0179

The application referred to above was the 3rd submission of a planning application to erect a new barn, to extend an existing one, to retain the use of an installed track (retrospectively) and to build a slurry tank at Ball Green Farm. I mention this before continuing to remind officers that this is in fact one planning application and NOT four separate ones, the reason for this reminder will become evident as I continue and should serve to remind officers that conditions attached to the approval were for the entire application and NOT parts.

As Stoke on Trent residents we have consistently appealed to officers and councillors for over 3 years to understand the impact this development would cause to our privacy, our general health and wellbeing, and our legal right to the quiet and peaceful enjoyment of our homes. Despite all concerns and evidence supplied as part of the consultation with regards to the impact on us as residents Staffordshire Moorlands Planning Committee took the decision to approve the application back in June 2022. At the committee meeting we were assured by the Chair, Councillor Paul Roberts, in front of the Head of Development Services Ben Hayward, based on comments on the day, previous complaints and concerns reported by ourselves and comments made by other committee members present that our concerns about our previous complaints not being taken seriously and for the disregard shown by the owner this development would be closely monitored and future complaints made by ourselves would be taken seriously, investigated appropriately, and acted on where necessary. As predicted in our opening statements at the Committee meeting we feel that yet again this has proven to be misleading and in fact a falsehood as our many concerns are not being dealt with by staff from Staffordshire Moorlands and once again the applicant continues to disregard any conditions agreed as part of the approval process.

We refer you back to the decision notice sent to the applicant and his agent (a public document) and provide below my formal comments and concerns that have occurred thus far against the 12 conditions contained within it. This is not the first time of raising concerns and we therefore now wish to receive a formal response from yourselves as to what action you are planning to take with a definitive timeline. This is to allow us to consider our next steps in taking this matter further.

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)*

COMPLIED WITH – as officers were aware it had begun before the 31st August 2022, when following a site visit, as result of the noise and use of the track being used consistently it was confirmed in an email that concrete was being poured into bore holes.

2. *The developments hereby permitted shall only be carried out, retained or completed in accordance with the drawn and written detail shown on the following approved plans referenced and numbered 1702-AL01B, 1702-AL02B, 1702-AL03B, 1702-AL04B, and 1702-AL05A that were submitted with the application. Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance Page 2 of 6 with the National Planning Policy Framework.*

YET TO BE COMPLIED WITH - This has yet to be proven given that condition 4 below clearly stipulated that before the actual commencement of any work the layout of the building including siting and heights were to be verified by the Council

3. *The freestanding agricultural building **AND** the extension to the agricultural building shall only be constructed using the external facing and roofing materials that are specified and detailed on the drawings numbered 1702-AL03B and 1702-AL05A respectively. The finished facing colour of the roof material used in the construction of development, shall only be a dark green colour. There shall be no variation without the prior consent in writing of the Local Planning Authority. Reason:- To ensure that the works are in keeping with adjacent development.*

NOT COMPLIED WITH - whilst the new barn has a green roof the extension to the existing does not. The condition clearly references both buildings and the entire development. When I reported to this to officers, I was told to submit a photograph – It is not my responsibility to consistently provide the evidence when a planning team and a compliance team are employed by Staffordshire Moorlands.

4. *The erection of the freestanding agricultural building hereby permitted shall not commence until the Local Planning Authority has inspected and approved in writing, the pegging or setting out of its precise position, together with a means of indicating the height of the building's finished floor levels on the site. The building shall thereafter be erected in accordance with those approved details. Reason: To control the impact and height of the building in comparison to adjacent land levels.*

NOT COMPLIED WITH. As mentioned above I have written to officers on many occasions raising concerns, they have confirmed in writing that they were not even aware that construction had started! This is a disgraceful action by the farmer and his agent, when at the Committee we had already raised our concerns regarding the siting as there had been excavation undertaken and land levels built up and altered during lockdown before an application was even submitted. Again, all this was submitted in writing and evidenced with photographs to yourselves. All officers would say was that it was at the farmer's risk! Further excavation however even took place during construction, which changed and increased land levels around our properties. Accurate land levels were to be checked to ensure the new barn did not impinge on us and would not be overbearing. There is absolutely no evidence, and inspection or approval in writing that the barns are in the precise location or height as agreed by the planning committee. This was a major concern of ours which we formally raised in an official public service committee meeting and yet again has gone unchecked despite the assurances given to ourselves.

5. *No fill material, used in connection with the above development 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, should be submitted too and agreed 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.

NOT COMPLIED WITH – material has already been imported and buried on the site before officers were even aware that construction had commenced.

6. *In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed 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 commence 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 prepared, and is subject to the approval in writing of 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, and is subject to the approval in writing of 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. Page 3 of 6.*

NOT COMPLIED WITH - by reason of condition 5 not being met

7. *There shall be no artificial lighting incorporated into, installed or used at this application site that increases the pre-existing illuminance at the adjoining light sensitive locations when they are in operation. Reason:- To protect the local amenities of the local residents by reason of excess of illuminance.*

NOT COMPLIED WITH – lighting was installed and reported in writing to officers on the 17th January 2023. despite numerous emails from ourselves, photographic evidence of the illumination within our actual homes (never mind our gardens) and consistently reminding officers of this intrusion to our privacy absolutely nothing has been done to rectify this matter. worse still officers explained the applicant would be “checking this”. Why they would need to be checking this when it was clear from photographs taken within our home is incredulous. This resulted in a police matter of reported harassment when they were stood on their tractors peering into our homes! This was reported to your officers over 9 weeks (2 months ago) and absolutely nothing has been done about this intrusion, despite all the assurances at the planning committee that matters would be taken seriously. We are unable to sleep, are faced with lights directed into our homes and yet despite providing numerous photographic evidence on the matter the light has not been adjusted or even turned off, which given that the construction is reported as “still in progress” is unnecessary to even have switched on at all!

8. *The rating level of sound emitted from any fixed plant and/or machinery associated with the development at the use hereby approved shall not exceed background sound levels by more than*

5dB(A) between the hours of 0700 - 2300 (taken as a 15 minute LA90 at the nearest sound-sensitive premises) and shall not exceed the background sound level between 2300 - 0700 (taken as a 15 minute LA90 at the nearest/any sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority. Reason:- To protect the amenities of nearby residents and comply with policies list specific policies.

WE DO NOT BELIEVE THIS IS BEING COMPLIED WITH – the track is still used at all times and before 7:00am which means that sounds levels are being increased over the background noise at those times. However, when noise is mentioned to officers, we are told there's always more with construction sites! Most construction sites are limited to their working hours in respect of their neighbours. By way of example at 8:30pm on Wednesday 22nd March we were disturbed by hearing an extremely loud pounding noise (recording is available) that could be heard over the sound of our own television, at the rear of our home and in the street in front of our home. This noise was emanating from the extended barn. We would respectfully ask officers to install noise monitoring equipment as soon as possible to record this accurately.

9. *No deliveries including movement of animals shall be received or dispatched from the site using the access road hereby permitted outside the hours of 07:00 and 19:00 nor at any time on Sundays, Bank or Public Holidays. Reason:- To protect the amenity of the locality, especially for people living and/or working nearby.*

NOT COMPLIED WITH – again the track is used consistently before 7:00am and on Sundays.

10. The terms of the 'odour management plan' that was submitted on the 27th May 2021, shall at all times be observed and complied with throughout the life of the developments and for the duration of their use. Reason:- To ensure that any concentration of odour in the vicinity is minimised and to protect the amenity of the locality, especially for people living and working nearby, and/or a nuisance is not caused.

YET TO BE SEEN IN ACTION

11. *The existing access with the highway from Gorsey Bank at the northwestern end of the site shall only be used for the purposes of transporting sileage to the site on no more than a maximum of 6 days per calendar year. Within 6 months from the date of this permission a new farm gate shall be erected and installed across this access in a position that is to be set back a minimum of 10m from the carriageway edge. Reason:- To limit the use of a highway access with a narrow residential lane opposite dwellings. Page 4 of 6*

NOT COMPLIED WITH – we have consistently recorded and provided evidence that the access to the highway is being used as a main access and not as per the agreed planning proposal. On one occasion the land behind our homes and the access to Gorsey Bank was used for over 2 weeks by a local waste company – according to officers to whom we reported this “as a favour to a friend”. We were astounded that this was the professional response of planning officers! When we report the access being abused daily all your officers say is that the applicant will be putting

in an additional application! This is not an open and transparent process and could be construed as outside of planning law with regards to the initial application. It appears to be a blatant lie submitted at the time of the application, by both the agent and owner, who signed legal documents stating this fact to get the planning application agreed. We have consistently raised this as being a main thorough fair that was causing intrusion to our privacy, inappropriate illuminance and noise and we were assured that this would be for no more than 6 days per year. Despite consistently providing evidence of this not being the case, yet again nothing has been done. Officers simply say it is construction traffic and yet our video evidence clearly shows tractors towing silage spreading machines, and tractors towing trailers full of silage etc. This is clearly nothing to do with construction!

With regards to the 2nd reference in this condition whereby a farm gate was to be installed within 6 months of the application notice date an actual gate, although not secure as even at the point of writing is still open from the roadway to its post, was finally installed on the 15th February 2022, some 8 months after the decision notice, and only because I wrote to the Chair of the Planning Committee and officers and provided photographic evidence of the lack of gates on 2nd February 2022.

12. *Before the development is brought into use landscaping and planting shall be carried out in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The landscaping and planting shall thereafter be retained and maintained, in accordance with the detail of the approved scheme, throughout the life of the development. Reason:- To ensure a satisfactory appearance within the landscape setting and to provide some screening between the development and residential neighbours.*

DOC/2022/0085 has been submitted but the proposal fails to address the landscaping required for the whole development. The whole development as pointed out at the beginning of this letter clearly reminds the reader that the application, including its landscaping requirements were not just for the new barn, but the extended one, the track and the silage pit. The wholly inadequate use of a row of hedges to the rear of the new barn cannot be considered as a landscaping plan and is wholly unacceptable to us as residents and does not reflect in any way the discussions that took place at the planning committee meeting.

It is quite disturbing to see a discharge of conditions document being submitted for 3 items when there were 12 included. What is more disturbing is that the applicant and his agent have clearly disregarded the most important clause being that **NO** construction should begin until the site was pegged and inspected and the heights, locations etc checked. Despite this officers still have not checked and assured us as residents that this building has being built in the correct location, height and size and therefore we respectfully request that the evidence is now supplied to us as part of a Freedom of Information request.

Secondly under the same FOI we request the evidence to show that all materials brought onto site have been tested.

We expect that officers now follow their own procedures and demonstrate that the applicant was given 28 days' notice to amend the lighting matters raised formally by ourselves, given the evidence also supplied by ourselves which clearly demonstrates inappropriate and intrusive illuminance of our homes. We therefore expect this lighting to be adjusted forthwith.

We expect to see the so called planting scheme resubmitted to cover the entire application and not just one side of the new barn, and as per conditions imposed we expect officers to ensure that the barns are not used until this scheme has been formally approved.

At completion we expect officers to confirm compliance by the applicant with regards to sound proofing materials as per the application – again before either the new or the extended barns are used.

And finally with regards to the noise levels we do not expect to be passed to another department for us to have to request the noise be monitored when we have been reporting this to yourselves now for over 3 years.

We look forward to your formal written response to all matters.

Yours sincerely

Mrs Tracy Kirton on behalf of residents of Heather View, Ball Green, ST6 8BB