The Planning Inspectorate

Appeal Decision

Site visit carried out on 17 March 2016

by Mrs J A Vyse DipTP DipPBM MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 May 2016

Appeal Ref: APP/B3438/W/15/3140510
Endon Riding School, Coltslow Farm, Stockton Brook, Stoke-on-Trent ST9 9LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr T Asplin against the decision of Staffordshire Moorlands District Council.
- The application No SMD/2014/0838, dated 22 December 2014, was refused by a notice dated 17 September 2015.
- The development proposed is described on the application form as part demolition of existing buildings and provision of up to 10 No dwelling houses with ancillary facilities and associated infrastructure.

Decision

1. For the reasons that follow the appeal is allowed and planning permission is granted for part demolition of existing buildings and provision of up to ten dwelling houses with ancillary facilities and associated infrastructure at Endon Riding School, Coltslow Farm, Stockton Brook. Stoke on Trent, in accordance with the terms of the application, No SMD/2014/0838, dated 22 December 2014, subject to the conditions set out in the attached schedule.

Application for Costs

2. An application for costs was made by the appellant against the District Council. That application is the subject of a separate Decision of even date.

Preliminary Matters

3. This is an outline application with all matters other than access reserved for future consideration. As originally submitted, the scheme proposed up to 12 dwellings. However, prior to determination by the Council, the application was amended. The maximum number of dwellings was reduced to ten (that is reflected in the header above) and the site boundary was re-drawn to exclude paddocks to the west and land to the north of the brook that runs along the rear of the site, including a band of trees, reducing the area of the application site to 0.62 hectares (1.52 acres). In essence, the appeal site comprises the extent of the existing buildings and associated curtilage (Dwg No 610-CPP-01E).

4. The application was accompanied by a number of plans and technical reports. Other than the proposed vehicular access, the details shown on the plans are for illustrative purposes only and I have treated them as such. The vehicular access would be taken off Stanley Moss Lane, with visibility splays of 2.4 x 33 metres (Dwg No 610-SL-07A).

5. A completed planning obligation was submitted with the appeal. In essence, it secures an overage/claw-back provision in relation to affordable housing. I return to this matter later on.

6. The planning application was originally considered by the planning committee on 13 August 2015 when, notwithstanding a recommendation for refusal, Members resolved to approve it subject to the submission of a planning obligation. After the meeting however, questions were raised about the decision making process in respect of this application. As a consequence, although discussions were ongoing with a view to finalising the planning obligation to allow for issue of the decision notice, the application was reported back to the planning committee at its meeting on 17 September 2015, when it was considered afresh and was refused. Whatever the background to the decision making process in this case, it would seem that no formal decision notice was issued following the committee meeting in August. Only the one signed and dated decision notice (17 September 2015) has been brought to my attention, which sets out that planning permission is refused. I shall proceed on that basis.

7. Shortly after the site visit, a judgement was handed down by the Court of Appeal (Civil Division) on appeal from the Administrative Court Planning Court[1]. It considers the proper interpretation and application of the National Planning Policy Framework, in particular paragraph 49, which advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the Council cannot demonstrate a five year supply of housing land. The judgment interprets and applies paragraph 49 in a way that leaves flexibility with the decision maker to determine what policies fall within the ambit of paragraph 49 and how much weight hey should be given in the overall planning balance. The comments of the main parties were sought on any implications of the judgement for their respective cases. I have taken the comments received into consideration in coming to my decision.

Main Issues

8. The appeal site lies outside any defined settlement boundary and thus, in planning policy terms, is located in open countryside. It also lies within the Green Belt. In rural areas, and other than on allocated housing sites, policies SS6c and R2 of the Council's Core Strategy Development Plan Document (adopted March 2014) restrict new development to specific categories. The appeal does not relate to an allocated site and the scheme proposed does not fall within any of the categories set out in those policies. However, the Council accepts that it cannot currently demonstrate a five year supply of housing land. Since the policies influence the supply of housing by restricting the locations where new housing can be developed (and thus are relevant for the supply of housing) they are not, having regard to paragraph 49 of the Framework, to be considered as up-to date. The effect of that, is that the presumption in favour of sustainable development is to be applied, although that is not to say that the policies should be disregarded. Rather, they are to be given the weight they are due in all the circumstances of the case.

[1] Mr Justice Supperstone [2015] EWHC 132 (Admin) Mrs Justice Lang [2015] EWHC 410 (Admin) Suffolk Coastal District Council and Hopkins Homes Limited and SSGLG, Richborough Estates Partnership LLP and Cheshire East Borough Council and SSGLG 17 March 2016 [2016] EWCA Civ 168

9. In this case, I find the policies to be, for the most part, general in their nature, which limits the weight they attract in this instance. However, part 6 of policy SS6c relates to development in the Green Belt. As such, it has a specific and focussed purpose, namely to protect the Green Belt from inappropriate development other than in very special circumstances, in accordance with Government policy. Since the Framework makes clear that substantial weight is to be given to any harm to the Green Belt, I afford part 6 of policy SS6c full weight, notwithstanding that it is not up-to-date.

10. In that context, the main issues in this case relate to:

- whether the proposal comprises inappropriate development, having regard to the Green Belt policies of the development plan and the National Planning Policy Framework;
- highway safety;
- and whether future occupiers would have reasonable access to shops, services and facilities.

Reasons for the Decision

Green Belt

11. The appeal site is part of a larger area of land in the control of the appellant, all of which lies within the Green Belt. Buildings currently on the site include a substantial three-storey dwelling house, separate two-storey staff accommodation (the annexe), a large indoor manège with adjoining stables and separate stable blocks and outbuildings. The buildings are, for the most part, surrounded by areas of hardstanding and an access road that wraps around the western end of the indoor training building, culminating in a concrete courtyard to the rear of the house. It is proposed to demolish all but the house and the annexe – the house would be retained as a dwelling, with the annexe converted to two dwellings – with new dwellings proposed on the remainder of the site.

12. Part 6 of policy SS6c of the Core Strategy sets out that strict control is to be exercised over inappropriate development within the Green Belt, allowing only for exceptions as defined by Government policy. Among other things, paragraph 89 of the National Planning Policy Framework (the Framework) allows for the limited infilling, or the partial or complete redevelopment, of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt, and the purpose of including land within it, than the existing development.

13. Agriculture is excluded from the definition of previously-developed land. However, whilst the buildings on the appeal site may previously have been used for the purposes of agriculture, they are currently used in connection with the appellant's riding school operation. In planning terms, equestrian use is different from agricultural use. I am satisfied, in this regard, that the appeal site comprises previously-developed land.

14. In terms of openness, the development proposed would, as set out in Table 2 contained within the grounds of appeal, result in a decrease in built form, from around 12,492 cubic metres to approximately 10,257 cubic metres, a reduction

of around 18%. Floor area would also reduce, with the appellant's Addendum Planning Statement also confirming that the new dwellings would be lower in their collective scale and massing, resulting in a reduced impact upon the openness of this part of the Green Belt.

15. The Green Belt serves five purposes: to check the unrestricted sprawl of large built up areas; to prevent neighbouring towns from merging; to assist in safeguarding the countryside from encroachment; preserving the setting and special character of historic towns; and to assist urban regeneration by encouraging the recycling of derelict and other urban land. The development proposed would be confined to previously-developed land, with an overall reduction in built form and footprint. As such, I am satisfied that the appeal scheme would not represent sprawl, it would not result in, or contribute to a merging of neighbouring towns, and it would not encroach into the countryside. It is no part of the Council's case that the appeal site lies within the setting of an historic town and there is nothing to suggest that the appeal scheme would discourage development of previously-developed land elsewhere.

16. To conclude on this issue, the development proposed would involve the redevelopment of previously-developed land, the openness of the Green Belt (one of its essential characteristics) would be enhanced, and there would be no conflict with the purposes of including land in the Green Belt. Having regard to the advice at paragraph 89 of the Framework, I am satisfied that the appeal scheme would not comprise inappropriate development in the Green Belt. I find no conflict therefore, with part 6 of policy SS6c of the Core Strategy, or with the Framework.

Highway Safety

17. Whilst the required visibility splays of 2.4 x 33 metres can be achieved at the proposed access from the site onto Stanley Moss Lane, local residents are very concerned in relation to traffic using the junction of the lane with Stanley Road.

18. I negotiated the junction by car before and after the site visit and saw that visibility to the right, on exiting Stanley Moss Lane, is significantly impeded by the presence of a stone boundary wall that is set hard up against the curving carriageway edge – there is no footway here. As a consequence, drivers are required to edge out onto Stanley Road without being able to see oncoming traffic from the right. Visibility to the left is better, but is still restricted to some extent by the curvature of the road.

19. Stanley Moss Lane is a long no-through road. At the far end are some 15 or so detached dwellings. All vehicular traffic associated with those existing dwellings already uses the junction, in addition to the riding school traffic and traffic associated with dwellings adjacent to the appeal site. Whilst local residents refer to numerous non-fatal accidents, no detail is provided of the precise location of those incidents, nor is there any detailed information about their direct cause/nature. No formal accident records are before me to demonstrate that, whatever its shortcomings, the existing, long-standing geometry of the junction creates a significant accident black spot.

20. In coming to a view on the scheme before me, I am advised that the appeal site provides some 25 liveries that are managed daily by the horse owners, with each of the horses typically being visited 2-3 times a day. In addition, I understand that the indoor manège attracts visitors for classes on a daily basis.

The unchallenged evidence before me is that the existing operations can generate more than 150 two-way vehicle movements per day. The TRICS[2] database suggests that, for countryside locations such as this, ten dwellings might be expected to generate 73 two-way daily traffic movements. That would represent a significant reduction in the amount of traffic using the existing junction.

21. In the absence of any substantiated evidence to show, for example, that there would not be a reduction in traffic movements, or that the anticipated reduction would somehow exacerbate the existing situation, I am not persuaded that the appeal scheme would compromise highway safety here. In reaching this view, I am mindful that the local highway authority raises no objection and that the matter did not form part of the reason for refusal. I find no conflict therefore, with policy T1 of the Core Strategy which requires, among other things, that all new development is located where the highway network can satisfactorily accommodate traffic generated by a proposed development.

Access to Shops, Services and Facilities etc

22. In addition to policy SS6c, the Council's Decision Notice refers to conflict with policy SS1, which requires, among other things, that new development will make best use of previously-developed land, following a sequential approach to the sustainable location of development. Although not referred to on the Decision Notice, the Council's written statement indicates that policy SD1 gives encouragement to development on previously-developed land in accessible locations. It also refers to policy SS4 which, among other things, sets out a preference for previously-developed sites and sites within urban areas, before greenfield and edge of urban areas.

23. I have found that the appeal site comprises previously-developed land. However, the Council, and others, consider the appeal site to be isolated from shops, services and facilities. In support of the appeal, the appellant refers to the 'Accession' output for the site,[3] which shows that whilst the site is remote from towns within the District, a range of facilities, including a post office, convenience store, doctor's surgery, church, children's nursery and a primary school, pubs, hairdressers, village hall, shops and leisure facilities are within a 2 kilometre walking distance of the appeal site, located mostly at Endon. The Core Strategy categorises Endon as a Larger Village which, together with the towns within the Authority area, are identified as being the rural centres for services, facilities and jobs, acting to sustain the rural areas and are expected to accommodate the bulk of the District's housing and employment development needs. Further services and facilities are found within 5 kilometres cycling distance of the appeal site, in the villages towards Burslem in the west and Leek to the east. I am mindful, in this regard, that Government advice in the publication Manual for Streets suggests that walking offers the greatest potential to replace short car trips, particularly those under 2 kilometres.

24. However, the shortest walking route to Endon is along a public footpath that passes across the fields a short distance to the north of the appeal site, which

[2] Trip Rate Information Computer System – a database of trip rates for various types of development in the UK for transport planning purposes.
[3] I am advised that Accession is the software recommended by the Department for Transport for informing judgements on accessibility of development sites.

heads north-west crossing the nearby canal. Moreover, the minimum distances assume links to the public footpath from the site, across land that is outside the appeal site, although it is land that is under the control of the appellant. Alternatively, the footpath can be accessed from the far end of Stanley Moss Lane. Whilst that reduces the length of the route that is traversed over fields, the lane has no footways, is unlit, and levels drop, albeit gently, towards the canal. It also increases the travel distance by around 0.2 kilometres. Travelling to Endon by road increases the journey length further still. Even then, the route is not conducive to walking, given speed limits and the absence of footways/street lighting. That said, the appeal site is reasonably close to Endon and would be within a fairly short cycling distance of the settlement, although the topography and route safety may discourage younger and less experienced cyclists.

25. Limited information is before me in relation to the bus services accessible from the site. The Council indicates that Hanley/the outer conurbation of Stoke and Leek are accessible in around 30-45 minutes by bus, with the appellant suggesting that Tunstall, Hanley and Leek, in addition to villages along the route, are within a 45 minute bus journey, including the walk to the bus stop. Whilst there are bus stops within some 800 metres of the site, they do not support frequent services to the towns/conurbation. However, the bus stops in Endon, where there are more frequent services, lie within approximately 1 kilometre of the site, depending on the route taken.

26. I recognise that the site is remote from some facilities, and therefore is not as accessible as a more central or urban location. Overall however, whilst it has some shortcomings, I am satisfied that the site does offer opportunities for walking, cycling or using public transport instead of future occupiers being wholly reliant on the private car, with any such journeys being relatively short, given the location close to a sustainable settlement. As such, I consider that, whilst not ideal, this previously-developed site is not in an unacceptably remote location, with future occupiers having what I consider to be reasonable access to shops and services. I find no fundamental conflict therefore, with policy T1 of the Core Strategy which seeks, among other things, to reduce reliance on the private car for travel journeys and reduce the need to travel generally, or with policies SS1, SD1 and SS4.

27. In support of the appeal, the appellant drew attention to a publication entitled North West Sustainability Checklist and to allowed appeal decisions where the Checklist was referenced, as well as other appeals where accessibility was an issue but which succeeded. The appellant goes on to assess the scheme the subject of this current appeal against that same Checklist. However, the appeal site does not lie within the North West and there is no information before me about the provenance of that document. I have, therefore, considered the proposal on its own particular merits, taking account of the site specific circumstances involved in this case.

Other Matters

28. The Parish Council is concerned that insufficient parking is shown for three of the units. However, this is an outline application with matters including layout reserved for future consideration - the layout details submitted are illustrative only. Were the appeal to succeed, a condition could ensure that adequate parking was provided for each property.

29. Whilst it is no part of the Council's case that the development proposed would harm the character or appearance of the area, with the Parish Council having no objection in principle to the proposal, others have raised concerns in this regard. However, this is an outline application with matters of scale, appearance, layout and landscaping reserved for future consideration. Whilst I share the reservations of the Council in relation to the suburban layout and house types shown on the illustrative plans submitted, I see no reason why a more appropriate, high quality scheme, that has more affinity and resonance with its rural context and the local architectural vernacular, could not be secured at detailed design stage. Indeed, it seems to me that there would be scope for a significant improvement in terms of the character and appearance of the area, given the bulky, utilitarian buildings currently on the site.

30. Neighbours are concerned about the relationship of the nearest of the dwellings shown on the layout plan and their property, The Dales, which they feel would be overwhelmed by the appeal scheme. However, layout is a matter reserved for future consideration, the plan submitted being illustrative only, as are the dwelling elevations that have been submitted. Were the appeal to succeed, detailed layout and elevation plans would need to be submitted which would be considered by the Council in the first instance. Matters that would be considered at that time would include the relationship between the dwellings proposed and existing properties. As it is, I have no reason to suppose, given the size of the appeal site, that it would not, in principle, be possible to accommodate up to ten dwelling houses on the land (three of which would be in existing buildings to be retained) without having a material adverse effect on the living conditions of adjoining occupiers.

Unilateral Undertaking

31. Financial evidence submitted with the application demonstrates, to the satisfaction of the Council that, at the present time, provision of any element of affordable housing as part of the scheme would render the scheme financially unviable. However, the appeal is accompanied by a unilateral undertaking which provides for a re-appraisal of the viability of the scheme as it is built out. Should it be demonstrated that the margins of viability/profitability increase after the grant of any planning permission, to the extent that the provision of affordable housing (up to a maximum of 33% of the total number of dwellings provided) is viable, the obligation secures such provision either on-site, or by means of a commuted sum payable to the Council.

32. The Council has confirmed in writing, that the content of the submitted undertaking is acceptable to it. However, the Government's Planning Practice Guidance (planning guidance) sets out that viability assessment in decision taking should be based on *current* (my emphasis) costs and values, confirming that planning applications should be considered in today's circumstances. Although it goes on to explain that, where a scheme requires phased delivery over the medium and longer term, changes in the value of development and changes in costs of delivery may be considered, I have no reason to suppose in this case, given the limited scale and nature of the development proposed, that it would be likely to be brought forward other than in a single phase or over a long term. On that basis, I am not persuaded that the provisions of the undertaking meet the relevant tests. In particular, it is not necessary to make the development acceptable in planning terms. I give it no positive weight therefore, in the overall planning balance.

Overall Planning Balance and Conclusion

33. At the heart of the Framework is a presumption in favour of sustainable development. For decision taking, it sets out that, in circumstances such as this, where the Council cannot demonstrate a five year housing land supply, with the consequence that policies relating to the supply of housing are not up-to-date, permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or where specific Framework policies indicates otherwise.

34. I have found that the development would not be inappropriate in Green Belt terms and, given the overall reduction in traffic movements compared to the existing lawful use, I find that there would be no material implications for highway safety, notwithstanding the restricted visibility at the junction of Stanley Moss Lane with Stanley Road. I have also found that, whilst it does have some shortcomings, this brownfield site lies close to a sustainable settlement and is not in an unacceptably remote location, with future occupiers having reasonable access to the shops, services and facilities that might be required on an everyday basis.

35. In addition, paragraph 19 of the Framework advises that significant weight should be placed on the need to support economic growth through the planning system. There would clearly be demand for labour and construction in connection with the appeal scheme. I see no reason either, why future occupiers might not generate additional spend in the local area. Those economic benefits carry significant positive weight. The provision of market dwellings at a time when the Council cannot demonstrate a five year supply of housing land is also a benefit of the scheme and, subject to detailed design, the development would result in an improvement in terms of the character and appearance of the area. Those considerations would chime with the economic, social and environmental roles of sustainable development as set out in Core Strategy policies SS1 and SS1a, and in the Framework

36. So, looking at the overall planning balance, whilst there would be conflict with the housing land supply policies of the development plan, those policies attract very little weight in light of the Council's current housing land supply circumstances. On that basis, I am satisfied that the appeal scheme does not conflict with the vision and spatial strategy for the District when the development plan is considered as a whole. Moreover, even acknowledging that there are some shortcomings in terms of accessibility, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken in the round. Accordingly, the proposal can be considered as comprising sustainable development and thus benefits from the presumption in favour of such as set out in the Framework. I conclude, therefore, for the reasons set out above, that the appeal should succeed.

37. I recognise that this outcome will be disappointing for those who object to the scheme and am mindful, in this regard, of the Government's 'localism' agenda. However, even under 'localism', the views of local residents, very important though they are, must be balanced against other considerations. In coming to my conclusions on the issues that have been raised, I have taken full and careful account of all the representations that have been made, which I have

balanced against the provisions of the development plan and the National Planning Policy Framework. However, the evidence in this case leads me to conclude that the appeal should be allowed.

Conditions

38. The appellant has suggested a number of conditions in the event that the appeal was to succeed. These were amended and supplemented by the Council in later correspondence. I have considered the conditions in the light of the Council's comments, together with related advice in the Framework and the planning guidance.

39. Suggested condition 5 contains a number of elements. Layout and external appearance, which would include surfacing materials, are reserved matters. Further conditions requiring the submission of such details are therefore unnecessary. Parking and surface water drainage are addressed below.

40. Suggested condition 10 requires the submission of foul drainage details. Foul drainage is covered under the Building Regulations. On the basis of the evidence before me, I have no reason to suppose, that foul drainage provision is likely to be an issue on this site, such that a planning condition is also required in this regard.

41. Suggested condition 12 requires that no dwelling should be constructed within the Stanley Pool Reservoir Inundation Zone. There is no indication, however, that any part of the appeal site (as revised) is within the Inundation Zone. The appeal site sits on top of a steep embankment which slopes down to the adjacent watercourse, some 5-8 metres below the level of the site. Moreover, there is no suggestion in the Flood Risk Assessment that the appeal site (as opposed to the wider area that was included in the original red line application site) lies in anything other than Flood Zone 1. I am not persuaded, therefore, that the suggested condition is relevant in the circumstances.

42. Suggested condition 19 requires a site specific noise assessment, going on to set noise levels for the accommodation proposed. However, this is a rural area and, in the absence of any evidence to demonstrate that this is a particularly noisy environment, or to otherwise support the need for such a condition, I am not persuaded that it is necessary.

43. In addition to the standard conditions relating to the submission of reserved matters (1, 2, 3)[4] I consider it necessary for the outline permission to define the maximum capacity of development, especially since the application was amended whilst under consideration by the Council (4). In addition, given my finding that the development proposed is not inappropriate in the Green Belt, based in part on a reduction of built development on the site, a condition is necessary to limit the maximum volume of development permitted, including the existing buildings to be retained. The most recent correspondence from the Council on this,[5] suggests that the maximum figure should be should be 10,257 cubic metres.[6] The appellant prefers that the existing volume figure of 12,492 cubic metre, on the basis that it would not offend the advice in the Framework as the development proposed would not have a greater impact on the openness of the Green Belt than the existing buildings. That may be so.

[4] The numbers in brackets reflect the related condition in the attached schedule.
[5] Email dated 29 April 2015
[6] See para 14 above

However, I have found that it is the benefits of the scheme as a whole, which include a reduction in built form on the site, with a corresponding increase in the openness of the Green Belt and improvements in terms of general character and appearance, that contribute to the conclusion that the proposal can be considered as sustainable development. I recognise that all matters, including appearance and layout are reserved for future consideration and that the lower figure preferred by the Council is based on illustrative plans. However, I consider that to be the appropriate figure to use in the circumstances (5).

44. In the interest of highway safety, conditions are necessary to ensure that the approved access is provided, together with appropriate visibility splays, and to ensure that any plot frontage within 2 metres of the carriageway edge is kept clear of any obstruction more than 0.6 metres higher than the adjacent carriageway (6, 7, 8). For the same reason, it is necessary to ensure that existing site accesses onto Stanley Moss Lane, made redundant as a consequence of the permitted development, are closed off (9). Also in the interest of highway safety, it is necessary to ensure that adequate parking, turning and servicing space is provided for the dwellings approved (10).

45. In order to avoid pollution and to prevent increased risk from flooding, details of a sustainable surface water drainage scheme for the development are required, together with details for ongoing management which are essential to ensure that the scheme continues to perform as intended (11).

46. Suggested condition 20 asks for a Construction and Environment Management Plan. Matters relating to hours of work and dust emissions are dealt with by the Ecological Management Plan referred to below. Since the appeal site is not especially constrained by other built development, I am not persuaded that details of any pile driving operations are necessary. I do agree however, in the interest of highway safety, that wheel washing facilities for vehicles leaving the site should be employed to prevent the deposition of mud and other debris on the adjacent lane, and that on-site parking be provided for operatives, as well as arrangements for on–site loading/unloading and storage of materials. In the interest of sustainable development, details of measures for the recovery and recycling of construction waste are also required (12). I have no reason to suppose though, given the rural location of the site, that there is any particular need for security hoarding or decorative displays during the construction process, or for facilities for public viewing.

47. In the interest of visual amenity, no tree or other vegetation is to be removed other than with the prior approval of the local planning authority, with retained trees to be protected during the construction process (13, 15). Conditions requiring a nesting bird survey in the event that any approved tree/vegetation removal is undertaken during the bird nesting season (14) and requiring that development be carried out in accordance with an Ecological Management Plan (16) are necessary in the interests of habitat and ecological/wildlife protection. However, the suggested Ecological Management Plan condition extends to more than two pages and is overly prescriptive. I have amended the wording accordingly, being mindful that it would be for the Council to either approve or refuse any details submitted pursuant to the Plan. A condition relating to external lighting is necessary in the interest of visual amenity and to mitigate disturbance to wildlife (17).

48. The appellant's Phase 1 Geo-Environmental Assessment (Desk Study) (August 2014) indicates potential contaminants on the site. A condition requiring further investigation and, if needed, remediation is therefore needed, in order to ensure that the development can be carried out safely without unacceptable risk to human health and/or controlled waters (18). For the same reason, it is necessary to ensure that any imported fill or top soil is free from contamination (19).

Jennifer A Vyse

INSPECTOR

Schedule of Conditions attached to
Appeal Ref: APP/B3438/W/15/3140510
Endon Riding School, Coltslow Farm, Stockton Brook,
Stoke-on-Trent

Reserved Matters

1) Details of appearance, landscaping, layout, and scale, (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Development Parameters

4) No more than ten dwelling houses shall be provided on the site, including the three units within the buildings to be retained.

5) The combined volume of both the retained and proposed residential properties shall not exceed 10,257 cubic metres.

Access/Parking

6) No dwelling shall be occupied unless and until the vehicular access to the site from the highway has been completed.

7) No dwelling shall be occupied until the visibility splays shown on Dwg No 610-SL-07A have been provided for all direct accesses onto Stanley Moss Lane. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.9 metres above the adjacent carriageway level.

8) No wall, hedge, fence or vegetation that exceeds a maximum height of 0.6 metres above the adjacent carriageway level shall be placed on any plot frontage within 2 metres of the carriageway edge.

9) The development hereby permitted shall not be brought into use until the existing site accesses (including the access crossing between the site and carriageway edge), which are made redundant as a consequence of the development hereby permitted, have been permanently closed and the access crossings reinstated as verge in accordance with the approved drawings.

10) No dwelling hereby permitted shall be occupied until associated parking, turning and servicing space has been provided in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. Once provided, the spaces shall be retained thereafter and shall be used for no other purpose.

Sustainable Drainage

11) No development shall take place, including works of demolition and site clearance, until details of a sustainable surface water drainage scheme, based on an assessment of the hydrological and hydrogeological context of the development site, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details and timetable. The scheme to be submitted shall:

- demonstrate the ability for on-site accommodation of surface water run-off up to the critical 1 in 100 year event plus 30% allowance for climate change, based upon the submission of drainage calculations;
- provide information about the design storm period and intensity, and the method employed to delay and limit surface water discharged from the site to greenfield run-off rates;
- demonstrate measures taken to prevent pollution of the receiving groundwater and/or surface waters, including measures to attenuate any discharges into the Stanley Feeder Channel to appropriate rates, together with details of the installation of interceptors to minimise the risk of contaminated surface water run-off entering the Stanley Feeder Channel;
- include a timetable for implementation of the scheme;
- and provide a management and maintenance plan for the scheme, for the lifetime of the development, which shall include the arrangements for adoption of the scheme by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime.

Construction Management Plan

12) The development hereby permitted shall not begin (including any works of demolition and site clearance) until such time as a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The approved CMP shall be implemented in accordance with the approved details throughout the construction period. The CMP shall include, but is not restricted to:

- site management arrangements, including on-site storage of materials, plant and machinery; on-site parking and turning provision for site operatives, visitors and construction vehicles; and provision for the loading/unloading of plant and materials within the site;
- wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the site does not carry mud or deposit other materials onto the public highway;
- details of measures to minimise construction waste and to maximise recovery and recycling.

Ecology/Trees

13) No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the development and has previously been approved as part of the details to be submitted pursuant to condition 1 above.

14) No development (including any works of demolition and site clearance, and removal of trees, shrubs and hedgerows approved pursuant to condition 13 above) shall begin during the bird nesting season (1 March – 31 August inclusive) unless it has been demonstrated, following inspection by a suitably qualified ecological consultant, that affected buildings, trees, shrubs or hedgerow

are not in active use by nesting birds. If nested birds are located, work shall cease on that part of the site until nesting is completed and fledged young have departed the site.

15) Before development begins (including any works of demolition and site clearance) temporary protective fencing and advisory notices for the protection of the existing trees to be retained, shall be erected in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. Such measures shall be retained in position for the duration of the construction period. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires.

16) Development shall not begin (including any works of demolition and site clearance) until such time as an Ecological Management Plan (EcMP) including a timetable for its implementation, has been submitted to and approved in writing by the local planning authority. The approved EcMP shall be implemented in full in accordance with the approved timetable. The EcMP shall include, but is not restricted to:

- hours during which works of construction (including works of demolition and site clearance) can take place;
- all aspects of habitat creation and ongoing management, including avoidance, mitigation and compensation measures to address potential impacts on legally protected species;
- a scheme for the erection of 'wildlife fencing' around the proposed development boundary during the construction period;
- a scheme to manage appropriately Indian Balsam during pre-construction, construction and post-construction periods in order to prevent its spread;
- no plastic sheeting or mesh shall be used on any scaffolding erection during the construction period, in order to prevent potential snaring and entanglement of volant bats in the surrounding landscape;
- best practice with regard to mammals shall be followed for the duration of works, with any footings/holes to be covered at night, or a suitable method of escape provided;
- the provision of a buffer zone of at least 10 metres in width alongside the adjacent watercourse, in order to reduce potential impact on aquatic/riparian species including otter and water vole. No waste materials or contaminates shall be deposited within the buffer zone. No heavy machinery is to be used within the buffer zone. Any works that may affect the buffer zone /river corridor should be carried out under ecological supervision. If any evidence of otter or water vole is found during works, then all works shall cease and a suitably qualified ecologist shall be consulted to advise on how best to proceed;
- details of methods to be employed during all construction works, including earthworks, to limit silt mobilisation into and pollution of nearby water channels, and storm water run-off, in accordance with the Environment Agency guidelines: EAPPG5;
- measures to be employed during construction (including works of demolition and site clearance) for any on-site storage of chemical and/or fuel storage; for on-site re-fuelling of machinery and vehicles; and for dealing with fuel spillage incidents;

- measures to minimise dust emissions during the construction process (including works of demolition and site clearance).

17) Development shall not begin until details of a wildlife sensitive lighting scheme for any external areas to be illuminated (to be informed by an assessment of areas on the site that are particularly sensitive in terms of wildlife interest) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out only in accordance with the approved details.

Contamination

18) Other than as may be required by an approved scheme of remediation, no development shall take place (including works of demolition and site clearance/preparation) until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site, has been submitted to and approved in writing by the local planning authority, and has been implemented in accordance with the approved details:

1. A preliminary risk assessment which has identified:

   i) all previous uses;

   ii) potential contaminants associated with those uses;

   iii) a conceptual model of the site, indicating sources, pathways and receptors;

   iv) potentially unacceptable risks arising from site contamination.

2. A site investigation scheme based on 1 above, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in 2 above and, based on those, an options appraisal and remediation strategy giving full details of any remediation measures required and how they are to be undertaken. The approved remediation strategy must be carried out in accordance with its terms prior to the commencement of development.

4. Following completion of the measures in the approved remediation scheme, a validation report that demonstrates completion of the remediation strategy referred to in 3 above is complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

19) No top soil or fill material is to be imported onto the site unless and until it has been tested for contamination and assessed for its suitability for the proposed development in accordance with a testing methodology that has previously been submitted to and approved in writing by the local planning authority. The methodology shall include arrangements for the submission and approval of validation results.

----------END OF CONDITIONS----------