STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Knapper
Moorlands House
Stockwell Street
Leek
ST13 6HQ

Application no: SMD/2019/0036

Determined on: 22/02/2019

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:
Skate Park, Brough Park, Fowlchurch Road, Leek

Description of Development:
Installation of five 8 metre high die-cast aluminium lighting columns each supporting a bracket mounted 295 watt LED luminaire.

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. The lighting columns permitted shall be of a design that accords precisely with the drawn and written details shown on the Abacus drawing numbered T088RLH 'B' and shall be installed in each of the five locations shown on the attached SITE LOCATION PLAN as being at the centre of a red solid circle. Each lighting column shall be fitted with a single 'ClearFlood' 295 watt LED luminaire unit of a type that is shown and detailed on the Philips data sheets 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.

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3. None of the lights shall be switched on and used to illuminate the skate park until a scheme to control the lights and the times at which they can be switched on and shall be switched off, in relation to the amenity of the area and any recorded or predicted bat activity that could be affected by the illumination, has been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme must be based on and accompanied by the observations and recommendations of an appropriately qualified Ecologist and thereafter the lights shall only be operated, switched on and off, in accordance with that agreed scheme or any subsequent variation or amendment to that scheme which has also been agreed in writing by the Local Planning Authority.

Reason: To avoid an adverse impact on bats and to prevent any offence under the Habitat Regulations 2017 and Wildlife and Countryside Act 1981 from being committed. To limit the potential for the lighting to be a cause of noise and/or light nuisance at nearby residential properties.

4. The lighting permitted shall be orientated and shielded or otherwise designed and positioned such that the light spread, brightness and direction accords precisely with those detailed and explained in the documents 'Performance Results Version 4.2', 'Spillage Charts Version 4.2', 'V4.2 Spillage Iso Contours 200 Lux', and 'V4.2 Spillage Results 200 Lux' that were submitted with the application . There shall at no time be any light spillage that is beyond or outside of that which is accounted for in those documents nor at any time shall the lighting increase the pre-existing iluminance at any nearby light sensitive residential location.

Reason:- To protect to some degree the dark sky environment within the park and the amenities of adjoining land users.

Informative

The proposed development helps positively deliver on the Leek Area Strategy at policy SS5a of the SMDC Core Strategy and meets the tests of sustainability in planning. There is no harm that would outweigh a presumption in favour relative to that compliance with the Development Plan. By applying suitable controls the development should not adversely affect neighbours, wider public amenity or biodiversity within the area. As the development was considered acceptable there was no need for any negotiation or amendment as would otherwise be advocated within the National Planning Policy Framework paragraph 38.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of 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

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.