DELEGATED DECISION REPORT

SMD/2019/0267 **Valid 25/04/2019**	**ALTON BRIDGE HOTEL** **STATION ROAD** **ALTON**	**APPLICATION FOR REMOVAL OF CONDITION 5 IN RESGARDS TO SMD/2016/0550** **(FULL - MINOR)**

MAIN ISSUES

- The impact on river water quality, pollution, ecology and the environment in general if the condition was removed from the planning permission.

DESCRIPTION OF SITE

The site is on the northern edge of the large village of Alton. It comprises a public house and associated car park, outdoor seating areas and storage buildings. The pub building itself is on the south side of Station Road and there is another pub and dwellings to the side (west) and rear (south) of this. The car park and outdoor seating areas lie to the other side of Station Road to the north. A river runs along the northern boundary of the site. Farley Lane and the bridge over the river lie to the east. Open land and a sewage pumping station lie to the west side of the car park and seating area. The part of the site to the north of Station Road is in Flood Zone 3 (zone of highest probability of flooding). The pub building itself (the part of the site to the south of Station Road) is in Flood Zone 2. The site is in a Conservation Area. Whilst the pub building is inside of the development boundary of the village (as shown in the former Local Plan), the rest of the site, to the north of the road, is outside of this in the “open countryside”.

PROPOSAL

This is a full planning application to remove a planning condition attached to a planning permission for retrospective unauthorised works which include an overflow car park for the pub, an extension to an outbuilding next to the overflow car park and the insertion of two lamp standards. Permission was granted in May 2017 and the works are therefore now authorised. Condition 5 was added to the permission and reads as follows:

“Within two months of the date of the Planning Permission, an oil and silt interceptor for all surface water drainage from the parking area (into any watercourse, surface water sewer or soak away system) hereby approved, designed and constructed to have a capacity and details compatible with the site being drained, shall be installed in exact accordance with details to be submitted to and approved by the Local Planning Authority. Roof water shall not pass through the interceptor.
Reason:-

To prevent pollution of the water environment"

The condition was recommended by the Council's Environmental Health Section.

The applicant wishes to remove the condition, which has not been complied with as the interceptor has not been provided and it is also well over two months since permission was granted (hence the condition is deemed to be breached). The reason is the surface of the overflow car park comprises an artificial turf surface over gravel and therefore as the surface is porous and permeable, there is no need for an interceptor of silt and oil to protect the river, unlike for example a non-porous tarmac surface whereby oil and silt (together with rainwater) could be directed along the surface and into the river. The applicant claims there is therefore no need for the interceptor and therefore no need for the condition (which is currently being breached) and therefore the Removal of Condition application has been submitted.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES
Core Strategy Development Plan Document (Adopted 2014)

Policy SD4 'Pollution and Flood Risk'

Emerging Staffordshire Moorlands Local Plan

National Policy Guidance

Paragraph 48 of the newly adopted NPPF states that:

> *"…decision-takers may also give weight to relevant policies in emerging plans according to:*
> - *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
> - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
> - *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Local Plan process

The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was "sound". Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public is ongoing in order to determine whether the Local Plan is sound and legally compliant. Hearing sessions were conducted in October 2018 and the Inspector issued his initial post-hearing advice in January 2019 which set out some actions for the Council and a range of modifications that would be necessary to make the plan sound. The full schedule of modifications is to be determined and will be subject to consultation in due course. The Inspector will then be in position to write his final report. Subject to the findings of the appointed Inspector, the Local Plan can then be adopted by the Council. This will be towards the end of 2019 at the earliest. Upon adoption, the Local Plan will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the Council has submitted it to the SoS for examination
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question. The Officer Comments section of this report identifies the level of outstanding objections to each policy and recommends the amount of weight to be given to them at this stage in the process
- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

Emerging Policies

The following policies are considered to be relevant to this application:

Policy SD4 'Pollution and water quality'

National Planning Policy Framework (February 2019)

Sections 15 (Natural Environment)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2016/0550. Retention of extension to outbuilding, 2no. lamp standards and overflow car park. Approved 12.5.17

CONSULTATIONS
Publicity

Site Notice expiry date: 20.6.19
Neighbour consultation period ends: 20.6.19
Press Advert: N/A

Public Comments

None.

Town / Parish Comments

No objection.

Environmental Health

In response to the previous application is was commented that *"It is the advice of this Department that consultation is made to the Environment Agency to assess potential impacts to the River Churnet from contaminated run off from motor vehicles and maybe consider the imposition of a condition to require an interceptor to contain surface run off from the car park"* which I think was probably meant to highlight a potential concern and for confirmation with the EA if the condition should be used or not. The EA do not object and therefore there is no objection from Environmental Health to the removal of the condition.

Environment Agency (EA)

No objection.

OFFICER COMMENTS

In the consultation response from Environmental Health Section of the Council in response to the application to retain the overflow car park, a condition was recommended for the interceptor to protect the river from oil and silt off motor vehicles and Environment Agency was also consulted. The EA initially objected on flood grounds only but on receipt of a Flood Risk Assesment removed its objection and recommended conditions but did not recommend a condition for an interceptor.

It may have been assumed that the car park surface was tarmac or some other hardstanding which would direct pollutants towards watercourses. In this case, a condition for an oil or silt interceptor is standard practice. However, the car park has a porous and permeable artificial turf surface over gravel. In response to the application to remove the condition, both the Environmental Health Section and Environment Agency raise no objection.

CONCLUSION / PLANNING BALANCE

The removal of the condition requiring the interceptor will not lead to any pollution of the watercourses and therefore complies with the relevant Core Strategy policies and the NPPF.

All other conditions attached to the previous planning permission have been complied with other than the requirement for a Flood Warning and Evacuation

Plan, which has not been submitted. The applicant has informed the Council that this will be submitted via a Discharge of Condition application seeking approval of the plan to comply with the condition. The time period for this has elapsed on the previous permission but it seems reasonable given the intentions of the applicant to repeat the condition giving a new time period for compliance.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston
Recommendation Date: 20.6.19

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council