DATED 4th July **2019**

STATUTORY DECLARATION

OF

NICHOLAS GEOFFREY SMART

Knights Professional Services Limited
The Brampton
Newcastle-under-Lyme
Staffordshire ST5 0QW

I, **NICHOLAS GEOFFREY SMART**, Director of Enhanced Developments Limited of 33 Station Road, Market Bosworth, Nr. Nuneaton, Warwickshire, CV13 0JY do solemnly and sincerely declare as follows:

1. I make this statement in support of an application made by Enhanced Developments Limited ("the **Company**") in relation to a certificate of lawful development of the land known as the Anzio Camp, Buxton Road, Leek, ST13 8TL ("the **Site**").

2. The facts and matters set out in this statutory declaration are within my own knowledge unless otherwise stated, and I believe them to be true. Where I refer to information supplied by others, the source of the information is identified; facts and matters derived from other sources are true to the best of my knowledge and belief.

Background

3. I am a Director of the **Company** which made a full planning application to Staffordshire Moorlands District Council ("the **Council**") on 21st October 2014 for the development of "*extra care housing, holiday park, live/work units, social building and ancillary facilities building*"

4. On 9th November 2015 the **Council** granted full planning permission at the **Site** under reference SMD/2014/0683 for:

   "*Erection of extra care housing, live work units, ancillary social centre and facilities building change of use to holiday park*"

5. There is now produced to me and marked "**NGS1**" a copy of planning permission SMD/2014/0683 ("the **Permission**").

6. The **Permission** was subject to the standard time condition, as condition 1:

"*The development hereby permitted shall be begun before the expiration of three years from the date of this permission*."

7. Development therefore needed to have commenced by some point on 9th November 2018 at the latest.

8. A series of condition discharge applications were made to the **Council** between August 2018 and November 2018 with the last application made on 9th November 2018 to discharge conditions 8 and 25.

9. All of the applications were made by Mr Peter Jackson of Design Construction Management Services Ltd on behalf of the **Company**.

10. The first discharge application was made to the **Council** on 6th August 2018 and was validated the same day and assigned the application number DOC/2018/0102. The application was made to discharge condition 3 and to partially discharge condition 4.

11. Two further applications were made on 7th September 2018 and validated by the **Council** that same day. The first application was assigned the application number DOC/2018/0125 and was made to partially discharge condition 4b. The second application was assigned the application number DOC/2018/0126 and was made to discharge condition 16.

12. This was followed up by an application which was made on 18th October 2018 and validated by the **Council** that same day. The application was assigned the application number DOC/2018/0133 and was made to discharge condition 4c and condition 30.

13. The next discharge application was made on 7th November 2018 and was to discharge condition 5. The application was allocated reference number DOC/2018/0140.

14. The final discharge application was submitted to the **Council** on 9th November 2018 via the planning portal and was made in respect of the discharge of conditions 8 and 25. It was allocated reference number DOC/2018/0142.

15. The **Council** either failed to validate the applications or otherwise failed to make a decision and indicated that the planning permission was considered to have lapsed.

16. All such discharge applications are now the subject of an appeal to the Secretary of State.

17. If the appeals are successful it will be necessary to demonstrate that works were undertaken on the **Site** which related to the **Permission** and were undertaken by 9th November 2018 at the latest.

18. Two sets of works were in fact carried out on the **Site** before 9th November 2018.

19. The first works related to the demolition of a building identified as EB13 on the **Permission** drawings. There is now produced to me and marked "**NGS2**" a copy of Drawing Number 3262/SM/14/1000P4 which was approved under the **Permission** and a copy of the submitted overlay plan 3262/SM/14/1001-P1 which shows the location of building EB13.

20. The building is shown as being demolished on the application drawings and that its footprint would have an estate road running through it.

21. The demolition work was carried out by Jim Wise Demolition Ltd (the "**Demolition Contractor**") of Hot Lane, Burslem, Stoke-on-Trent, ST6 2BN.

22. A Building Act 1984 section 80 notice of intention to carry out demolition was served on the **Council's** building control team on 15th October 2018. The **Council** acknowledged receipt that same day. The notice was lodged with the **Council** by the **Demolition Contractor**.

23. On that same day, an e-mail was sent to the Building Control section of the **Council** by the **Demolition Contractor** which confirmed that a Section 80 Notice had been sent that morning and attaching a copy of the site location plan which identified the building to be demolished. There is now produced to me and marked "**NGS3**" a copy of the e-mail exchange with the **Council** dated 15th October 2018.

24. On 22nd October 2018 a Section 81 Notice was received from the **Council**. There is produced to me and marked "**NGS4**" a copy of the covering letter and section 81 Notice received from the **Council**.

25. The demolition Method Statement which I received from the **Demolition Contractor** on 16th October 2018 confirms that the demolition works would be undertaken by three operatives including a site supervisor using one machine; namely a Hyundai 210. There is now produced to me and marked "**NGS5**" a copy of the Method Statement.

26. I attended on site on 17th October 2018 and observed the demolition works taking place. I can confirm that the demolition took place in accordance with the

methodology set out on page 11 of the Method Statement. However the works were in fact completed on 17th October 2018. There is produced to me and marked "**NGS6**" a copy of an invoice received from the **Demolition Contractor** which confirms that the demolition works in respect of the building in question were completed by 17th October 2018 at a cost of £2500 plus VAT.

27. I would confirm that the demolition works took place as part of carrying out the **Permission** and for no other reason.

28. The second works consisted of the digging of a trench for the foundations of a building.

29. A Building Act application in respect of these works had been submitted on 26th October 2018. There is now produced to me and marked "**NGS7**" a copy of the submitted application form.

30. A trench one metre deep and 650 mm wide was dug with a mini digger around the footprint of the whole building. There is now produced to me and marked "**NGS8**" photographs which were taken by me on the day that the works were carried out.

31. The works were in fact undertaken by myself and one other person called Mark Cooper on Monday 5th November 2018 using a Hitachi mini digger.

32. The works all related to house number D7 and a surveyor plotted the precise line of the foundation using a company called Redbox.

33. I would confirm that the foundation works were undertaken as part of carrying out the **Permission** and for no other reason

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act 1835.

Signed:.....[redacted].....

Name: Nicholas Geffrey Smart

Position: Director

Declared at Newcastle the 4th day of July 2019

Before me ..[redacted].....

Solicitor / Commissioner for Oaths

This is the exhibit marked "**NGS1**" mentioned and referred to in the statutory declaration of Mr Nicholas Geoffrey Smart declared before me on this 4th day of July 2019.



.....

Solicitor/Commissioner for Oaths

Mr Smart
C/O agent

Mrs Gail Collins
The Tyer-Parkes Partnerhship Ltd
66 Stratford Road

Mr Smart
C/O agent

STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

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Chief Executive

Solihull
West Midlands
B90 3LP

Application no: SMD/2014/0683

Determined on: 9th November 2015

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) England) Order 2010

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:
Anzio Camp Buxton Road Blackshaw Moor Leek Staffordshire ST13 8TN

Description of Development:
Erection of extra care housing, live work units, ancillary social centre and facilities building change of use to holiday park

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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

1) 3262/SM/14/1000 P4 Site Master Plan
2) 3262/ED/14/0001 Rev.C Area Site Plan
3) 3262/SM/14/1030 P1 Facilities Building Floor Plans
4) 3262/SM/14/1031 P0 Facilities Building Elevations
5) 3262/SM/11/1010 P2 Live Work Units Elevations and Floor Plans
6) 3263/SM/11/1011 Live Work Street scene

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7)	3263/SM/11/1020	Social Centre context drawing
8)	3262/SM/11/1021 P1	Social Centre Floor Plans
9)	3262/SM/11/1022 P0	Social Centre Elevations
10)	3262/SM/11/023 PO	Social Centre Elevations
11)	3262/SM/11/1041 P1	Care Home B Floor Plans
12)	3262/SM/11/1042 P1	Care Home B Elevations (1)
13)	3262/SM/11/1043 P1	Care Home B Elevations (2)
14)	3262/SM/11/1051 P0	Care Home A Floor Plans
15)	3262/SM/11/1052 P0	Care Home A Elevations (1)
16)	3262/SM/11/1053/ P0	Care Home A Elevations (2)
17)	3262/SM/11/2000 P0	Cottages D1 and D2
18)	3262/SM/11/2001 P0	Cottages D3, D4 and D5
19)	3262/SM/11/2002 P0	Cottages D6, D7 and D8
20)	3262/SM/11/2003 P0	Cottage D9
21)	3262/SM/11/2004 P0	Cottage D10
22)	3262/SM/11/2005 P0	Cottages D11, D12 and D13
23)	3262/SM/11/2006 P1	Cottages D14 and D15
24)	3262/SM/11/2007 P1	Cottages D16, D17 and D18
25)	3262/SM/11/2008 P0	Cottage D19
26)	3262/SM/11/2009 P0	Cottages D20, D21, D22 and D23
27)	3262/SM/11/2010 P0	Cottages D24 and D25
28)	3262/SM/11/2011 P0	Cottages D26 and D27
29)	3262/SM/11/2012 P0	Cottages D28, D29 and D30
30)	3262/SM/11/2013 P0	Cottages D31 and D32
31)	3262/SM/11/2014 P0	Cottages D33, D34 and D35
32)	3262/SM/11/2015 P1	Cottages D36, D37, D38 and D39
33)	3262/SM/11/2016 P0	Cottages D40 and D41
34)	3262/SM/11/2017 P0	Cottage D42
35)	LS6155/P/L/102C	Tree Removal Proposals
36)	LS6155/P/L/103F	Landscape Design Proposals
37)	LS6155/P/L/104D	Draft Landscape Management Plan
38)	LS6155/P/L/105B	Soft Landscape Eastern Section
39)	LS6155/P/L/106C	Soft Landscape Central Section
40)	LS6155/P/L/107D	Soft Landscape Western Section
41)	LS6155/P/L/111B	Acoustic Bund Extension
42)	3262/SM/14/0010 P2	Proposed site section
43)	GA001A	Proposed highway works

Reason: For the avoidance of doubt and in the interests of proper planning, in accordance with Policy DC1of the Staffordshire Moorlands Core Strategy and paragraph 17 of the National Planning Policy Framework.

3. No development, with the exception of site clearance and demolition, shall be

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commenced until a Phasing Programme has been submitted to and approved in writing by the Local Planning Authority. The Programme shall provide details of the phasing of the development including the extent and composition of the phases and the overall programme for development. The development shall thereafter be carried out in accordance with the approved Programme, unless previously agreed in writing to a variation of the agreed details.
Reason:- To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

4. Notwithstanding the submitted plans, no phase of the development (as approved under Condition 3) shall commence, except for works of site clearance and demolition, until the following details have been agreed in writing with the Local Planning Authority for that particular phase:-

a. samples of all roof tiles and facing materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority.
b. with the exception of the siting of the holiday lodges, full details of the design (including profile) of the windows and doors to include materials, colours and finishes shall be submitted to and approved in writing by the LPA.
c. full details of the proposed external lighting/ illumination including siting/ position, design, hours of use.

The development shall thereafter be carried out in accordance with the approved details.
Reason: To ensure that the external appearance of the development is appropriate to its surroundings in accordance with Policies SS1, DC1 and DC3 of the Staffordshire Moorlands Core Strategy and paragraph 58 of the National Planning Policy Framework.

5. No phase of the development (as agreed under Condition 3) hereby approved shall commence, except for works of site clearance and demolition, until a drainage scheme for the site, showing how foul water, surface water and land drainage will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. No part of the development shall be brought into use until the approved drainage systems have been constructed and completed in accordance with the approved plans.
Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with Policies DC1 and SD4 of the Staffordshire Moorlands

6. Before any part of the proposed development is brought in to use the proposed

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right turn lanes and associated works to serve the development shall be constructed as detailed on WSP drawing no. GA001 A (to include a pedestrian refuge together with a puffin crossing and associated signing and lining across the A53) and in accordance with engineering details which shall first be submitted to, and approved in writing by the Local Planning Authority. Such engineering details to include construction, surface water drainage and street lighting details. The works shall thereafter be carried out strictly in accordance with the agreed drawings.
Reason: In the interests of highway safety, in accordance with Policies T1 and DC1 of the Staffordshire Moorlands Core Strategy and paragraph 32 of the National Planning Policy Framework

7. Before the proposed development is brought into use, visibility splays as detailed on WSP drawing no. GA001 A shall be provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level for the life of the development.
Reason: In the interests of highway safety, in accordance with Policies T1 and DC1 of the Staffordshire Moorlands Core Strategy and paragraph 32 of the National Planning Policy Framework.

8.No phase of the approved development (as agreed under condition 3) shall commence until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

I. the method and duration of any pile driving operations (expected starting date and completion date);
II. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
III. pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
IV. the arrangements for prior notification to the occupiers of potentially affected properties;
V. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
VI. a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;
VII. details of wheel washing facilities. All construction vehicles shall have their wheels cleaned before leaving the site;
VIII. a scheme for recycling/disposal of waste resulting from the construction

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works;

IX. the parking of vehicles of site operatives and visitors;
X. the loading and unloading of plant and materials;
XI. the storage of plant and materials used in constructing the development;
XII. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; and
XIII. installation and maintenance of wheel washing facilities,

All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.
Reason: In the interests of highway safety, in accordance with Policies T1 and DC1 of the Staffordshire Moorlands Core Strategy and paragraph 32 of the National Planning Policy Framework.

9.The submitted and hereby approved Travel Plan shall be implemented in accordance with the timetable set out in the plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date planning consent to the Local Planning Authority for approval for a period of 5 years from first occupation of the development permitted by this consent.
Reason: In the interests of highway safety, in accordance with Policies T1 and DC1 of the Staffordshire Moorlands Core Strategy and paragraph 32 of the National Planning Policy Framework.

10. Before the proposed development is brought into use details shall be submitted for the written approval of the Local Planning Authority indicating two bus stops, one in each direction, in close proximity to the entrance of the development which shall thereafter be provided and constructed to quality bus stop partnership standards or similar successor standards in accordance with the approved drawings or as agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety, in accordance with Policies T1 and DC1 of the Staffordshire Moorlands Core Strategy and paragraph 32 of the National Planning Policy Framework.

11. Any gates to vehicular accesses shall be set back a minimum of 10m rear of the edge of the public highway.
Reason: In the interests of highway safety, in accordance with Policies T1 and DC1 of the Staffordshire Moorlands Core Strategy and paragraph 32 of the National Planning Policy Framework.

12. No trees, or hedgerows shall be removed other than those whose removal is directly required to accommodate or to facilitate the construction of the approved

development and its subsequent landscaping. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (March to August inclusive), unless otherwise agreed by the Local Planning Authority and in this case only following careful inspection by a competent person to establish that such trees or hedgerow are not in active use by nesting birds.
Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policies DC3 and C3 of the Staffordshire Moorlands Core Strategy.

13. Any mature tree to be removed or to have substantial crown pruning operations carried out as identified on the approved plans and submitted reports (LS6155/P/L/102C and Arboricultural Report BS5837 (2012) Anzio Camp and the Cascade Cart for Tree Quality Assessment LS 6155/AC/ULVIA/da/01D) shall first be carefully inspected for the potential to provide bat roosting opportunities. Any tree which has such potential (which could include cavities, splits, decay pockets, hollow stems or branches, areas of loose bark, dense ivy cover or dense epicormic shoots) shall be subject to a further detailed and if necessary climbing inspection by a licensed bat worker immediately prior to felling or pruning, and all felling of such trees shall take place in the presence of the bat worker who can then immediately advise on appropriate measures if bats are discovered during felling operations.
Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policies DC3 and C3 of the Staffordshire Moorlands Core Strategy.

14.Before the commencement of any phase of the approved development (as agreed under condition 3) including any demolition, site clearance, stripping or site establishment, 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*, and shall be retained in position for the duration of the period that development takes place, unless otherwise agreed by the Local Planning Authority. 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 unless otherwise agreed by the Local Planning Authority. Such tree protection measures may be implemented on a phased basis in accordance with any approved or agreed phasing of the construction of the development hereby approved, providing always that such measures are in place prior to commencement of development in any particular area of the overall site and are retained in place for the full duration of the period that development takes place in the area concerned.

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Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policies DC3 and C3 of the Staffordshire Moorlands Core Strategy.

15. The advanced tree and woodland planting referred to in the applicant's Updated LVIA Statement dated 25th June 2015 and detailed in the Landscape Design Proposals (Drawing LS6155/P/L/103F) and Soft Landscape details (drawings LS6155/P/L/105B, 106C and 107D) shall be fully implemented before the end of the first available dormant season (November to February inclusive) following the grant of planning permission for the development hereby approved, unless otherwise agreed by the Local Planning Authority. The trees and shrubs planted in accordance with this condition shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.
Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policies DC3 and C3 of the Staffordshire Moorlands Core Strategy.

16. Prior to the commencement of any phase of the approved development (as agreed under Condition 3) including site stripping and clearance a Landscape and Habitat Management and Maintenance plan shall be submitted to and approved by the Local Planning Authority, giving details of proposed creation, maintenance, management and development, including timescales and delivery mechanisms, for all landscaped areas and wildlife habitats across the site. This shall include full and accurate locations of existing and any proposed new habitats; technical specifications, timescales and phasing for the creation of any new habitats; 5 year establishment and aftercare management prescriptions for any newly created habitats; and minimum 20 year maintenance and management operations for all habitats throughout the site to be monitored and reviewed every 5 years. Following approval of such a management plan, it shall be fully implemented in accordance with the details and timescales so approved.
Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policies DC3 and C3 of the Staffordshire Moorlands Core Strategy.

17. Alternative bat roosts and bird nesting by way of retention and adaptation of the armoury building (building 15) and additional bat and bird boxes shall be provided in full accordance with the mitigation recommendations provisions identified in the submitted Ecological Assessment Final Update Report Version Rev. 1, August 2014.

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Reason: To provide adequate safeguards for the protection of any protected species existing on the site in accordance with Policies SS1, SS6c, NE1 and C3 of the Staffordshire Moorlands Core Strategy.

18.The holiday lodges hereby permitted shall only be occupied for short stay lets not exceeding four consecutive weeks. There shall be no other form of residential occupancy at any time.
Reason: To define the permission and to prevent permanent residential use, which would be inappropriate in this area of strict control, in accordance with Policy SS6c of the Staffordshire Moorlands Core Strategy.

19. No more than 45 holiday lodges shall be sited at any one time.
Reason:- To define the permission and in the interests of the character and appearance of the area in accordance with Polices DC1 and DC3 of the Staffordshire Moorlands Core Strategy

20. The business floor space of each live/work unit shall be finished ready for occupation before the residential floor space of that unit is occupied and the residential use shall not precede commencement of the business use.
Reason: To ensure the building is used for economic development purposes, in accordance with Policies SS1, SS6c and E1 of the Staffordshire Moorlands Core Strategy.

21. The business floor space of the live/work units shall not be used for any purpose other than for purposes within Class B1 in the Schedule to The Town and Country Planning (Use Classes) Order 1987, as amended by The Town and Country Planning (General Permitted Development) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
Reason: To ensure the building is used for economic development purposes, in accordance with Policies SS1, SS6c and E1 of the Staffordshire Moorlands Core Strategy.

22. The residential floor space of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floor space of that unit, that person's spouse, a widow or widower of such a person, or any resident dependants.
Reason: To ensure the building is used for economic development purposes, in accordance with Policies SS1, SS6c and E1 of the Staffordshire Moorlands Core Strategy.

23. Notwithstanding the submitted plans and before any phase of the approved development (as agreed under condition 3) is first brought into use or occupied,

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details of all boundary treatments to include the positions, height, materials and type of boundary treatment to be erected for that phase shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out fully in accordance with the approved details.
Reason: In the interests of visual amenity in accordance with Policies SS1, SS6c and DC3 of the Staffordshire Moorlands Core Strategy.

24. Before the commencement of the construction of the extra care cottages a precise specification (to include details of the proposed materials, heights and profiles) of the proposed acoustic fencing within the approved earth bund and around the north western corner of the site and the timber crib wall has been submitted to and approved by the Local Planning Authority. The acoustic fencing shall be erected in accordance with the approved details before the extra care cottages are first occupied.
Reason: In the interests of the amenity of occupiers of the properties and the character and appearance of the area in accordance with Policies DC1, DC3, SS1, SS6c and SD4 of the Staffordshire Moorlands Core Strategy

25. Unless agreed in writing by the Local Planning Authority, no development of any phase approved under Condition 3 shall be commenced until a further 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. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development. The report of the findings shall include;

a. A further survey of the extent, scale and nature of any potential contamination;
b. A detailed risk assessment of all known site contaminants based on the potential risks to:
    - Human health;
    - Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;
    - Adjoining land;
    - Ground and surface waters;

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11.

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Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policies SS1, SS6c and SD4 of the Staffordshire Moorlands Core Strategy.

26. If the risk assessment indicates that remediation is required, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme must include:

a. A remediation strategy giving full details of remediation objectives and remediation criteria
b. A validation plan providing details of the data that will be collected in order to demonstrate that the all works set out in (a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policies SS1, SS6c and SD4 of the Staffordshire Moorlands Core Strategy.

27.The approved remediation scheme must be carried out in accordance with its recommendations and prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. Prior to bringing the development into first use, a validation report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved validation plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the validation plan, and for the reporting of this to the Local Planning Authority.

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Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policies SS1, SS6c and SD4 of the Staffordshire Moorlands Core Strategy.

28. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 26, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirement of condition 27 which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 27

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policies SS1, SS6c and SD4 of the Staffordshire Moorlands Core Strategy.

29. No top soil 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, a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should 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 validatory evidence submitted to and approved in writing to by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policies SS1, SS6c and SD4 of the Staffordshire Moorlands Core Strategy.

30. No development of any phase approved under Condition 3 shall commence until a site specific scheme for protecting the proposed development from noise, has been submitted to, and approved in writing by the Local Planning Authority. The submitted scheme shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and World Health Organisation Guidelines for

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Community Noise 1999 and be designed to achieve noise levels of less than 35 dB LAeq, 8hr, in bedrooms, less than 40 dBLAeq, 16hr, in living areas and less than 55dBLAeq, 16 hr, in outside living areas. Pre completion tests shall be carried out to verify compliance with this scheme/condition. A report shall be produced containing all raw data and showing how calculations have been made. A copy of such report shall be submitted to the Local Planning Authority for its approval. The agreed scheme shall be fully implemented prior to any part of the approved development coming into use.
Reason: To protect the occupiers from noise in the interest of residential amenity in accordance with Policies SS1, SS6c and SD4 of the Staffordshire Moorlands Core Strategy.

31. The machinery, plant or equipment including air condition and ventilation systems ("machinery") installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014. The details and location of any plant or machinery to be installed under this permission should be submitted to and approved in writing by the Local Planning Authority.
Reason: To protect the amenity of local residents and the surrounding area from noise disturbance, in accordance with Policies SS1, SS6c and SD4 of the Staffordshire Moorlands Core Strategy.

32. The planting plans shown on the approved Landscape Design Proposals (drawing LS6155/P/L/103F) and soft landscaping details (drawings LS6155/P/L/105B, 106C and 107D) shall be fully implemented for any phase agreed under Condition 3 before the end of the first available dormant season (November to February inclusive) following completion of the development of that phase. The trees, shrubs, herbaceous plants and grass planted in accordance with this landscaping scheme shall be maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.
Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policies DC3 and C3 of the Staffordshire Moorlands Core Strategy.

Informatives:

1. The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF

2.This permission should be read in conjunction with the corresponding Unilateral Undertaking dated 6th November 2015

3.The applicants attention is drawn to the letter and recommendations of the Police Architectural Liaison Officer dated 24th November 2014

4. The applicant is requested to consider high quality design/materials for the holiday lodges as indicated in the application.

5. In respect of Condition 10, the expectation is that the bus stops will be covered shelters

6. In respect of Conditions 18 and 19, the holiday lodges shall fall within the legal definition of a caravan under the Caravan Sites Act 1968 and Caravan Sites and Control of Development Act 1960 in accordance with the details submitted with the application

Environmental Health

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 BS8233:2014 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/document

s/statnuisance.pdf

- During any demolition and construction activities (including landscaping) the contractor should take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.

  - The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf

  - Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)

- 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 and the CLR Report Series 1-12.

  - Submission of reports should also be made to the Environment Agency for comment with regard to 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 on the basis of 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 and "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 in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

Highways

This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980, or if to remain private, exemption under S219 of Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. The conditions requiring construction of right turn lanes, refurbishment of mile post and provision of bus stops shall require a Major Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a link to a Major Works Information Pack and an application form for the Major Works Agreement. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire ST16 2DH. (or email to nmu@staffordshire.gov.uk)
http://www.staffordshire.gov.uk/transport/staffshighways/licences/

Signed on behalf of Staffordshire Moorlands District Council

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Chief Executive

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.

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. **A fee is payable to us for the discharge of condition. Please refer to our web site : www.staffsmoorlands.gov.uk for details.** 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. All other types of development

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have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs. The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

8. 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.