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Staffordshire Moorlands
ST13 5HE

Mr MacDougall
Peak Wildlife Park
Ellastone Road
Winkhill
Leek
Staffordshire
ST13 7QR

Application no: SMD/2021/0241

Determined on: 30/07/2021

**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:

Peak Wildlife Park Ellastone Road Winkhill Staffordshire ST13 7QR

Description of Development:

Proposed Marquee for educational visits, relocated snack shack, covered eating area & proposed agricultural building including associated landscape works.

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 the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be carried out in complete accordance with

the submitted amended plans and specifications as follows:-

1721 AL70B
1721 AL71C
1721 AL73C
1721 AL74A
1721 AL75E
1721 AL76C
1721 AL77C
1721 AL78C

Reason:-

To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

3. The marquee structure hereby approved shall be used solely for educational purposes in connection with Peak Wildlife Park and shall not be used or rented out for conferences, meetings, functions, events or any other purposes unconnected with the educational use of the building by Peak Wildlife Park unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason:-

In the interests of the amenities of the area and highway safety.

4. Prior to the finishing materials being applied to the storage building hereby approved, details of the type, texture and colour of all finishing materials of the building shall be submitted to and approved in writing and the approved materials shall be used in the development.

Reason:-

In the interests of the character and appearance of the area.

5. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.

- "" 08:00 - 18:00 hours (Monday to Friday);
- "" 08:00 - 13:00 hours (Saturday)
- "" No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason: -

To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

6. No amplified sound / and or music from the development hereby approved shall be audible

within or at the boundary of any noise sensitive (occupied) premises either attached to or in the vicinity of the premises to which this application refers.

Reason:-

To ensure that the reasonable residential amenities of nearby properties are adequately protected from noise pollution

7. The machinery, plant or equipment including 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.

Reason:-

To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

8. Hedge planting shall be provided adjacent to the north and west boundaries of the site in exact accordance with a landscaping scheme to be submitted to and approved in writing by the Local Planning Authority before the building is first brought into use and which shall include:

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
- Implementation timetables

Reason:-

To ensure the appropriate landscape design and in the interests of the visual amenities of the area.

9. The planting scheme shall be implemented in accordance with the approved details and timetable and subsequently properly maintained in accordance with good horticultural practice; any plants which are removed, die, become diseased or otherwise fail to establish within 5 years of planting shall be replaced during the next available planting season and the replacements themselves shall then be properly maintained.

Reason:-

To ensure the appropriate landscape design and in the interests of the visual amenities of the area.

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. With regard to Condition 4, the Council advises dark green colour materials
3. The applicant is strongly advised to apply for a Diversion Order for the current Public Right of Way as soon as possible as the current diverted path provided is unauthorised and is being used for vehicular traffic including that associated with the proposal including previously approved biomass building. Details can be found at <https://www.staffs Moorlands.gov.uk/article/3833/Footpath-Diversion-Orders>
4. The applicant is reminded that they are in non compliance with the Enforcement Notice SME/2018/00008 in that the Snack Bar Building and the Fencing referred to at paragraph 5 of the Notice had not been removed and therefore the Notice continues to be in breach. Given that planning permission has been granted for the relocation of the snack-bar building, if the Notice is not complied with imminently, then the Council will consider initiating prosecution proceedings without any further delay.

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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
1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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.
9. 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>
10. 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.
11. 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.

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