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WA14 1HB

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Chief Executive

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Application no: SMD/2015/0119

Determined on: 23/07/2015

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) England) Order 2015**

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:

113 Mill Street Leek Staffordshire ST13 8EU

Description of Development:

Provision of 21 Affordable Residential Apartments

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 accordance with the following submitted plans and conditions:

0070/01;
0070/02 Rev J;
0070/03 Rev C
0070/05 Rev J;
0070/07 Rev A
0070/08 Rev A;
0070/10;
1016-01.

Reason:-

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

3.The development hereby permitted shall not be commenced until samples and details of the types and colours of all roofing, facing and hard surfacing materials (including parking and other external amenity areas) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details and be retained for the lifetime of the development.

Reason:-

To ensure that the external appearance of the development is satisfactory.

4.Notwithstanding the above approved plans and prior to the commencement of development on the site, details of all windows and doors shall be submitted to and approved in writing by the Local Planning Authority. All openings in both side elevations shall be obscure glazed and non-opening. Details shall include materials, opening/closing mechanisms, type/level of obscure glazing, finish/colour as well as details to show all windows set back a minimum of 65mm from the face of the building. The approved details shall then be implemented and completed prior to first occupation of the building hereby approved.

Reason:-

In the interests of securing good design in this visually prominent location and neighbour amenity.

5.Notwithstanding the above approved plans, the development hereby permitted shall not be commenced until details of all walls, fences and other means of enclosure including the railings/security, fencing/barriers above the flat roof section of the building adjacent to the Wesleyan Chapel, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site and be retained for the lifetime of the development.

Reason:-

In the interests of visual amenity.

6.Prior to the commencement of works on site, details of all rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be completed prior to first occupation of the building.

Reason:-

In the interests of securing suitable drainage methods.

7.The development hereby permitted shall not be commenced until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s), have been submitted and approved in writing by the Local Planning Authority. There shall be no variation in these levels without the written approval of the Local Planning Authority.

Reason:-

In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties.

8. Before the commencement of development (including any demolition, site clearance, stripping or site establishment) a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include full details of all new tree and shrub planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting. The landscaping scheme so approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees and shrubs planted in accordance with this landscaping scheme 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:-

In the interests of visual amenity

9. 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.

10. Development shall not commence until a scheme for protecting the proposed residential units from both external noise and the internal transmission of noise between individual residential units, has been submitted to, and approved in writing by the Local Planning Authority.

The submitted scheme shall have due regard for the British Standard 8233:2010 (Sound insulation and noise reduction for buildings - Code of Practice), and be designed to achieve noise levels of less than 35 dB LAeq in bedrooms and less than 40 dB LAeq in living areas less than 55 dB LAeq in outside areas. The approved details shall be implemented in full prior to first occupation of the building hereby approved.

Reason:-

To protect occupiers from noise and safeguard their residential amenities.

11. No top soil or fill material is to be imported on 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 validity 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 to workers, neighbours and other offsite receptors.

12. Prior to the commencement of development a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. 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. The approved remediation scheme submitted above must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of 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 to workers, neighbours and other offsite receptors.

13. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed.

Reason:-

In the interests of highway safety.

14. Notwithstanding any details shown on the approved plans no development shall be commenced until revised access details indicating the following have been submitted to and approved in writing by the Local Planning Authority:

- no gates or gates set back to allow vehicle to stand clear of highway (including footway) and waiting area for visitors and details of operation of gates;
- dropped kerb maintained at channel line;
- tactile paving and pedestrian dropped crossing;

The access shall thereafter be carried out in accordance with the approved details and be completed prior to first occupation and shall thereafter be retained as such for the lifetime of the development.

Reason:-

In the interests of the efficient use and safety of the highway.

15.The development hereby permitted shall not be brought into use until the existing site access, which shall include the access crossing between the site and carriageway edge and transverse kerbs across the footway, made redundant as a consequence of the development hereby permitted is permanently closed and the access crossing reinstated as footway with full height kerbs.

Reason:-

To avoid the proliferation of overlong and redundant access crossings and in the interests of highway safety.

16.The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans.

Reason:-

In the interests of highway safety.

17.The development hereby permitted shall not be brought into use until details of the surface water drainage interceptor, connected to a surface water outfall, has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

Reason:-

In the interests of highway safety.

18.The development hereby permitted shall not be commenced until wheel cleaning/washing facilities or other means of preventing mud, debris or other detritus being deposited on the highway have been installed on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facility shall thereafter be utilised by all heavy goods vehicles for the full period of construction works. Any mud, debris or other detritus deposited on the highway shall be immediately removed.

Reason:-

To safeguard the highway during the construction process.

19.The development hereby permitted shall not be commenced until a Construction Management Plan is submitted to and approved in writing by the Local Planning Authority detailing the management and routing of construction traffic, delivery times, and internal compound arrangements including parking of operatives vehicles.

Reason:-

To safeguard the highway during the construction process.

20.The development hereby permitted shall not be commenced until details of the 1.5m x 1.5m pedestrian visibility splays have been submitted to and approved in writing by the Local Planning Authority. The visibility splay shall thereafter be kept free of all obstructions to

visibility over a height of 600 mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development being brought into use.

Reason:-

In the interests of pedestrian safety.

21.The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason:-

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Informatives

1. This permission shall be read in conjunction with the S106 agreement dated 22nd July 2015.
- 2.The conditions requiring construction of the access and reinstatement of the redundant access crossing shall require a Minor 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 further link to a Minor Works Information Pack and an application form for the Minor Works Agreement. Please complete and send to the address indicated on the application fom 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/>
- 3.This application requires an area of highway to be stopped up. Planning approval does not constitute permission to stop up the highway or carry out works on the highway. The applicant must contact Staffordshire County Council in order to progress an application to stop up this area of highway. Please contact Land Charges at land.charges@staffordshire.gov.uk or Staffordshire County Council at Highway Network Data Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH.
- 4.It is important that no work is commenced on existing highway before stopping up is completed. It will be the applicants responsibility to progress the stopping up application once agreement has been reached with Staffordshire County Council. Construction works including service connections will require traffic management on the highway. This will require approval from SCC Network Management. Details are available at <http://www.staffordshire.gov.uk/transport/staffshighways/licences/Licences.aspx>
- 5.The applicant is requested to contact Lisa Stewart Network Coordinator(North) on 01785276634 or lisak.stewart@staffordshire.gov.uk or Staffordshire Place 1, Wedgwood

Building, Tipping Street, STAFFORD, Staffordshire ST16 2DH. The developer should contact Network Management as early as possible to ensure road space can be booked and works programmed on the busy A523. The developer should allow adequate time for processing of the application.

6. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- Any approved noise scheme and measurements should pay due regard to British Standard BS8233: 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/documents/statnuisance.pdf>

- During any demolition and construction activities (including landscaping) the contractor shall 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)

- In accordance the Site Waste Management Plans Regulations 2008 any construction project with an estimated cost greater than £300,000 must, before work begins, prepare a Site Waste Management Plan in accordance with the requirement of these regulations.

- 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 Planning Policy Statement 23 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 an "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.

7. 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.

Signed 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.
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 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.

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

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.