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Application no: SMD/2015/0386

Determined on: 14/08/2015

**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:**

Land behind 14 Market Place Leek Staffordshire ST13 5HH

**Description of Development:**

Erection of 2 storey building comprising 2no 1 bedroom 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 Section 91(1) of the Town and Country Planning Act 1990.

2. The development shall be carried out strictly in accordance with the application the plan drawings hereby approved and as detailed below:

- Location Plan drawing ref. PL 01
- Site Plan 'Existing' drawing ref. PL 02
- Site Plan 'Proposed' drawing ref. PL 03
- Elevations 'Proposed' drawing ref. PL 04
- Typical Sections drawing ref PL 05

Reason:- To ensure that the development is carried out in accordance with the approved drawings submitted with the application and is acceptable to the Local Planning Authority.

3. The development hereby permitted shall be carried out in accordance with the approved details as follows.

- Facing bricks: Ibstock Birtley Olde English
- Roof: Marley Hawkins Staffordshire Blue plain clay tiles
- Window cills / heads: stone/natural finished Haddon stone
- Rainwater goods: black finished Alumasc rain water system, Heritage Cast Aluminium Beaded half round on fascia brackets, downpipes to be traditional 63mm diameter with ears.

Reason:- To safeguard the character and appearance of the Conservation Area.

4. The windows and doors of the proposed development shall be constructed of timber and set back a minimum of 100 mm from the edge of the brickwork around the window opening, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To safeguard the character and appearance of the Conservation Area.

5. Notwithstanding the plan information provided, the development hereby permitted shall not be commenced until a scheme of foul drainage and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

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.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 40 Classes A to H inclusive, other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason:- To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is provided.

7. All noisy demolition and construction 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 demolition and construction 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.

8. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and 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. If the initial site risk assessment indicates that potential risks exist to any identified receptors, development shall not commence until 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.

9. No top soil 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 by the Local Planning Authority.

Reason (common to 8-9):- 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 [in accordance with the NPPF].

10. Notwithstanding the information provided, no development shall take place within the area indicated (this would be the area of archaeological interest) until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work (to include post excavation, reporting and appropriate publication) in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:- To require the developer to record and advance understanding of the significance of the heritage asset before it is lost in accordance with the NPPF.

11. All planting, seeding or turfing comprised in the approved details of landscaping (condition 16 refers) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner: and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority give written consent to any variation

Reason:- In the interests of the visual appearance of the development and the amenities of the area.

12. Notwithstanding the information provided and before the commencement of development, including any site clearance and stripping, an arboricultural method statement shall be submitted to and approved by the LPA. Such statement shall describe in detail special measures required for the protection of trees during construction, whether by way of construction specifications for foundations, cellular confinement system for hard surfacing, means of avoiding compaction, together with special working methods and sequence of building operations, all as referred to in the Tree Heritage Ltd Arboricultural Implications Assessment Report submitted in support of the planning application.

Reason:- In the interests of the visual amenities of the area and tree protection.

13. Notwithstanding the information provided and before the commencement of development, including any site clearance and stripping, details of the specification and positions of temporary fencing and advisory notices for the protection of existing trees to be retained shall be submitted to and approved by the LPA. Such details shall be in accordance with guidance in British Standard 5837:2005 Trees in Relation to Construction Recommendations, unless otherwise agreed by the LPA.

Reason:- In the interests of the visual amenities of the area and tree protection.

14. Before the commencement of development, including any demolition, site clearance and stripping, the protective fencing and notices approved under Condition No. 13 shall be erected and maintained in position for the full duration of the period that development takes place. Within the fenced areas there shall be no excavation, changes in ground levels, 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 LPA.

Reason:- In the interests of the visual amenities of the area and tree protection.

### **Informative(s)**

1. This is considered to be a sustainable form of development and so complies with the provisions of the NPPF.

2. During any demolition and construction activities (including landscaping) the contractor shall pay due regard to the Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456), and take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.

Reason:- To protect local amenities from dust.

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**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](http://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](http://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.