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Mr Hurst  
C/o The Agent

Application no: SMD/2016/0134

Determined on: 08/07/2016

**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 Adjacent To The Orchard, Springfield Drive, Leek, Staffordshire ST13 6ET

**Description of Development:**

Erection of 7 dwellings with associated access off Deebank Avenue

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 plans and specifications as follows:-

2015/2095 08 Rev G received on 16.06.16

2015/2095 10 Rev D

2015/2095 13  
2015/2095 14  
2015/2095 15  
2015/2095 16  
2015/2095 17  
2015/2095 18

Reason:-

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

3. The construction of the dwellings and the hard-surfaced areas hereby approved will comprise the finishing materials exactly as specified in Appendix B 'Specification of External Building Materials' of the Planning Design and Access Statement - April 2016 unless otherwise approved in writing by the Local Planning Authority.

Reason:-

In the interests of the appearance of the development.

4. The planting plan shown on Drawing no. 2015/2095 08 Rev G and 2015/2095 19 Rev A 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, shrubs, herbaceous plants and grass 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 the appearance of development.

5. Before the commencement of development (including any site clearance, stripping, site establishment and formation of new accesses) 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 as set out in the Tree Heritage Arboricultural Report reference THL-R-163 dated 2nd March 2016 submitted in support of the application 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 in writing by the Local Planning Authority.

Reason:-

In the interests of the appearance of the site.

6. All first-floor windows in the side elevations of the dwellings hereby approved shall be fitted with obscure glazing to level 5 (minimum) from the Pilkington range or equivalent and then shall be maintained and retained in perpetuity.

Reason:-

To protect the amenity and living conditions of the adjoining residential properties from overlooking or perceived overlooking.

7. The boundary treatment shall be provided in exact accordance with the details on drawing 2015/2095 08 Rev G before the development is first brought into use.

Reason:-

In the interests of the appearance of the development and to protect residential amenity.

8. The acoustic fence shall be provided in exact accordance with the details on drawing 2015/2095 08 Rev G before the development is first brought into use.

Reason:-

In the interests of residential amenity.

9. The foul and surface water drainage shall be provided in exact accordance with the details on drawing 2015/2095 08 Rev G before the development is first brought into use.

Reason:-

In the interests of preventing the flooding or pollution of the site or surrounding area.

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

Reason:-

In the interests of highway safety.

11. Before the proposed development is brought into use, the parking, turning and service areas shall be provided in accordance with the submitted plans and shall thereafter be retained for the life of the development.

Reason:-

In the interests of highway safety.

12. The development hereby permitted shall not be brought into use until the parking areas have been surfaced and thereafter maintained in a bound and porous material.

Reason:-

In the interests of highway safety.

13. The garages approved shall be retained for the parking of motor vehicles and cycles. The garages shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

Reason:-

In the interests of highway safety.

14. Nothing shall be placed or allowed to remain on the site frontage which is within 2m of Deebank Avenue and which exceeds 600mm in height above the adjacent carriageway level.

Reason:-

In the interests of highway safety.

15. The first 1.5m of the access road shall be constructed in blacktop and a rumble strip shall be constructed to the rear of the 1.5m strip of blacktop and off highway land exactly as shown on drawing 2015/2095 08 Rev G. 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.

16. 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.

17. In the event that soil contamination, including surface coal measures, 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 exists 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. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, 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 the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

18. 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 1 Class(es) A, B, E and F or Part 2 Class A 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 protect the residential amenities of future residents.

### **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. The conditions requiring access tie in works 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 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](mailto:nmu@staffordshire.gov.uk))  
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>
3. This consent will require approval under Section 7 of the Staffordshire Act 1983 and will

require exemption under S219-226 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. The access road is to remain private. Arrangements for the future maintenance of the road will need to be made.

4. 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: 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)

-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.

-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.

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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.