STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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ST13 5HE

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Application no: SMD/2016/0412

Determined on: 17th May 2017

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

GRANT OF OUTLINE PLANNING PERMISSION

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 at High Street Leek Staffordshire ST13 5DZ

Description of Development:
Outline planning permission with all matters reserved (except access) for two residential blocks consisting of 10 x one bed and 16 x two bed apartments with associated parking.

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **HEREBY GRANT OUTLINE PLANNING PERMISSION** for the works described above subject to the following condition(s):

1. Details of appearance, landscaping, layout, and scale, (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
Reason:- The application is an outline application under the provisions of the Town and Country Planning (General Development Procedure)England Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission (excepting access).

2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
Reason:- The application is an outline application under the provisions of the Town and Country Planning (General Development Procedure)England Order 2015 and no particulars have been

submitted with respect to the matters reserved in this permission (excepting access).

3. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
Technical Note SCP dated 31st May 2016
AL 01, AL10A (Access Only)
Reason:- For the avoidance of doubt and in the interests of proper planning.

4. No more than 26 units shall be built on the site
Reason:- To define the permission and in the interests of the character and appearance of the area including the Conservation Area and the setting of a number of nearby Listed buildings

5. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication and interpretation. The Scheme shall thereafter be implemented in full in accordance with the approved details.'
Reason:- To protect archeological interests

6. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows 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.

7. The development hereby permitted shall not be brought into use until the accesses to the site within the limits of the public highway have been completed
Reason:- To comply with NPPF Paragraph 32; to comply with SMDC Core Strategy Policy DC1 and T1; in the interests of highway safety.

8. Before the proposed development is brought into use, the proposed vehicular accesses onto High Street and Strangman Street shall be fully reconstructed as dropped crossings of the footway including replacement kerbing in accordance with details to be first submitted to and approved in writing by the Local Planning Authority
Reason:- To comply with NPPF Paragraph 32; to comply with SMDC Core Strategy Policy DC1 and T1 ; in the interests of highway safety.

9. The development hereby permitted shall not be brought into use until the following highway works have been carried out in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority
- Reconstruction of footways on High Street and Strangman Street frontages on completion of construction works.
Reason:- To safeguard the structure of the existing highway

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10. The development hereby permitted shall not be brought into use until the existing site access onto Strangman Street which shall include the access crossing between the site and carriageway edge 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 reduce the proliferation of redundant access crossings.

11.Any gates shall be located a minimum of 5m rear of the carriageway edge and shall open inwards away from the highway or be sliding gates or roller shutters.
Reason:- To comply with NPPF Paragraph 32; to comply with SMDC Core Strategy Policy DC1 and T1; in the interests of highway safety.

12.The development hereby permitted shall not be brought into use until the parking bays have been provided and allocated in accordance with the approved plans. These bays shall thereafter be retained for the parking of vehicles and no development shall take place which shall prevent them from being used for their intended purpose.
Reason:- To comply with NPPF Paragraph 32; to comply with SMDC Core Strategy Policy DC1 and T1; in the interests of highway safety.

13.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

14.Development shall not commence until a site specific scheme for protecting the proposed residential units from external 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 be designed to achieve noise levels of less than 30 dB LAeq in bedrooms and less than 40 dBLAeq in living areas. The development shall subsequently be built in accordance with the agreed scheme. Pre completion tests shall be carried out to verify compliance with the agreed scheme. The raw data, calculations and results from the pre completion tests shall be submitted to the Local Planning Authority for its written approval before any of the units hereby approved are occupied.
Reason: To protect occupiers from noise and safeguard their residential amenities.

15.No development approved by this planning permission 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 site investigation scheme, based on the information already provided to support a detailed

assessment of risks to all receptors that may be affected, including those off site.
b. The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and a remediation strategy giving full details of remediation objectives and remediation criteria
c. 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 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

16.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. The development hsall be maintained in accordance with the approved plan.
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

17.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 shall not commence any further until an initial investigation and risk assessment has been completed in accordance with a scheme to be first agreed in writing by the Local Planning Authority, which shall 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 further 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 shall be subject to the written approval of the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.
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.No top soil / 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 shall be submitted to and agreed in writing by the Local Planning Authority

prior to the soils being imported onto site. The methodology shall 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:- 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

19.The development, including demolition hereby permitted shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Method Statement shall include the following details:-
I. A scheme to minimise dust emissions arising from demolition/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.
II. Details of wheel washing facilities. All demolition/construction vehicles shall have their wheels cleaned before leaving the site;
III. a scheme for recycling/disposal of waste resulting from the demolition/construction works;
Once approved, all relevant activities on the site shall be carried out in accordance with the approved Construction Environmental Method Statement throughout the course of the development. Any alteration to this Statement shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.
Reason: To protect the amenities of the area

20.Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment
Reason: To protect the amenities of the area.

21.The proposed development shall not be brought into use until full details of the proposed external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed at the site except in complete accordance with the approved scheme.
Reason:- To safeguard the amenity of neighbouring residential occupiers and that of the surrounding area.

22.No development shall take place including any demolition, ground works or site clearance until a method statement for creation of new wildlife features comprising the erection of breeding sites for swift has been submitted and approved in writing by the Local Planning Authority. The content of the method statement shall include:
a) purpose and objectives and the proposed works;
b) detailed design and working methods to achieve the stated objective;
c) extent and location of the multiple new nest sites for swifts built into the fabric of the building below the eaves following best practice.
d) timetable for installation demonstrating that works are aligned with phases of construction;
e) persons responsible for the works;

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f) initial aftercare and long-term maintenance.
The development shall be carried out in strict accordance with approved method statement
Reason:- In the interests of biodiversity

Informative

1. The Council entered into discussions with the applicant to secure an acceptable scheme. It is therefore considered that the proposals meet the provisions of paragraphs 186-187 of the NPPF

2. The applicants attention is drawn to the letter from the Police Architectural Liaison Officer dated 6th September 2016 and issues that must be addressed in any future reserved matters application.

3. The applicant's attention is drawn to a number of shortcomings with the illustrative drawings which will need to be addressed at the reserved matters stage. These include concern that projecting balconies on the High Street elevation could attract domestic paraphernalia which could detract from the appearance of the elevation and the Conservation Area and need to be carefully considered/designed. The suggested cladding system is not reflective of the locality. Generally the elevational treatment and fenestration should reflect the simple form and strong vertical emphasis of the traditional mill buildings and terraced houses which characterise this part of Leek. High quality design and materials will be required given the sites sensitive location. There is concern over the lack of active frontage to Strangman Street given the access to the basement parking area which elevates the habitable accommodation to first floor level.

4. The conditions requiring reinstatement of the existing dropped crossing to footway with full height kerb and reconstruction of the footways shall be completed in accordance with drawings to be submitted and with SCC requirements. Please note that prior to the works taking place you require a Permit to Dig. Please contact 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) The dropped crossing to the site shall be reconstructed/amended in accordance with the drawings to be submitted and with SCC requirements. Please note that should the accesses be amended in size, then prior to the access being reconstructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. 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/

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X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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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 buildingcontrol@staffsmoorlands.gov.uk

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. 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.

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.

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8. 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.

9. 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.

10. 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

11. 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.

12. 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.