STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Chief Executive

Mr T Kelly
Jennings Design Associates
The Warehouse
Saxon Street
Denton
M34 3DS

Mr P Bowen
Green Gate Homes (NW Ltd)
Bowsall House
3 King Street
Salford
M3 7NL

Application no: SMD/2016/0510

Determined on: 30/11/2017

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:
Land South West of Ashbourne Road, Leek, Staffordshire

Description of Development:
Proposed 12 dwellings with associated car parking and landscaping

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 3 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 drawing numbers:

- 902 A000 Rev A - Location Plan
- 902 A002 Rev K - Proposed Site Plan
- 902 A004 Rev D – 3B5P Terrace (plot 1 and 6)
- 902 A005 Rev D – 4B7P (plot 7 to 12)

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

3. No development shall be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- External facing materials, including hard surfacing,
- Window and door details, including reveal,
- Eaves / verge details, and,
- Boundary details.

Development shall thereafter be undertaken in accordance with the approved details and thereafter retained.
Reason:- To ensure that the external appearance of the development is satisfactory.

4. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting or amending that Order with our without modification, no development within Schedule 2, Part 1 Classes A, B, C, D and E shall take place on the dwelling houses hereby permitted or within its curtilage unless a further planning permission has first been granted on application to the Local Planning Authority.
Reason:- To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and the visual amenities in the area. To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, to ensure that adequate private or shared amenity space is retained within the curtilage of the building.

Drainage

5. The development permitted shall only be carried out in accordance with the approved Drainage Strategy dated August 2016, ref. no. w10140-160804 compiled by WaterCo Consultants and the following mitigation measures detailed within the strategy:

- The utilisation of holding sustainable drainage techniques;
- The limitation of surface water run-off to equivalent greenfield rates;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Identification and confirmation of the responsible body / company to maintain the surface water system over the lifetime of the development, supported by a maintenance schedule.

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. 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 buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with

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the approved details.
Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties.

Highways

7. The development hereby permitted shall not be brought into use until the visibility splays shown on plan ref. 902 A002 K have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.
Reason:- In the interests of highway safety.

8. The development hereby permitted shall not be commenced until details of the following off-site highway works have been submitted to and approved in writing by the Local Planning Authority:

- Relocation of the existing speed limit signs to outside of the visibility splay for the proposed development and for the adjacent existing access,
- Construction of bellmouth, and,
- Dropped crossings and tactile paving across bellmouth.

The off-site highway 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.

9. The development hereby permitted shall not be brought into use until details of the reinstatement of the existing site access, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development have been first submitted to and approved in writing by the Local Planning Authority. The existing site access made redundant as a consequence of the development hereby approved shall thereafter be reinstated as footway with full height in accordance with the approved plans prior to the development being first brought into use.
Reason:- In the interests of highway safety.

10. 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. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.
Reason:- In the interests of highway safety.

11. The development hereby permitted shall not be brought into use until the access drives rear of the public highway have been surfaced and shall thereafter be maintained in a bound and porous material for a minimum distance of 5.0m back from the site boundary in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The accesses shall thereafter be surfaced in accordance with the approved details prior to the development being first brought into use.
Reason:- In the interests of highway safety.

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12. Before the proposed development is commenced, details shall be submitted to and approved in writing by the Local Planning Authority indicating the carriageway with a maximum gradient of 1 in 40 for the first 15.0m rear of the junction with Ashbourne Road and 1 in 15 thereafter. The access 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.

Amenity

13. No development hereby permitted shall take place until a Construction and Environmental Method Statement for the site has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

- The method and duration of any pile driving operations (expected starting date and completion date);
- The hours of work for 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) and 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;
- Pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
- The arrangements for prior notification to the occupiers of potentially affected properties;
- The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- A scheme to minimise dust emissions arising from 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. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction;
- Details of wheel washing facilities. All construction vehicles shall have their wheels cleaned before leaving the site;
- A scheme for recycling/disposal of waste resulting from the construction works;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate, and,
- Installation and maintenance of wheel washing facilities.

All works within the development shall be carried out in accordance with the approved Method Statement.
Reason:- To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

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Noise Protection

14. Except for works of site clearance and demolition, no development hereby permitted shall take place until a site specific noise assessment and scheme for protecting the proposed residential units for the site 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 8233:2014 (Sound insulation and noise reduction for buildings) and shall be designed to achieve noise levels of less than 35 dB LAeq in bedrooms, less than 40 dBLAeq in living areas and less than 55 dB Laeq in outdoor living areas. Pre-completion tests shall be carried out to verify compliance with this condition. A report shall be produced containing all raw data and showing how calculations have been made. No dwelling within the site hereby permitted shall be occupied until the works to that dwelling have been completed in accordance with the approved details and the Pre-completion Test Report has been submitted to and approved in writing by the Local Planning Authority.
Reason:- To protect occupiers from noise and safeguard their residential amenities.

Unexpected Contamination

15. 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 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 re-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 first approval in writing by the Local Planning Authority.

Soil Importation

16. No 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 shall be submitted to and approved in writing by the Local Planning Authority. 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 shall be submitted to and approved in writing to by the Local Planning Authority prior to the soils being imported onto site.
Reasons (15 and 16):- 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.

Trees/Ecology

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17. No trees, shrubs, hedgerows or vegetation shall be removed other than those whose removal is directly required to accommodate the approved development or is indicated on the plans hereby approved, unless otherwise approved by the Local Planning Authority. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (March to August inclusive), unless otherwise agreed by the Local Planning Authority and in this case only following careful inspection by a competent person to establish that such trees, shrubs or hedgerow are not in active use by nesting birds. A report of their findings shall be submitted to and approved in writing by the Local Planning Authority prior to any tree, shrub or hedge removal works taking place within the period specified above.
Reason:- In the interests of nature conservation.

18. Any mature tree to be removed or to have substantial crown pruning operations carried out shall first be carefully inspected for the potential to provide bat roosting opportunities. Any tree which has such potential (which could include cavities, splits, decay pockets, hollow stems or branches, areas of loose bark, dense ivy cover or dense epicormic shoots) shall be subject to a further detailed and if necessary climbing inspection by a licensed bat worker immediately prior to felling or pruning, and all felling or pruning of such trees shall take place in the presence of the bat worker who can then immediately advise on appropriate measures if bats are discovered during dismantling, felling or pruning operations.
Reason:- In the interests of nature conservation.

19. Before the commencement of development (including any site clearance, stripping, site establishment or formation of any new access) 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 shall be retained in position for the duration of the period that development takes place. 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.
Reason:- In the interests of the visual appearance of the development and the amenities of the area.

20. Before the commencement of development (including any site clearance, stripping, site establishment or formation of any new access), a revised landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be generally in accordance with the landscaping as indicated on submitted drg. No. 3335/02 Rev C and 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 the approved 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:- To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs.

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Ecology

21. Prior to the commencement of any development, an updated badger survey shall be undertaken, together with survey findings and mitigation measures providing for the appropriate protection of badgers, which shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing. Development shall thereafter be carried out in accordance with the approved mitigation scheme for the site.
Reason:- In the interests of nature conservation.

Informative(s)

1. The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

2. This approval should be read in conjunction with the Planning Obligation entered into under S106 of the Town and Country Planning Act 1990 (as amended) which accompanies it dated the 29th November 2017.

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.
13.