STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Chief Executive

Sammons Architectural Limited
10 Cawdry Buildings
Leek
ST13 6JP

c/o Sammons architectural ltd

Application no: SMD/2018/0220

Determined on: 08/06/2018

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:
Garage Court Land Off STOCKWELL STREET LEEK STAFFORDSHIRE

Description of Development:
Erection of 3 terraced dwellings following demolition of existing garage court

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. 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, C, D, E, F, G and H and/or Part 2 Class(es) A, B and C, 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 retained within the curtilage of the buildings.

3. The development hereby approved shall be carried out in accordance with the following submitted plans and subject to the following conditions and/or modifications:-

   2016-2194-02 Rev A;
   2016-2194-05;
   2016-2194-06 Rev C;
   2016-2194-13 Rev F;
   2016-2194-15 Rev B;
   Reason:- For the avoidance of doubt, in the interests of proper planning and in accordance with the National Planning Policy Framework.

4. The development hereby permitted shall not be commenced until samples and details of the types and colours of all roof tiles, facing materials and hard surfaces including paths, patios and parking areas have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, completed prior to first occupation of the development and retained for the lifetime of the development.
   Reason:- To ensure that the external appearance of the development is satisfactory.

5. Prior to the commencement of development details of all pointing 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 retained for the lifetime of development.
   Reason:- In the interests of visual amenity and good design.

6. Prior to the commencement of development joinery details for all windows and doors, details of cills and lintels and the position of windows and doors within their openings shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be carried out in accordance with the approved details and retained for the lifetime of the development.
   Reason:- In the interests of visual amenity and good design.

7. Prior to the commencement of development joinery details and facing materials for the porch canopies 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, completed prior to first occupation of the development and retained for the lifetime of the development.
   Reason:- In the interests of visual amenity and good design.

8. Prior to the commencement of development design details including brick type for the eaves, verges and chimneys shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
   Reason:- In the interests of visual amenity and good design.

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9. No external lighting shall form part of the development unless the details have been agreed in writing by the Local Planning Authority. Details shall include lighting type, location within the plot and luminance levels and shall thereafter be installed in accordance with the approved details.
   Reason:- In the interests of amenity.

10. The development hereby permitted shall not be commenced until details of all proposed and existing walls, fences and other means of enclosure including any hedgerows have been submitted to and approved in writing by the Local Planning Authority. Details shall include materials samples, species, appearance, heights, locations and any necessary maintenance. The approved details shall be completed prior to the occupation of any of the buildings on the site and retained for the lifetime of the development.

    Reason:- To provide adequate privacy and an acceptable external appearance.

11. Prior to the commencement of development details of all rainwater goods and any vents and ducts shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details, completed prior to first occupation and retained for the lifetime of the development.
    Reason:- In the interests of good design and visual amenity.

12. 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. Thereafter the development shall be carried out in accordance with the approved details.
    Reason:- In order to ensure the satisfactory appearance of the development within this visually prominent site.

13. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), unless otherwise agreed in writing 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 wild birds.
    Reason:- In the interests of biodiversity.

14. 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. All felling or pruning of such trees shall take place in the presence of the bat worker who

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can then immediately advise on appropriate measures if bats are encountered during dismantling, felling or pruning operations.
Reason:- In the interests of protected species.

15. Before the commencement of development (including any demolition, site clearance, site stripping or site establishment) 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 THR16-140 submitted with the planning application, and shall be retained in position for the duration of the period that development takes place, unless otherwise agreed in writing 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 trees to be protected.

16. Before the commencement of development (including any demolition, site clearance, site stripping or site establishment) full details of all tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include full construction specification for a no-dig cellular confinement system for the proposed parking and turning areas, together with an arboricultural method statement setting out working methods and special protection measures for the avoidance of harm to existing trees on and adjacent to the application site during demolition and construction. Such method statement and protection measures shall specifically include details and timescales to ensure that appropriate measures are implemented to protect tree roots, stems and crowns from the initial outset of any demolition or construction activity. Thereafter, the development shall be constructed only in full accordance with the approved method statement.
Reason:- In the interests of trees to be protected.

17. Before the commencement of development (including any demolition, site clearance, site stripping or site establishment) a landscaping scheme for the entire site shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include full details of all new trees, shrubs, hedging and any other 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 and biodiversity.

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18. Prior to the commencement of development details of any signage and/or access restrictions to the on-site parking area hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details, completed prior to first occupation and retained for the lifetime of the development.
Reason:- To ensure that the parking spaces hereby permitted are retained for the sole use of the occupants of and/or visitors to the approved dwellings.

19. Prior to the commencement of development and notwithstanding the above approved plans, details of the proposed bin store shall be submitted to and approved in writing by the Local Planning Authority. Details shall include location, size, design, materials, elevations and method of securing the store to the ground. The development shall be implemented in accordance with the approved details, completed in full prior to first occupation of the development and retained for the lifetime of the development.
Reason:- In the interests of visual appearance, to provide satisfactory waste storage space and to control the impact of the development upon protected trees.

20. The development, including demolition hereby permitted shall not take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The 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;
IV. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;

Once approved, all relevant activities on the site shall be carried out in accordance with Construction and Environmental Method Statement throughout the course of the development. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to any deviation from it.
Reason:- To protect the amenities of the area.

21. No development, shall take place until a site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, in accordance with a scheme to be agreed in writing by the Local Planning Authority. Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority.

If the site risk assessment indicates that potential risks exist, development shall not commence until a detailed remediation strategy to mitigate the identified risks and ensure the site is remediated to a condition suitable for the intended use has been

submitted to and approved in writing by the Local Planning Authority. The agreed remediation strategy shall be adhered to throughout the development.

Following completion of the site remediation and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.
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.

22. 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 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 to 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.

23. 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.

24. Development shall not commence until a site specific scheme for protecting the proposed residential units from 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 35 dB LAeq in bedrooms, less than 40 dBLAeq in living areas and 55dB LAeq in outside living areas. A report shall be produced containing all raw data and showing how calculations have been made. A copy of such report shall be submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details, implemented in full prior to first occupation and be retained for the lifetime of the development.
Reason:- To protect occupiers from noise and safeguard their residential amenities.

25. 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.

26. 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 development shall thereafter be implemented in full in accordance with the approved Scheme.
    Reason:- In the interests of archaeology and historic landscape character.

27. The recommendations and mitigation including precautionary working methods set out in the submitted ecological report (Eyebright Ecology December 2016) at section 5.3 shall be followed and applied during the course of the development.
    Reason: In the interests of biodiversity and proper safeguard for protected species.

28. Prior to the commencement of development details of at least two integral bat roost boxes incorporated into the fabric of the built structures 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, completed prior to first occupation of the dwellings and be retained for the lifetime of the development.
    Reason: in the interests of biodiversity.

Informatives

1. During the course of the consideration of the application the Council sought amendments to the proposals to ensure that the proposed development was planning policy compliant in particular in respect of good design for a Conservation Area location, amenity and impact upon protected trees. It is therefore considered that the proposals meet the provisions of paragraphs 186-187 of the National Planning Policy Framework.

2. This Permission does not confer on the Applicant the right to build on or over land owned by a third party without the third party's consent. You should therefore seek the prior agreement of your neighbour(s) before entering their land.

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3. Attention is drawn to condition number 2 of this approval, the effect of which is to withdraw permitted development rights in respect of development which would otherwise not require planning permission. You are advised to contact the Local Planning Authority Development Control Section telephone 0345 6053013 before undertaking any other development in the future in order to ascertain whether planning permission is required.

4. Users of the public footpath network should be able to exercise their public rights safely and paths should be reinstated if any damage to their surface occurs as a result of the development. The County Council is responsible only for the surface of the footpath for pedestrians and not vehicles. The developer and any subsequent landowners are informed that the maintenance of hedges/trees is their responsibility.

5. It should be noted that all trees within the application site boundary, and also those off-site beyond the western boundary, are protected either by Tree Preservation Order or by virtue of their location within a Conservation Area. Other than where indicated for removal on the plans hereby approved, the planning permission hereby granted does not authorise any work (felling or pruning) to any trees, and specific consent following separate application to the Local Planning Authority under the terms of the Tree Preservation Order would be required to carry out any such work other than where specified as exempt under the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

6. The attention of the developer should be drawn to the existence of the Public Rights of Way and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path network. If the paths do need diverting as part of these proposals the developer would need to apply to Staffordshire Moorlands District Council under section 257 of the Town and Country Planning Act 1990 to divert the footpaths to allow the development to commence. The applicant(s) should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

7. All wild birds including their nests and eggs are protected by law. It is an offence, with certain exceptions, to kill, injure or take wild birds or to take, damage, or destroy their nests or take or destroy their eggs. Site clearance and/or demolition cannot therefore take place where there are birds nesting. Typically this will be in the period 1st March to 31st July of any year. As this development involves vegetation clearance and/or demolition and/or other activities where bird nesting is likely and which would be damaging to any nesting birds present the work should avoid the bird nesting season so far as possible. If such work is to take place in the nesting season an ecologist experienced in bird nesting habits should first be engaged to advise on and ensure that the intended work can legally take place.

8. Bats are protected by law and in the event that bats or bat droppings are encountered during the development work, all operations should be immediately ceased and

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advice obtained from an ecologically qualified bat specialist. Work should then continue only in accordance with the specialist advice obtained and with due reference to the law including the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981.

In respect of condition number 28, information on the installation of an integral bat roost box can be found by reference to the Bat Conservation Trust website at http://www.bats.org.uk/pages/bat_boxes.html#Integrated bat boxes.

9. 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), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance.
- Information on Coal Mining Risk Assessment can be found on the UK government Website: https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments
- Any approved foul drainage system should meet the British Standard 6297:2007+A1:2008: Code of practice for the design and installation of drainage fields for use in wastewater treatment http://www.bsigroup.com
- 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

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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 and "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.

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 BControl@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.