STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Andrew Dukesell
DBD Architectural Consultancy Ltd
50 Broad Street
Leek
Staffordshire
ST13 5NS

Mr L Gayes
Staffordshire Moorlands Developments Ltd
London Mills
Cornhilll Street
Leek
Staffordshire
ST13 5LH

Application no: SMD/2018/0664

Determined on: 14/12/2018

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:
Land to rear of 14 Market Place, Leek, Staffordshire, ST13 5HH

Description of Development:
Proposed erection of 2 storey building comprising 2no 2 bedroom semi-detached dwellings

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 strictly in accordance with the application drawings hereby approved and as detailed below:

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- 1529 Land rear 14 Market place PL10A Site location A4 1-1250
- 1529 Land rear 14 Market place PL11A Site EX 1-200
- 1529 Land rear 14 Market place PL12B Site PROP 1-200
- 1529 Land rear 14 Market place PL13B plans and els prop 1-100
- 1529 Land rear 14 Market place PL14 indicative section A2 1-100
- 1529 Land behind 14 Market Street D - A and Heritage Statement Oct 2018

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

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

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

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

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

5. Notwithstanding the 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 Schedule 2, Part 1 Classes A to H inclusive and Part 2, Class A, other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.
Reason:- To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is provided.

6. All noisy demolition and construction activities shall be restricted to the following times of operations.

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this instance a noisy demolition and construction activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.
Reason:- To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

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7. 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 in writing 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, approved in writing by the Local Planning Authority.

8. 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 (common to 8-9):- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with the NPPF].

9. The development hereby approved shall take place in accordance with the approved programme of archaeological work (to include post excavation, reporting and appropriate publication) in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
Reason:- To require the developer to record and advance understanding of the significance of the heritage asset before it is lost in accordance with the NPPF.

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

11. There shall be no further excavation or reduction in ground levels unless specifically agreed by the local planning authority or otherwise in strict accordance with the details of the development hereby approved and as required by the conditions set out in this decision notice.

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

12. Before any further development or construction activity whatsoever is carried out, temporary protective fencing and advisory notices, in accordance with the specification in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations,* and as set out in the Hamps Valley Ltd "British Standard 5837:2012 Tree Survey Report and Arboricultural Impact Assessment" dated 8th August 2018, shall be erected along the upper level of the existing excavation edge immediately to the north of the infilled foundation trench for the northern elevation of the development hereby approved, 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 (LPA). 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 LPA.
Reason:- In the interests of the visual amenities of the area and tree protection.

Informative(s)

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

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.