Town and Country Planning Act 1990 (As Amended)

Section 73 Variation of Condition Planning Application

Planning Statement

Site: Land South West of Ashbourne Road, Leek, Staffordshire ST13 5BJ

Applicant: Green Gate Homes (NW) Limited

Date: August 2019

Our Ref: BOW807/2

Knights plc

HQ Offices

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1. INTRODUCTION

1.1 This Statement has been prepared on behalf of Green Gate Homes (NW) Limited ('the applicant') by Knights plc to accompany the submission of a variation of condition application (also known as a Section 73 application) in relation to condition 2 and condition 5 of full planning permission reference SMD/2016/0510.

1.2 The location of the proposed development is Land South West of Ashbourne Road, Leek ('the site'). Staffordshire Moorlands District Council is the Local Planning Authority (the 'LPA').

1.3 Condition 5 of permission SMD/2016/0510 requires that the development be carried out in accordance with a specific Drainage Strategy. This document takes the form of an outline drainage strategy and contains two drawings that differ from the approved layout plan referred to in the planning permission. One of these drawings sets out a drainage scheme.

1.4 Condition 5 relating to the drainage strategy does not contain any provision allowing for the submission and agreement of updated drainage details. As such it is not possible to implement the permission in accordance with condition 5. An application for discharge of conditions on SMD/2016/0510 (ref DOC/2018/0077) was submitted in 6 June 2018. The case officer for that application advised that the LPA required a variation of condition planning application in order to address the issue in respect of condition 5.

1.5 Detailed drainage design has now taken place and this variation of condition application includes a detailed drainage scheme drawing. A revised permission SMD/2016/0510 that development should proceed in accordance with these drainage details is sought via this Section 73 application.

1.6 In addition condition 2 requires that the development be carried out in accordance with specified drawings. The drainage details would also require a consequential amendment to the layout plan referenced in condition 2 in order to show the drainage compound. A drawing providing the details of this is also provided.

1.7 The scope of this S73 application has been discussed with Council planning officers Ben Haywood (Head of Development Services, Staffordshire Moorlands District Council / High Peak Borough Council) and Jane Curley (Senior Planning Officer). This includes a meeting held between the applicants and Ben Haywood on Thurs 4 July 2019.

2. BACKGROUND

2.1 The site is located on Ashbourne Road on the south east edge of the town of Leek. It extends to 0.4 hectares in area and is greenfield. Accessed from the A523 Ashbourne Road, the site has residential development to the north-east and to the west. A petrol filling station is situated to the immediate north. Open countryside lies to the south.



(Image copywrite - Promap Licence 100022432)

Figure 1 Site Location - Land south of Ashbourne Road Leek

2.2 The site sits within the development boundary for Leek as defined in the 1998 Staffordshire Moorlands Local Plan (these development boundaries have development plan status until such time as they are superseded by those of the emerging plan). The site is also proposed as a housing allocation and is within the revised development boundary of the emerging Staffordshire Moorlands Local Plan - submission version, March 2018 (site allocation ref. LE022 'Land west of Ashbourne Road, Leek').

2.3 Planning application ref. SMD/2016/0510 pertaining to the site was submitted on 12 August 2016 and subsequently reported to Planning Committee for determination on 2 March 2017. The decision notice granting planning permission (issued after the S106 legal agreement was completed and entered into) is dated 30 November 2017. This permission is attached at Appendix 1 to this statement.

2.4 Planning application ref. SMD/2016/0510 was determined at planning committee over 2 years ago and the applicant are understandably keen to move forward with the site. It is however impossible to implement the permission in accordance condition 5. The discharge of conditions stalled as a result and the applicant has been working with the LPA to seek a pragmatic way forward.

3. THE PROPOSED VARIATION OF CONDITION

3.1 This is a variation of condition application in respect of condition 5 of planning permission ref. SMD/2016/0510 (see Appendix 1). Condition no. 5 on the decision notice reads as follows:

"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".*

3.2 The condition is not a pre-commencement or pre-occupation condition, but it does make clear that complying with the condition would require that the development be carried out in accordance with "the approved Drainage strategy" and it specifies that this is the document *"dated August 2016, ref. no. w10140-160804 compiled by WaterCo Consultants".*

3.3 The reference in condition 5 is to development *'in accordance with'* a superseded proposed layout plan for the development (see Appendix B of the Waterco document) and also provides a drainage drawing based on this ('Concept Drainage Schematic') (see Appendix E of the Waterco document). The proposed site layout drawing at Appendix B is that originally submitted with the planning application (drawing ref. 902 A002 Rev C). The concept drainage plan also relates to this earlier version of the layout. This differs from the approved layout (drawing ref 902 A002 Rev K - 'Proposed Site Plan'). The proposed layout was amended during the determination period (with all 12 dwellings repositioned), but no consequent update was made to the plans contained within the drainage strategy.

3.4 It is noted that Condition 5 as reproduced above sets out a number of criteria to be applied in the design of detailed surface water drainage for the site and the Waterco document takes the form of an outline drainage strategy. It envisages further survey work, a detailed design stage, consulting Severn Trent Water and submission of details to the LPA. In respect of the final detailed design, Condition 5 lists requirements including use of sustainable drainage techniques, limiting surface water run-off to equivalent greenfield rates and accommodating surface water run-off on-site up to 1 in 100 year event plus allowance for climate change.

3.5 Condition 5 however does not contain any provision allowing for the submission and agreement of updated drainage details.

3.6 The applicant is seeking to discharge conditions on SMD/2016/0510 in order to progress with the development. Jennings Design Associates (JDA) are acting on behalf of Bowsall Developments Limited in respect of discharge of conditions (application ref DOC/2018/0077) and the LPA's case officer requested a S73 variation of condition application in order to ensure that the development is taken forward in accordance with an approved drainage scheme.

3.7 The detailed drainage design for the development has now taken place with the applicant's engineers providing a fully worked up drainage scheme. This detailed drainage design addresses the matters referenced by the LPA in the original Condition 5 (as summarised above). The relevant drawing is plan ref. 17156 C-71 rev D entitled 'S104 Drainage Layout' and is provided as part of this application and also included at Appendix 5. It is therefore requested that condition 5 should be amended to relate to this drawing.

3.8 The drainage scheme as shown on plan ref 17156 C-71 rev D includes a small fenced compound containing a pumping station on the south eastern side of the site. A detailed plan of the drainage compound is therefore also supplied, ref 902-A-DR-601 ('Pumping station plan and elevations' and this can also be conditioned as appropriate.

3.9 A letter from Severn Trent of 25 April 2017 is attached at Appendix 3 and the details supplied on plan ref 17156 C-71 rev D reflect the specifics set out by Severn Trent in their letter. This 'technical compliance' is confirmed in the second letter from Severn Trent at Appendix 4 dated 21 March 2019. These Drainage details have also been supplied to the LLFA on 1 May 2019.

3.10 Further changes to this drainage scheme are therefore considered unlikely to be required, however the applicant would wish to avoid the time and cost of a further Section 73 application, should any further unforeseen issues arise. We would therefore propose a revised condition that references the drainage plan ref 17156 C-71 rev D (plus the pumping station drawing ref 902-A-DR-601 as appropriate) and states *'unless otherwise agreed in writing by the local planning authority'.*

3.11 The compound containing a pumping station on the south eastern side of the site is not shown on the approved layout plan 902-A-002 rev K that is referred to in condition 2 of the permission. A revised layout plan including the pumping station has therefore been prepared (no other changes have been made to the layout plan and a consequential amendment to Condition 2 to refer to this updated layout plan 902-A-002 rev O is therefore also requested.

3.12 The applicant therefore requests conditions 2 and 5 of permission ref. SMD/2016/0510 be revised to read as follows (proposed changes in bold type):

3.13 Condition 2:

"The development hereby approved shall be carried out in accordance with drawing numbers:

- *902 A000 Rev A - Location Plan*
- ***902-A-002 rev O - Proposed Site Plan***

- *902 A004 Rev D – 3B5P Terrace (plot 1 and 6)*
- *902 A005 Rev D – 4B7P (plot 7 to 12)"*

3.14 Condition 5:

"Drainage

5. The development permitted shall be carried out in accordance with ***plan reference 17156 C-71 rev D - Drainage Layout and reference 902-A-DR-601 -'Pumping station plan and elevations' unless otherwise agreed in writing by the local planning authority".***

3.15 As set out in the Planning Practice Guidance (paragraph: 21a-031), *"In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application".* The LPA's reason for condition 5 is stated to be *"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"*. The detailed drainage scheme assists in this regard and the varied condition would not fundamentally alter the proposal in the original permission. Indeed in this instance the change sought is simply to address an administrative issue and would not result in any material change to the scheme. There are no new national or local policy issues arising that should affect this decision.

3.16 The drainage drawing ref 17156 C-71 rev D provides details that relate to the approved layout for the development. The change sought via this S73 application will correct an inconsistency and does not introduce new planning issues or raise new material planning considerations.

3.17 The content and timing of this application has been discussed, initially with Ben Haywood (Head of Development Services, Staffordshire Moorlands District Council / High Peak Borough Council) and then agreed with Jane Curley (Senior Planning Officer). This S73 application should be determined after the application to discharge pre-commencement conditions (ref. DOC/2018/0077) thereby reducing the need to re-impose pre-commencement conditions on the new permission. The applicant is concerned that conditions previously discharged should not be duplicated on a revised permission.

3.18 In this regard, it is noted that paragraph ref. 17a-015-20140306 of the Planning Practice Guidance advises LPAs as follows "*To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged*" and by exclusion, those discharged should therefore not simply be reapplied.

3.19 The appropriate way forward has therefore been discussed and agreed with Jane Curley (Senior Planning Officer) such that such a revised permission could be issued with conditions that identify the plans/documents submitted and approved as part of the condition discharge application and simply require the development to be undertaken in accordance with the detail provided to and already approved by the Council via DOC/2018/0077. This would avoid re-imposing pre-commencement conditions in respect of these matters.

4. CONCLUSION

4.1 This Statement has been prepared on behalf of Green Gate Homes (NW) Limited to accompany the submission of a variation of condition application in relation to condition 5 of planning application reference SMD/2016/0510. This requires that the development be carried out in accordance with a specific Drainage Strategy and does not contain any provision allowing for the submission and agreement of updated drainage details. The Drainage Strategy referred to does not reflect the approved development. The development cannot be implemented as it stands as given it is impossible to comply with Condition 5. The LPA has advised a S73 application is required in order to address this matter.

4.2 Detailed drainage design has now taken place. The drainage design is to the satisfaction of the water and sewage utility provider Severn Trent and this variation of condition application includes a detailed drainage strategy drawing. A revised permission with a condition to the effect that development proceed in accordance with these up-to-date drainage details is sought. This S73 application should be determined after the application to discharge pre-commencement conditions (DOC/2018/0077) thereby reducing the need to re-impose pre-commencement conditions on the new permission.

4.3 The drainage drawing ref 17156 C-71 rev D provides drainage details that relate to the approved layout for the development and are acceptable to Severn Trent and the LLFA. The change sought via this S73 application will correct an inconsistency in the conditions attached to permission reference SMD/2016/0510 and does not introduce new planning issues or raise new material planning considerations. It is therefore respectfully requested that this variation of condition application be supported.

Knights plc

August 2019

APPENDIX 1 - Planning permission ref. SMD/2016/0510

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Chief Executive

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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.

<u>Drainage</u>

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

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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Chief Executive

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

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.

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

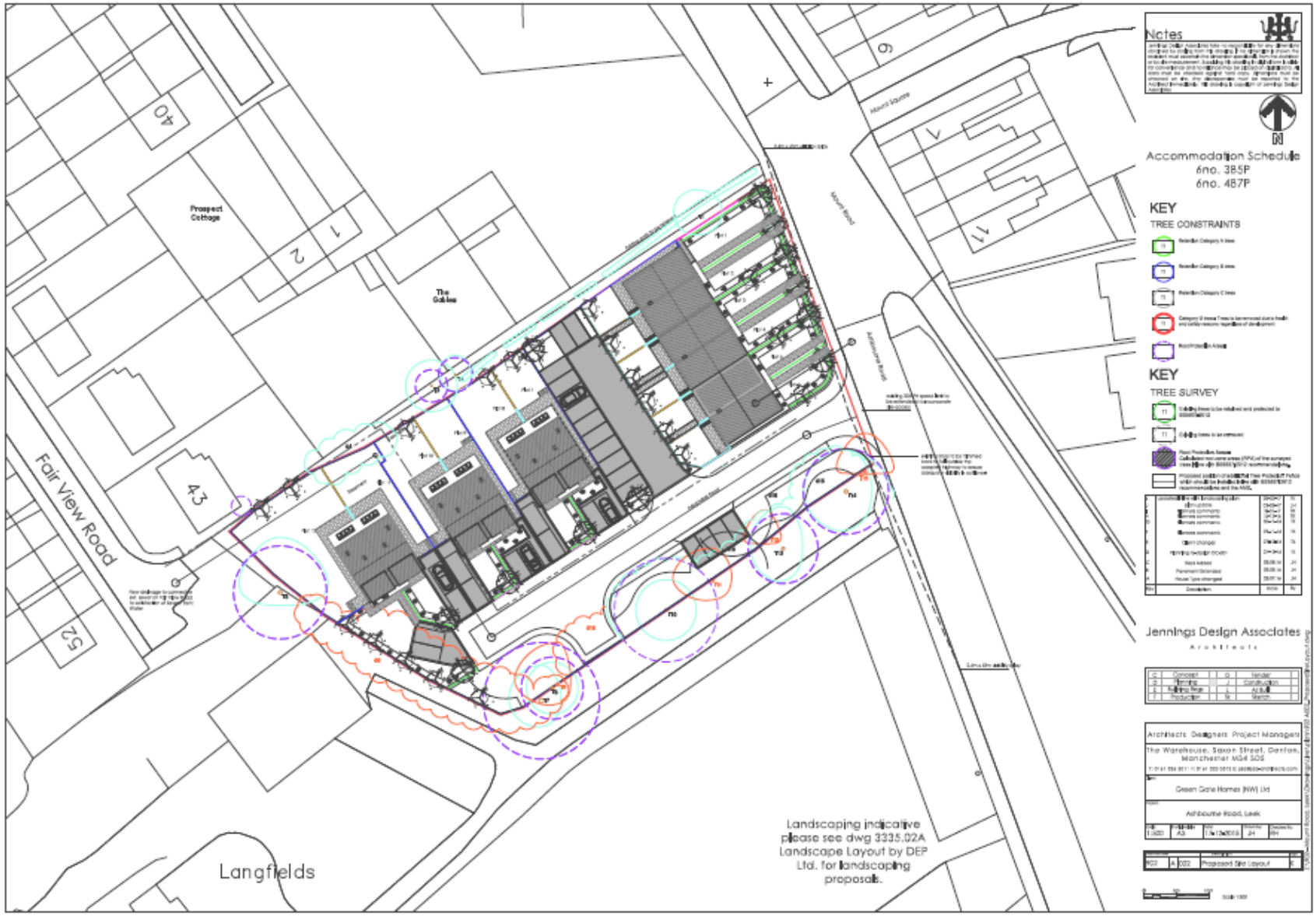
11. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary 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.

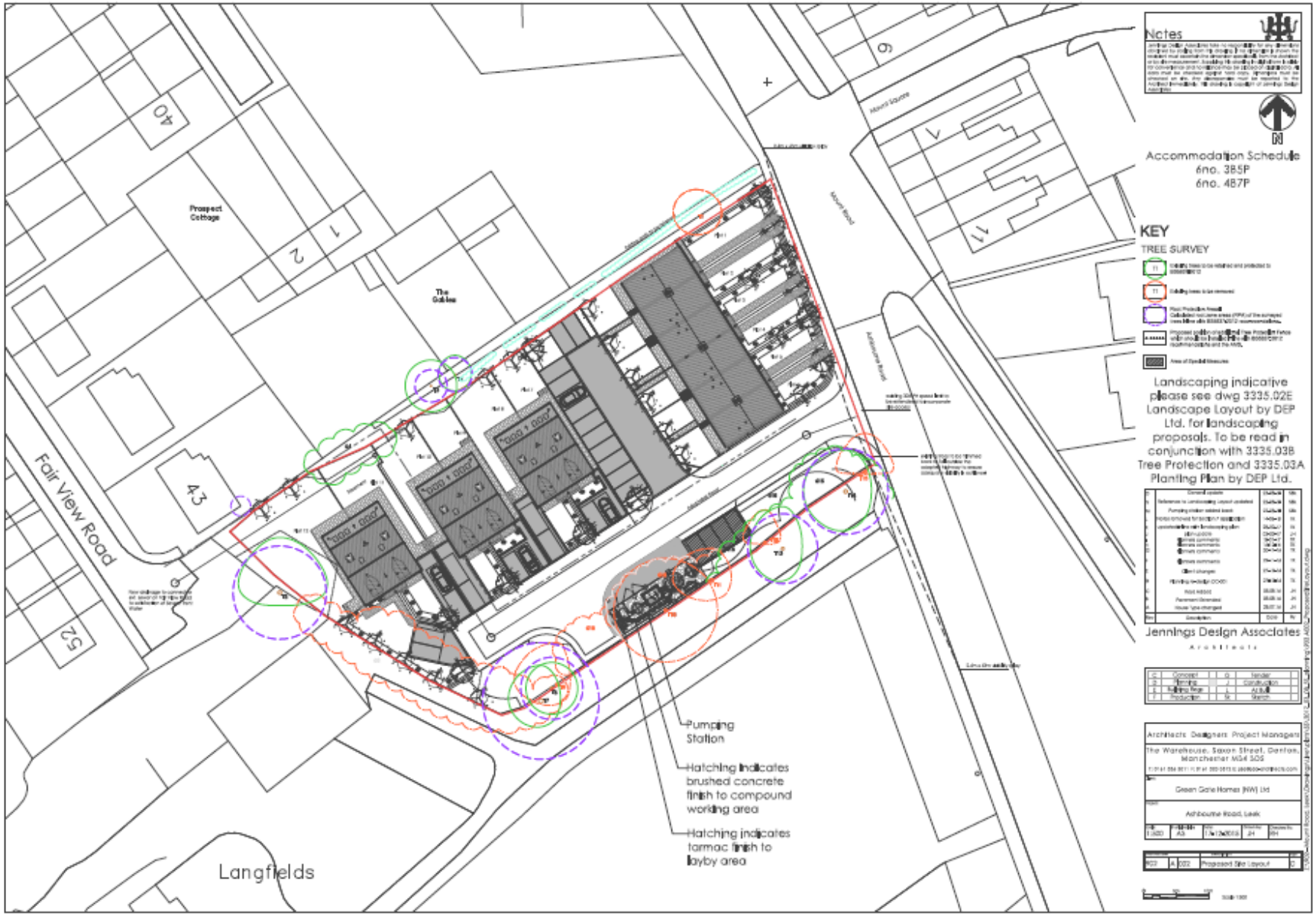
APPENDIX 2 - Proposed site layout drawing originally submitted with the planning application (drawing ref. 902 A002 Rev C)


Prospect Cottage
40
1
2
The Gables
43
52
Fair View Road
Ashbourne Road
Mount Square
6
Mount Road
Langfields
Landscaping indicative please see dwg 3335.02A Landscape Layout by DEP Ltd. for landscaping proposals.
Notes
Accommodation Schedule
6no. 3B5P
6no. 4B7P
KEY
TREE CONSTRAINTS
KEY
TREE SURVEY
Jennings Design Associates
Architects
Architects Designers Project Managers
The Warehouse, Saxon Street, Denton, Manchester M34 3GS
Green Gate Homes (NW) Ltd
Ashbourne Road, Leek
Proposed Site Layout

APPENDIX 3 - Proposed site layout ref 902-A-002 rev K as referenced in the permission


Notes
Accommodation Schedule
6no. 3B5P
6no. 4B7P
KEY
TREE CONSTRAINTS
KEY
TREE SURVEY
Jennings Design Associates
Architects
Architects Designers Project Managers
The Warehouse, Saxon Street, Denton, Manchester M34 3DS
Green Gate Homes (NW) Ltd
Ashbourne Road, Leek
Proposed Site Layout
Prospect Cottage
The Gables
Fair View Road
Ashbourne Road
Mount Square
Mount Road
Langfields
40
43
52
1
2
7
9
11
Landscaping indicative please see dwg 3335.02A Landscape Layout by DEP Ltd. for landscaping proposals.

APPENDIX 4 - Proposed site layout ref 902-A-002 rev O updated showing drainage details



Notes
Accommodation Schedule
6no. 385P
6no. 487P
KEY
TREE SURVEY
Landscaping indicative please see dwg 3335.02E Landscape Layout by DEP Ltd. for landscaping proposals. To be read in conjunction with 3335.03B Tree Protection and 3335.03A Planting Plan by DEP Ltd.
Jennings Design Associates
Architects
Architects Designers Project Managers
The Warehouse, Saxon Street, Denton, Manchester M34 5DS
Green Gate Homes (NW) Ltd
Ashbourne Road, Leek
Proposed Site Layout
Prospect Cottage
The Gables
Fair View Road
Langfields
Mount Road
Ashbourne Road
Pumping Station
Hatching indicates brushed concrete finish to compound working area
Hatching indicates tarmac finish to layby area

APPENDIX 5 - letter from Severn Trent of 25 April 2017

Severn Trent Water
Severn Trent Water Ltd.
Regis Road
Wolverhampton
WV6 8RU

Tel: 01902 793871
www.stwater.co.uk
net.dev.west@severntrent.co.uk

Contact: Rakesh Patel
Your ref:
Our ref: 8263137

Topping Engineers.
Windsor House.
Cornwall Road.
Harrogate.
HG1 2PW.

For the attention of Mr. Andy Dyson.

25th April 2017.

Dear Mr. Dyson,

Proposed residential development (12no.dwelling units) on land off Ashbourne Road, Leek, Staffordshire.

I refer to your Development Enquiry request submitted in respect of the above site. Please find enclosed a sewer record extract for the site (A3 plan), which is included as part of the Developer Enquiry fee, together with the Supplementary Guidance Notes (SGN) referred to below.

Public Sewers within the site – Required Protection.
According to our sewer records, there are no public sewers passing through the site. However, due to a change in legislation on 1st October 2011, there may also be former private sewers on the site which have transferred to the responsibility of Severn Trent Water Limited, which are not shown on the statutory sewer records, but are located in your client's land. These sewers would have protective strips that we will not allow to be built over. If such sewers are identified to be present on the site, please contact us for further guidance.

Foul Water Drainage.
According to our sewer records, there is a min.150mm.dia. public foul sewer located approx. 35metres to the north-west of the site on third party land off Prospect Road (from manhole no.4901). There is a further min. 150mm.dia. public foul sewer along Ashbourne Road. A gravity connection should be able to be accommodated in either of these sewers. You will need to obtain permission from the third party landowners in order to lay a new sewer through their land in order to connect to the public foul sewer off Prospect Road. From the details that you have submitted, it would appear that a gravity connection to the sewer in Ashbourne Road may not be possible. Please be advised that a new connection to the sewer would be allowed, subject to a formal S.106 sewer connection approval (see later).

Surface Water Drainage.
Under the terms of Section H of the Building Regulations 2000, the disposal of surface water by means of soakaways should be considered as the primary method for means of surface water discharge.
If this is not practical and no watercourse is available to discharge to as an alternative, the use of sewerage should be considered. In addition, other sustainable drainage

Severn Trent Water

methods should also be explored before a discharge to the public sewerage system is considered.
In the event that following testing, it is demonstrated that soakaways would not be possible on the site, evidence should be submitted. This would satisfy the SGN.

Subject to soakaways not being a viable option and there being no watercourse nearby, a gravity surface water connection to the 150mm.dia. public surface water sewer to the north-west of the site (from manhole no.4902), or the min. 225mm.dia. public surface water sewer to the north-east of the site (from manhole no.5902) along Ashbourne Road may be acceptable subject to a formal S.106 approval (see later) with the discharge rate requested to be restricted to 5 litres / second / hectare as per the SGN (Greenfield site). Any flows exceeding this would need to be appropriately attenuated on site and discharged at a controlled rate.

New Connections
For any new connections (including the re-use of existing connections) to the public sewerage system, you will need to submit a Section 106 application form. For adopting the sewers to be constructed for the site, you will need to make a S.104 submission. Our Developer Services department are responsible for handling all such enquiries and applications. To contact them for an application form and associated guidance notes please call 0800 7076600 or download from www.stwater.co.uk.

Please quote 8263137 in any future correspondence (including e-mails) with Severn Trent Water Limited. Please note that 'Development Enquiry' responses are only valid for 6 months from the date of this letter.

Yours sincerely,



Rakesh Patel.
Asset Protection (Waste Water) West.
Asset Management.

APPENDIX 6 - letter from Severn Trent dated 21 March 2019

APPENDIX 5 - Drainage Layout plan ref 17156 C-71 rev D

APPENDIX 6 - Pumping station plan and elevations ref 902-A-DR-601

21.03.19

Peter Bowen-Bowsall Ltd
3 King Street
Salford
M3 7DG

Severn Trent Water Ltd
Capital Income Team
PO Box 5311
Coventry
CV3 9FL

www.**stwater.co.uk/developers**

Reference number: 8306515

Charges for the adoption of sewers at Ashbourne Rd, Leek, Staffs

Dear Sirs,

Thanks for asking us to provide you with the charges for the adoption of your proposd sewers.

We've vetted your on-site design – drawing number(s) 17156-C-71D - and are pleased to confirm that your drainage proposals meet with our requirements. This is based on our assumption that you've done the necessary work to confirm that all outfall levels are appropriate and allow an effective discharge, in accordance with your on-site design.

Inspection and bond charges

To help you understand how your charges are calculated here's a breakdown. These have been taken from our latest Charging Arrangement Document and if you'd like to find out more – please take a look on our website.

Type of charge	Description of charge	No. units/ metres	Inspection Unit rate - 2.5%	Bond Unit rate -10%	Inspection charge	Bond charge	VAT
Gravity sewers (per metre) - includes in-line storage less than 1350mm diameter	Inspection charge – 2.5%	19.4	£10.71		£207.77		0%
	Bond charge – 10%	19.4		£42.82		£830.71	0%
Ancillary charges	Headwall per unit	0	£62.50	£250.00	£0.00	£0.00	0%
	Flow control chamber per unit	0	£62.50	£250.00	£0.00	£0.00	0%
	m^3 storage over 1350mm diameter	377	£12.50	£50.00	£4,712.50	£18,850.00	0%
	Pumping station per unit cost	£80,000.00			£2,000.00	£8,000.00	0%
	Rising main not exceeding 225mm diameter per metre - inspection charge 2.5%	0	£2.48		£0.00		0%
	Rising main not exceeding 225mm diameter per metre rate – bond charge 10%	0		£9.91		£0.00	0%
	Adoptable lateral drains	0	£4.00	£16.00	£0.00	£0.00	0%
*the inspection charges are payable to proceed to agreement. The bond charges can either be a cash bond or surety. Please indicate on the Payment Sheet.			**Total inspection charges**		**£7,119.42**		
			Total bond charges		**£28,476.48**		

Other charges

Here's a breakdown of other charges, these have been taken from our Charging Arrangement Document and are subject to VAT. Whether these charges are applicable will depend on the design of your site and outfall locations. We will contact you when these charges need to be paid.

Provision and installation of an outstation (including 12 months listening service)	£4525.23	20% VAT
Installation of locks and signs at pumping station	£932.05	20% VAT
Pumping station land transfer	£1500.00 plus disbursements	20% VAT
Sustainable Drainage System (SUDS) Easement	£1500.00 plus disbursements	20% VAT
Unilateral Deed of Grant	£900.00 plus disbursements	20% VAT

Things you need to know

Agreements

This letter informs you of our technical approval of the design drawings 17156-C-71D and outlines the charges that need to be paid to proceed with the (S104) Adoption Agreement. So that we can draft the Agreements, we need payment and the completed Request for Information form.

Site inspections

Once the Agreements are in place and all charges paid, we can arrange a pre start meeting on-site. Our inspector will come to site to discuss:

- Site Health & Safety requirements
- Construction Design and Management (CDM) contacts
- Material requirements
- Construction requirements
- Inspection call-off periods
- Construction programme
- Pumping Station inspection requirements
- Connection points

Changes to the approved design

Should you need alter any aspect of the approved design, please let us know so that we can make sure any changes are approved and documentation updated. Depending on extent of the changes there may be an additional charge(s) to pay and we may need to enter into a Deed of Variation.

Pumping stations

During construction we'll inspect a pumping station as part of normal process.

If you need us to inspect a pumping station post construction you'll need to give us 4 weeks notice so we can ensure that the right people come to site. Once a pumping station is adopted there is a charge for replacing any locks and signs at the pumping station.

If you have chosen not pay for the provision and installation of the outstation (telemetry) and replacing locks and signs upfront, we will write to you at the appropriate stage to attain this payment.

Please also note that there are legal charges in relation to pumping stations and these are detailed above and in our Charging Arrangement Document.

Sustainable Drainage Systems (SUDS)

Any discharge to a watercourse - or other sustainable drainage system (SUDs) - benefits from the right to discharge in perpetuity as Severn Trent, as the Undertaker, has no statutory powers in respect of such discharge.

We will only adopt sewers discharging to above ground balancing areas where there are adequate administration arrangements in place and the balanacing area is owned and maintained by the local authority, or where there is a formal Agreement in place to do so in the future.

Please also note that there are legal charges in relation to discharges and SUDS easements and these are detailed above and in our Charging Arrangement Document.

Consent to discharge

Various consents are needed for any discharge to a watercourse - or other sustainable discharge system (SUDs) - transferring or providing Severn Trent (ST) with the required rights to discharge at the appropriate point. This has potential to cause significent delays in the adoption process and would advise that you please ensure the process is started at your earliest opportunity.

Please also note that there are legal charges in relation to discharges and SUDS easements and these are detailed above and in our Charging Arrangement Document.

Maintenance period

Once your site has reached 51% occupancy, please send us:
1. an electronic copy of the as-built drawings – in AutoACD format (.dwg)
2. the sewer record cards - if you need a copy of our latest record card template please let us know.
3. a copy of the site's CDM file

Once we've received these we'll complete a pre-maintenance inspection. We'll also contact you in relation to SUDS easement, consent to discharge, pumping station land transfer, if appropriate. We'll then send you either a snagging list, showing the remedial works needed, or a Maintenance Certificate.

Sewer connections

If you need to connect to the public sewers, you'll need to apply to connect under Section 106 of the Water Industry Act (1991). The approval of a sewer design under S104 of Water Industry Act (1991) **does not** constitute an approval to connect to public sewers and the necessary approval will not be granted until the S104 Adoption Agreement has been completed by all parties.

Application forms are available on our website - www.stwater.co.uk/developers . Our charges for a application to connect to the public sewers (S106) can be found in our latest Charging Arrangement Document. If your contractor completes the connection to the public sewer an inspection will need to be completed by us.

What happens next

These charges are valid for 6 months, which means that you have until the 21.09.2019 to pay for the relevant charges, complete and return the Request for Information - ensuring all relevant parties are detailed – and complete and return the Payment Form. The inspection charges are payable to proceed to agreement. The bond charges can either be a cash bond or a surety. Please indicate on the Payment Sheet.

It's important that you tell us the correct information on the Request for Information form otherwise it may result in us having to update and reissue the Agreement - which will result in a further charge.

Once we've got these, we'll send you an Adoption Agreement. This will need to be signed by all parties to the Agreement and returned for us to counter sign. We'll then send you a copy for you to keep.

If we haven't received these by the 21.09.2019 we'll assume that you're not going ahead with the work and these charges will expire.

Yours faithfully



Joel Haden
Design Technician
Developer Services

Enclosures:

- Request for Information
- Payment sheet

Useful numbers:

- To discuss this application please call Joel Haden on 07974 261437
- For general enquiries about water or waste connections call 0800 707 6600
- For all emergencies, such as a leak or sewer flooding, call 0844 783 4444