STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Matthew Wedderburn
Knights PLC
HQ Officer Nicholas Street
Chester
CH1 2NP

C/O

Application no: SMD/2019/0536

Determined on: 2nd December 2019

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:
Variation of Condition 2 and 5 in relation to SMD/2016/0510

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 30th November 2020
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 O - 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. The development hereby approved shall be carried out in strict accordance with the following details:-

- External facing materials, including hard surfacing:
  Brickwork – Wienerberger Oast Russett Sovereign stock
  Tiles – Sandtoft 20/20
  Hardsurfacing – Tegular block paving (traditional blend); Sandstone flags (Oakley buff)
  Windows cills - Forticrete cast stone cills (Portland)
- Window and door details, including reveal as shown on drawing 902 A411 approved under DOC/2018/0077
- Eaves / verge detail as shown on drawing 902 A410 Rev C approved under DOC/2018/0077
- Boundary detail as shown on drawings A 4600 Rev C, A 102 Rev D, 17156 S004A and 17156-C-61 approved under DOC/2018/0077

Reason:- To ensure that the external appearance of the development is satisfactory.

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

Drainage

5. The development permitted shall be carried out strictly in accordance with the agreed drainage arrangement shown on drawing nos 17156 C-71 rev D (Drainage Layout), 902-A-DR-601 Rev C (Pumping station plan and elevations) and AO 14750-2A (Compound Layout).
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 be carried out strictly in accordance with

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the levels as shown on drawing 17156C-61-D
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. None of the units or the pumping station compound hereby permitted shall be brought into use until such time that the Off site highway works consisting of
a) Relocation of the existing speed limit signs to outside of the visibility splay for the proposed development and for the adjacent existing access,
b)Construction of bellmouth, and,
c) Dropped crossings and tactile paving across bellmouth have been provided strictly in accordance with the details shown on the following drawings:-

2050-D001 rev D	General Arrangement
2050-D002 rev B	Site Clearance
2050-D003 rev D	Construction Materials
2050-D004 rev C	Signs & Markings
2050-D005 rev E	Standard Details
2050-S278 rev A	Land Transfer Plan
2050-S278 rev A	S278 Easement Plan
2050-TRO-01	S278 TRO Speed Limit Plan

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 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 maintained in accordance with the approved details.
Reason:- In the interests of highway safety.

12. The carriageway shall have a maximum gradient of 1 in 40 for the first 15.0m rear of the junction with Ashbourne Road and 1 in 15 thereafter and shall be constructed and completed in accordance with details shown on the following drawings before any part of the development hereby approved is brought into use.

2050-D001 rev D	General Arrangement
2050-D002 rev B	Site Clearance
2050-D003 rev D	Construction Materials
2050-D004 rev C	Signs & Markings
2050-D005 rev E	Standard Details
2050-S278 rev A	Land Transfer Plan
2050-S278 rev A	S278 Easement Plan
2050-TRO-01	S278 TRO Speed Limit Plan

Reason:- In the interests of highway safety.

Amenity

13. The development hereby approved shall be carried out strictly in accordance with the Construction and Environmental Method Statement submitted by Tom Kelly to the Council on the 23rd July 2019 via e-mail and approved under DOC/2018/0077
Reason:- To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

Noise Protection

14. The development hereby permitted shall take place in strict accordance with the Noise Impact Assessment (NIA) dated 3rd April 2018 ref AC 105323-1R1 and the Titon Trim vent select (S130) approved under DOC/2018/0090. Pre-completion tests shall be carried out to verify compliance with this approved Noise Impact Assessment. A Report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby approved to demonstrate compliance with the approved Noise Impact Assessment and shall provide all raw data and show how calculations have been made.

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 submitted to and 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 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 submitted to and approved 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 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 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. A report of the findings shall be submitted to and agreed in writing by the Local Planning Authority. 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. The development hereby approved shall be carried out in strict accordance with drawings nos 3335 02E (Landscape Proposals) and 3335.03 03A (Planting Plan) as approved under DOC/2018/0077 and hereby comprising the 'Landscaping scheme'. The Landscaping Scheme 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 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.

<u>Ecology</u>

21. The development hereby approved shall be carried out in strict accordance with

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the mitigation measures set out in the letter from Kingdom Ecology dated 27th May 2019 approved under DOC/2018/0077
Reason:- In the interests of protected species

Pumping Station

22. The pumping machinery, plant or equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014 or the prevailing British Standard.
Reason:- To safeguard the amenity of local residents and that of the surrounding area from noise disturbance

Informative(s)

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

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.
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