

Mr Robert McGuiness
RLM Associates
11 Ashdale Road
Leek
Staffordshire
ST13 6QZ

Mr D Cowburn
The Clock Tower
Lake Road
Leek
Staffordshire
ST13 8RN

Application no: SMD/2021/0361

Determined on: 19/08/2021

**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:

Limes Mill Abbots Road Leek Staffordshire ST13 6EY

Description of Development:

Variation/Removal of conditions 2 and 13 to SMD/2014/0156

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 approved shall be carried out in accordance with the following submitted plans:

RLM 806/8 dated June 2020 at 1:200 scale
2012-1882-05 Location and Block Plans
2012-1882-03 House Type A Plans and Elevations
2012-1882-04 House type B Plans and Elevations
2924 - Topographical Survey

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

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 Classes A, B, C, D, E and F of the

Schedule other than expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason:- To avoid preclude changes or additions to the dwellings that may result in loss of amenity to neighbours or over-development of restricted curtilages and proximity of buildings to protected trees

3. The facing materials for the walls and roofs of the proposed dwellings shall accord with the details approved pursuant to condition 4 of permission SMD/2014/0156 under application DOC/2016/0113.

Reason:- In the interests of visual amenity.

4. The shrubs and grassed areas planted in accordance with the landscaping scheme shown on Plan No. 2012-1882-02 Rev A of permission SMD/2014/0156 shall be properly maintained for a period of 5 years following planting. Any plants which, within this period are damaged, die, are removed or otherwise fail to establish shall be replaced during the next available planting season.

Reason:- In the interests of visual amenity of the area.

5. Before the development hereby permitted is occupied a screen fence at a height of 1.8 metres shall be erected on the common rear garden boundaries between plots, and thereafter shall be permanently retained.

Reason:- To ensure privacy between rear gardens

6. The drainage arrangements for the disposal of surface water and foul sewage shall accord with the details approved pursuant to condition 8 of permission SMD/2014/0156 under application DOC/2016/0113.

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.

7. The details of the scheme of sound insulation for protecting the occupants of the proposed development from noise from nearby non-residential premises shall accord with the details by means of triple glazing approved pursuant to condition 9 of permission SMD/2014/0156 under application DOC/2016/0113 and shall be completed prior to the first occupation of any dwelling and shall thereafter be retained. It shall have regard to BS 8233:1999 and be designed to achieve internal noise levels of not more than 35 dB LAeq in bedrooms and 40 dB LAeq in living rooms.

Reason:- To ensure that acceptable noise levels within the development and its curtilage are not exceeded.

8. None of the dwellings hereby approved shall be first occupied until the access to the site within highway limits has been completed

Reason:- In the interests of highway safety

9. None of the dwellings hereby approved shall be first occupied until the access drive

rear of the highway has been surfaced in a bound and porous material in accordance with the approved plans. The surface treatment shall thereafter be retained for the life of the development.

Reason:- In the interests of highway safety

10. The access hereby permitted shall be ungated at all times

Reason:- In the interests of highway safety.

11. None of the dwellings hereby approved shall be first occupied until the access, parking and turning areas have been provided in accordance with the approved plans. Those areas shall thereafter be retained unimpeded for the purposes of access, parking and turning for the life of the development

Reason:- In the interests of highway safety

12. None of the dwellings hereby approved shall be first occupied until a surface water drainage interceptor, connected to the surface water outfall, has been provided across the access immediately to the rear of the highway boundary unless otherwise agreed in writing by the local planning authority

Reason:- In the interests of highway safety

13. Nothing shall be placed, constructed, planted or allowed to remain within 2.4m of the carriageway edge that is greater than 600mm in height above the adjacent carriageway level on the frontage of the development. Anything that is greater than 600mm in height within 2.4m of the adjacent carriageway shall be immediately removed.

Reason:- In the interests of highway safety

Informatives

1. The attention of the developers is brought to the notes from the Council's Environmental Health Officer attached with the decision to SMD/2014/0156

2. The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. There are not judged to be any adverse implications for neighbours or wider public amenity and street scene. As the application was considered acceptable there was no need for any negotiation or amendment as would otherwise be advocated within the National Planning Policy Framework paragraph 38.

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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.