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C/o Agent

Application no: SMD/2021/0266

Determined on: 7th September 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:

Flying Horse Inn 130 Ashbourne Road Leek Staffordshire ST13 5BJ

Description of Development:

Demolition of public house and erection of 5no. 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 permitted shall be carried out in accordance with the following approved plans:
 - 1717-01A
 - 1717-02A
 - 1717-03A
 - 1717-04A
 - 1717-05A

- 1717-06B

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. Prior to the external walls of the dwellinghouses hereby approved being constructed, samples/details of types and colours of all facing materials and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

4. Prior to the construction of the external walls of the dwellings hereby approved, details of eaves, verges, chimneys, porches, cills and lintels shall be submitted to and approved in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

5. Notwithstanding any indication on the plans hereby approved, within two months of the commencement of development (including any demolition, site clearance, site stripping or site establishment) a comprehensive landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include full details of all new trees, shrubs and any other planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting. The landscaping scheme so approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees and shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason:- In the interests of the visual appearance of the development and the amenities of the area.

6. Prior to the construction of the external walls of the dwellings hereby approved, details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:- In the interests of the visual appearance of the development and the amenities of the area.

7. The development hereby permitted shall not be commenced (other than the demolition

of the existing public house) until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s), have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and there shall be no variation in these levels without the written approval of the Local Planning Authority.

Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties.

8. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason:- To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

9. No individual plot or plots on the development hereby permitted shall be brought into use until the access/es to that or those individual plots has/have been completed in accordance with the approved plans.

Reason:- To comply with NPPF Paragraph 108; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety.

10. The development hereby permitted shall not be brought into use until details of the reinstatement of the existing site access from A523 Ashbourne Road outside plot 1, to footway with full height kerb, 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 kerb in accordance with the approved plans prior to the first occupation of the development.

Reason:- To comply with NPPF Paragraph 108; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety. To avoid a proliferation of overlong and redundant access crossings.

11. The development hereby permitted shall not be brought into use until details of the reinstatement of that part of the existing site access (off Prospect Road part of which will form access to plot 4) with full height kerb, 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. That part of the existing site access made redundant as a consequence of the development hereby approved shall thereafter be reinstated as footway with full height kerb in accordance with the approved plans prior to the first occupation of the development.

Reason:- To comply with NPPF Paragraph 108; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety. To avoid a proliferation of overlong and redundant access crossings.

12. The development hereby permitted shall not be brought into use until the accesses, parking and turning areas (turning areas for plots 1 to 3) have been provided in accordance with the approved plans. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.

Reason:- To comply with NPPF Paragraph 108; to comply with SMDC Local Plan Policy DC1; 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 900mm in height above the adjacent carriageway level on the frontage of the development. Anything that is greater than 900mm in height within 2.4m of the adjacent carriageway shall be immediately removed.

Reason:-To comply with NPPF Paragraph 108; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety.

14. 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 (or bound and drained on SUDS principles) for a minimum distance of 5m back from the site boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The accesses shall thereafter be surfaced in accordance with the approved details.

Reason:-To comply with NPPF Paragraph 108; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety.

15. The development hereby permitted shall not be brought into use until a surface water drainage interceptor, connected to a 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 (if porous surfacing or SUDS are not proposed).

Reason:- To comply with NPPF Paragraph 108; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

16. Unless prior permission has been obtained in writing from the Local Planning Authority, the development 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.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

17. The development, including demolition hereby permitted shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include the following details:-

I. A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.

II. Details of wheel washing facilities. All demolition/construction vehicles shall have their wheels cleaned before leaving the site;

III. a scheme for recycling/disposal of waste resulting from the demolition/construction works;

IV. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;

V. any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment.

Once approved, all relevant activities on the site should be carried out in accordance with Construction and Environmental Method Statement throughout the course of the development unless any variation is agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of the area

18. i. No development, with the exception of site clearance and demolition, shall take place until a site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, in accordance with a scheme to be agreed with the Local Planning Authority. Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority.
- ii. If the site risk assessment (i) indicates that potential risks exist, development shall not commence, until a detailed remediation strategy to mitigate the identified risks and ensure the site is remediated to a condition suitable for the intended use has been submitted and approved in writing by the Local Planning Authority.
- iii. The agreed remediation strategy (ii) shall be adhered to throughout the

development.

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

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

Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

19. No top soil / fill material 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 validity evidence submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

20. 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 that phase of 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 be designed to achieve noise levels of less than 30 dB LAeq in bedrooms (23:00 to 07:00), 35dB LAeq in bedrooms 07:00 to 23:00), 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 development hereby permitted shall be occupied until the approved works to that dwelling have been completed in accordance with the

approved details.

Reason:- To protect the amenity of future occupiers

21. Prior to any external artificial lighting being erected within the site edged red, details including their luminance and location shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. No alterations to external lighting shall be permitted unless first agreed in writing with the Local Planning Authority.

Reason: To protect the local amenities of the local residents by reason of excess of illuminance

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as may subsequently be amended or re-enacted) no extensions, alterations or buildings within the site curtilage normally permitted by Classes A to E of Part 1 Schedule 2 to that Order shall be carried out unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason: In the interests of residential amenity given the constrained nature of the site.

Informative

1. During the course of the consideration of the application the Council sought amendments to the proposals to ensure that the design of the dwellings hereby approved was acceptable. It is therefore considered that the proposals meet the provisions of paragraphs 38 of the NPPF (2021).
2. The dropped crossings to the site shall be constructed in accordance with the submitted drawing and SCC requirements. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH (or email to nmu@staffordshire.gov.uk).
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

The existing access crossing off Ashbourne Road and that part of the existing dropped crossing from Prospect Road not required for the proposed access width shall be reinstated to footway with full height kerb in accordance with drawings to be submitted. Please note that prior to the reinstatement works taking place you require

a Permit to Dig. Please contact Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH (or email to nmu@staffordshire.gov.uk).

3. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.
 - A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>
 - Any approved foul drainage system should meet the British Standard 6297:2007+A1:2008: Code of practice for the design and installation of drainage fields for use in wastewater treatment <http://www.bsigroup.com>
 - Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methods for rating and assessing industrial or commercial sound, ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise New Residential Development 2017 and/or the Building Regulations 2010 Document E or other appropriate guidance.
 - Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (Defra 2005) available as a free download <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>
 - During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
 - The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils <http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>
 - Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)
 - If required, risk assessments shall be carried out in accordance with UK policy the Land contamination risk management framework (LCRM), published by the Environment Agency <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
 - Submission of reports should also be made to the Environment Agency for comment

with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.

- The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become an "appropriate person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

- Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

- During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes

- The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site; the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.

- Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

X 

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
1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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.
9. 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>
10. 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.
11. 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.