STAFFORDSHIRE moorlands DISTRICT COUNCIL
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Sammons Architectural
Cawdry Buildings
10 Fountain Street
Leek
Staffordshire Moorlands
ST13 6JP

R D (Leek) Ltd
C/o Agent

Application no: SMD/2020/0332

Determined on: 25/01/2022

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:
Plot 145, 27 Meadow Close Leek Staffordshire ST13 5TX

Description of Development:
Erection of a dwelling

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** for the development described above subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be carried out in accordance with the details including site levels as submitted in the application form and submitted specifications and as shown in drawings:
2020 2508 05B – Elevations and plan layout
2020 2508 06B – Site Plan
2020 2508 07 – Site red edge
Reason: To ensure that the development is carried out in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of

doubt.

3. The external facing walling and roofing materials shall be Rijswaard Red Multi Stock Brick for the walls and Marley Duo Smooth Grey interlocking tiles for the roofing all as stated in the submitted application details and there shall be no variation without the prior consent in writing of the Local Planning Authority.
Reason: To ensure that the works harmonise with the existing development.

4. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities associated with the development work hereby approved shall be restricted to the following hours:
- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

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

5. No development approved by this planning permission shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, land and buildings (existing or proposed), adjoining land and ground and surface waters, has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall be implemented in accordance with the details as subsequently approved in writing by the Local Planning Authority prior to the first occupation of the development. The remediation scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
The remediation scheme shall include though not necessarily be limited to:
a. A site investigation , to identify all contamination risks that may be present including, Japanese knotweed, in order to support a detailed assessment of risks to all receptors that may be affected, including those off site.
b. The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and a recommended remediation strategy giving full details of remediation objectives and remediation criteria.
c. A validation plan to show how data will be collected in order to demonstrate that all works set out in (a) and (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
d. A contingency plan to respond to any contamination found during the course of the development which has not been identified in the initial site investigation under (a), and through which additional measures for the remediation of this further source (or sources) 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.

6. Prior to bringing the development into residential use, a validation report demonstrating completion of the works in accordance with condition 5 including results of sampling and monitoring carried out in the course of the development to demonstrate that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 shall be submitted to the Local Planning Authority and approved in writing.
Reason: In order to provide a public record of the pollution control measures undertaken and to provide a report of the outcomes and 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.

7.
- All vehicles entering the site in connection with the development shall have their wheels cleaned before leaving the site so far as is necessary to prevent the transfer of site material to the surfaced public road;
- Dust suppression measures shall be deployed during the course of the development at any time necessary to minimise dust emissions arising from demolition/construction activities;
- No materials including any waste materials associated with or arising from site preparation, construction and development hereby approved shall be burnt on site but shall be kept securely for removal to prevent escape into the environment.

Reason: to protect and maintain good living conditions for neighbouring residents.

8. No soil shall be brought on to the development site hereby approved until and unless it has been tested for contamination and assessed for its suitability for the proposed development; the soil testing methodology shall have first been submitted to and approved in writing by the Local Planning Authority (LPA) and all soil brought on to the site shall be tested in accordance with the methodology as subsequently approved in writing by the LPA prior to being brought on to the site. The methodology shall include the sampling frequency; testing schedules; criteria against which the analytical results will be assessed (as determined by risk assessment), and source material information; procedure for reporting and validation of test results which shall be submitted to and approved in writing to by the Local Planning Authority prior to the first residential occupation of the development.
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.

9. The development hereby permitted shall not be brought into use until:
(i) The parking area has been provided in accordance with the approved plan 2020-2508-06B. The parking area shall thereafter be retained unobstructed as parking area for the life of the

development.
(ii) The access drive rear of the public highway has been surfaced in a bound material for a minimum distance of 5m back from the site boundary. The surfacing shall thereafter be maintained.
Reason: In order to ensure sufficient off-street parking and to comply with NPPF Paragraph 108; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety.

10. The integral vehicle garage shown on drawing 2020 2508 05B hereby approved shall be completed to the dimensions shown in the drawing prior to the first occupation of the development and 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) shall be retained as a vehicle garage for the life of the development.
Reason: In order to ensure sufficient off-street parking and to comply with NPPF Paragraph 108; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety.

11. 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 additional windows or any other openings including roof lights shall be installed in any part of the development, without prior written consent from the District Council as 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.

Informatives

1. Severn Trent Water advise that there may be a public sewer located within the application site. Although their statutory sewer records do not show any public sewers within the site area specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert Severn Trent assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact Severn Trent at the earliest opportunity to discuss the implications of the sewer assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

2. Attention is drawn to the requirements of The Party Wall Etc Act 1996 in relation to development close to the boundary of the application site.

3. SMDC Environmental Health advise and remind the developer that responsibility for safe development and secure occupancy of the site rests with the developer.

- Consideration should be given to the possibility of asbestos waste arising and appropriate survey and risk assessment should be carried out. 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 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. See 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 and Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)
- If required, Contamination 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/landcontamination-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 and "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.

3. 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. Amendments were agreed with the agent in the course of the determination in accordance with the approach to decision making as advocated in the National Planning Policy Framework at paragraph 38.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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.