STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Jonathan Cornes
9 Brindley Court
Dalewood Road
Newcastle under Lyme
ST5 9QA

Application no: SMD/2021/0700

Determined on: 2nd February 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:
Former Railway Line Barnfield Road Leek Staffordshire

Description of Development:
Reinstatement of railway track, new platform and and replacement footpath on former railway line between Cornhill, Leek and boundary of existing operational railway land at Leekbrook.

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 begin not later than three years from the date of this decision.

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:
Location Plan 0000/01 Rev. C
K758-100 General Arrangement Plan Sheet 1 Rev L
K758-101 General Arrangement Plan Sheet 2 Rev G
K758-102 General Arrangement Plan Sheet 3 Rev K
K758-103 General Arrangement Plan Sheet 4 Rev G

K758-104 General Arrangement Plan Sheet 5 Rev G

Reason:- For the avoidance of doubt and in the interests of proper planning.

3. The proposed concessionary path between the proposed railway terminus and Waterworks Lane shown on the approved plans shall be provided in its entirety prior to the first operation of the railway for public passenger services in accordance with full constructional details which have first been submitted to and agreed in writing by the Local Planning Authority. The details shall include, widths, surfacing, details of any steps, gates, fences, stiles, drainage, gradient and levels details of the path. The path shall thereafter be retained and maintained unobstructed for the use of the general public at all times.

Reason: To ensure that the existing footpath is re-provided in accordance with the Churnet Valley Masterplan.

4. Where the proposed path runs adjacent to the boundary of Leek Golf Club the 1.2 metre high wired pathway fencing as specified on the approved plans shall be upgraded to a 1.8 metre high green coloured barrier fence with a maximum mesh aperture of 42mm in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The fencing shall be provided in accordance with the approved details prior to the first operation of the railway for public passenger services.

Reason: To protect the safety of users of the footpath

5. No trees, shrubs or scrub vegetation shall be removed other than those whose removal is directly required to accommodate the approved development, including its proposed subsequent use as operational railway, unless otherwise approved by the Local Planning Authority. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally 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 wild birds.

Reason: In the interests of biodiversity

6. 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 encountered during dismantling, felling or pruning operations.

Reason: In the interests of biodiversity

7. Prior to commencement of development (including any site clearance) an update Ecological Construction and Enhancement Plan (ECEP) which shall include:

a) Vegetation clearance and construction methodology to minimise tree loss, and transplant any flora of value. Protection measures for all key species including amphibians and reptiles, bats, birds, otters and badgers.

b) Enhancement proposals and plan setting out habitat features for key species including willow tit and redpoll, retention of all cleared vegetation on site to form habitat piles, and proposed planting/ seeding.

c) Biodiversity Impact Assessment using Defra metric 3.0, including current and proposed habitat plans. Off-site areas to be included as necessary to achieve a net gain.

shall be submitted to and agreed in writing by the Local Planning Authority. No development shall take place except in complete accordance with the approved ECEP

Reason: In the interests of biodiversity.

8. Within 6 months of work commencement, an Ecology Management and Monitoring Plan (EMMP) covering the 20 years following completion of the development to detail ongoing habitat management and monitoring of key species, informed by a breeding bird survey survey, botanical survey of woodland areas in spring, grassland areas in May-June and assessment against Local Wildlife Site criteria shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed and monitored in complete accordance with the approved EMMP.

Reason: In the interests of biodiversity.

9. Public passenger services shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a landscaping plan for the northern section of the site covering the platform, water tower and footpath section, detailing planting and hard landscaping materials. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of biodiversity.

10. Notwithstanding any indication in the plans and supporting documents of the application hereby approved, including the application's Tree Survey Report and Arboricultural Impact Assessment, all tree, shrub and scrub removal shall be agreed and authorised by the Council's arboricultural officer following site meeting(s) with representatives of the prospective railway operator, construction contractors and arboricultural contractors when the construction requirements of the railway reinstatement hereby approved and its subsequent operational requirements can be considered in practical detail.

Reason:- To protect existing trees and hedgerows in the interests of the character and appearance of the area

11. No phase of the development hereby permitted shall take place until a Demolition and Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;

II. details of any piling work including noise and vibration mitigation proposals;

III. the arrangements for prior notification to the occupiers of potentially affected properties;

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

V. 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 phase;

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

VII. the parking of vehicles of site operatives and visitors;

VIII. the loading and unloading of plant and materials;

IX. the storage of plant and materials used in constructing the development;

X. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

XI. details of measures to protect the public footpaths and amenity of users of the pubic footpaths crossing the site during the construction works.

XII wheel wash facilities and mechanical road sweeper for existing carriageway;

XIII any site compound and/or associated temporary buildings:

All works shall be carried out in accordance with the approved Demolition and Construction and Environmental Method Statement. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to any deviation from it .

Reason: To protect the amenities of the area.

12. 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. If after consultation with the Local Planning Authority the contamination is considered to pose a possible risk, to human health, buildings and other property and the natural and historical environment (receptors), development shall not progress further until a site investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority. If the contamination investigation and risk assessment indicates that potential risks exists to receptors, development shall not recommence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to the receptors has been prepared, and is subject to the approval in writing of 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.

13. 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 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 validatory evidence submitted to and approved in writing to 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.

14. No mud or other deleterious material shall be deposited on the highway. Any that is shall be immediately removed by mechanical means.

Reason: In the interests of highway safety

15. With 3 months of the date of this permission drainage plans for the disposal of foul and surface water flows shall have been submitted to and approved by the Local Planning Authority. The drainage shall be implemented in accordance with the approved details before the development is first brought into use for public passenger services.

Reason: This is 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.

16. Prior to the erection of the water tower shown on the approved plans elevational details shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of visual amenity.

Informative

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
2. The Lead Local Flood Authority have no objection to the proposals but would suggest the applicant looks into their responsibilities for the two culverts that pass under the embankment. Neither of these is public sewer and so would be considered to be the responsibility of the riparian landowners of the embankment. Although they are reported to be in good condition at the moment, it could be expensive to repair them in the future if they deteriorate. The LLFA would also recommend the applicant to ascertain exactly who is responsible for the trash screen on the Box culvert.
3. The applicant / developer should refer to our document 'The Environment Agency's approach to groundwater protection', available from gov.uk. This sets out our position on a wide range of activities and developments, including:
    - Waste management
    - Discharge of liquid effluents
    - Land contamination
    - Ground source heating and cooling
    - Drainage

- Storage of pollutants and hazardous substances
- Management of groundwater resources

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to guidance available on our website (www.gov.uk/environment-agency).

X

Signed by: Jane Curley

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

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.

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