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81-83 Mill Street The Retreat  
Leek  
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ST13 8EU

Application no: SMD/2013/0909

Determined on: 24/01/2014

**Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure)  
(England) Order 2010**

**GRANT OF OUTLINE PLANNING PERMISSION**

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:**

The Retreat The Retreat 81 - 83 Mill Street Staffordshire Leek ST13 8EU

**Description of Development:**

Erection of 2no. 2 Bed Residential Dwellings

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

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:- To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (As amended).

2. The approval of the Local Planning Authority shall be obtained in writing with respect to the plans and particulars of the following reserved matters (hereinafter called 'the reserved matters') before any development is commence:-

e) The landscaping of the site.

Reason:- The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

3. Application for the approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:- To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

4. The development hereby approved shall be carried out in accordance with the following submitted plans: 00155\_AP(0) 01; 00155\_AP(0) 02 C; 00155\_AL(0) 03 B & 00155\_AP(0) 04.

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

5. The development hereby permitted shall not be commenced until samples/details of the types and colours of all roof tiles, facing brickwork and cills and heads have been 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.

6. The development hereby permitted shall not be commenced until detailed plans and sections of the proposed windows and doors at a scale of 1:20 together with details of proposed finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason:- In the interests of good design.

7. The development hereby permitted shall not be commenced 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. 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. Development should not commence until a further risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development. The report of the findings shall include: a further survey of the extent, scale and nature of any potential contamination; a detailed risk assessment of all known site contaminants based on the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land, and, ground and surface waters. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11.

9. No development 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, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters has been submitted to and

approved in writing by the Local Planning Authority. The scheme must include: an appraisal of the remediation options and proposal of the preferred option(s); a remediation strategy giving full details of remediation objectives and remediation criteria, and, a timetable of works and site management procedures. A validation plan providing details of the data that will be collected in order to demonstrate that the all works set out in (a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The 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 approved remediation scheme must be carried out in accordance with its recommendations and approved timetable of works prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. Prior to the development first coming into use, a validation report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved validation plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the validation plan, and for the reporting of this to the local planning authority.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 08 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 09, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 09.

11. No top soil or 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 should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should 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 (common to 8-11):- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. Development shall not commence until a scheme for protecting the proposed residential units 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 8233:1999 (Sound insulation and noise reduction for buildings - Code of Practice), and be designed to achieve noise levels of less than 35 dB LAeq in bedrooms, less than 40 dBLAeq in living areas

and less than 55 dBLAeq in outside areas. On 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. A copy of such report shall be submitted to the Local Planning Authority for its approval.

Reason:- To protect occupiers from noise and safeguard their residential amenities.

13. All noisy activities shall be restricted to the following times of operations:- 08:00 - 18:00 hours (Monday to Friday); 08:00 - 13:00 hours (Saturday) and 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 the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

14. 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.

Reason:- In the interests of highway safety.

15. The development hereby permitted shall not be brought into use until the access, parking and turning areas have been provided in accordance with the approved plans. The access, parking and turning areas shall thereafter be retained unobstructed for the purposes of parking and turning private cars for the life of the development.

Reasons:- In the interests of highway safety.

16. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing 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 reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

17. The development hereby permitted shall not be commenced until it has been demonstrated the access, parking, turning and servicing areas for the development and the adjoining premises (the Retreat) can be achieved and implemented, which shall then be reconstructed and thereafter maintained in a bound material with parking bays clearly delineated in accordance with details to be first submitted to and approved in writing by the Local Planning Authority which shall thereafter be constructed in accordance with the approved drawings.

Reasons:- In the interests of highway safety.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) A, B, C, D, E and F; Part 2 Class A without express planning permission first being obtained from the Local Planning Authority.

Reason:- To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the Listed Building Setting.

**Informative(s)**

1. In principle, there is no objection to the redevelopment of this site for housing in view of its previously developed nature and highly sustainable location within close proximity to the Leek Town Centre. The revised proposal has demonstrated that the historic environment would be respected and as a result it would not cause significant harm to the setting of listed buildings and other heritage assets. Furthermore, no adverse amenity objections or highway safety issues would arise as a result of the proposal. Accordingly, the proposal is considered to accord with paragraph 7 of the National Planning Policy Framework (NPPF) which notes that protecting and enhancing the historic environment is one of the three guiding objectives of sustainable development and more generally Section 7 'Requiring Good Design' and Section 12 'Conserving and Enhancing the Historic Environment'. Additionally, Saved Policy B13 of the Adopted Staffordshire Moorlands Local Plan and Policies DC1 and DC2 of the Adopted Staffordshire Moorlands Core Strategy Development Plan Document are considered to be relevant in these respects.
2. The development was acceptable as submitted and no other involvement was necessary as application was considered against current policy and considered to be acceptable.
3. As this application takes up a significant portion of the upper parking level for the adjacent premises, The Retreat, there is a requirement to reconstruct and delineate the parking area for The Retreat. This response is based on the assumption that there is adequate parking remaining for The Retreat and takes into account the existing parking restrictions on the A523 'Mill Street'.
4. Severn Trent Water (STW) advise that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact STW to discuss your proposals. STW will seek to assist you obtaining a solution which protects both the public sewer and the building. Please note, when submitting a buildings regulations application, the building control officer is required to check the sewer maps supplied by STW and advise them of any proposals located over or within 3.0 metres of a public sewer. In many cases, under the provisions of Building Regulations 2000 Part H4, STW can direct the building control officer to refuse building regulations approval.
5. During any demolition and construction activities (including landscaping) the contractor shall pay due regard to the Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456), and take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.

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**Signed 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 on 0345 605 3012.
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. **A fee is payable to us for the discharge of condition. Please refer to our web site : [www.staffsmoorlands.gov.uk](http://www.staffsmoorlands.gov.uk) for details.** 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. All other types of development have a 6

month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

8. 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.