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Renew Land Development Ltd and The
Wrekin Housing Trust
C/O agent

Application no: SMD/2014/0374

Determined on: 01/10/2014

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

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 Slimma Fashions Site, Bargate Street, Leek, Staffordshire, ST13 8AY

Description of Development:

Redevelopment of site to provide 20 no. dwellings and building comprising 12 no. apartments (100% affordable housing scheme)

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 complete accordance with the

submitted plans and specifications as follows: 1600-110C; 1600-111H; 1600-112G; 1600-200B; 1600-201B; 1600-208D; 1600-202C; 1600-203C; 1600-204C; 1600-205E ; 1600-206C; 1600-207D; 1600 113; 1600 209E; 1600 250A; 1600 210E.

Reason:-

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

3. No development shall take place until samples and specifications of the materials to be used in the construction of the external elevations of the buildings hereby permitted, including full details of windows, doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:-

In the interests of the appearance of the development.

4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure; hard surfacing materials to be used on car parking and other vehicle and pedestrian access and circulation areas; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc).

Reason:-

In the interests of the appearance of the development.

5. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason:-

In the interests of the appearance of the development.

6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development 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 the appearance of the development.

7. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors,
- ii) loading and unloading of plant and materials,
- iii) storage of plant and materials used in constructing the development,
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
- v) wheel washing facilities,
- vi) measures to control the emission of dust and dirt during construction,
- vii) a scheme for recycling/disposing of waste resulting from construction works,
- viii) an off-site traffic management scheme indicating the routing of construction traffic.

Reason:-

In the interests of the protecting the residential amenities of existing residents.

8. Without the prior written consent of the Local Planning Authority, no plant, vehicles or machinery shall be operated on the site before 08:00 hours or after 18:00 hours on Mondays to Fridays and before 08:00 hours or after 13:00 hours on Saturdays or at any time on Sundays or Public Holidays.

Reason:-

In the interests of the protecting the residential amenities of existing residents.

9. No development shall take place until a scheme for protecting the approved residential units from both external noise and the internal transmission of noise between individual residential units, 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 and less than 40 dB LAeq in living areas. Pre completion tests shall be carried out to verify compliance with this condition. A report shall be produced containing all the raw data and demonstrating how the calculations have been undertaken. A copy of such report shall be submitted to the Local Planning Authority for its approval.

Reason:-

In the interests of the protecting residential amenity.

10. No development shall take place until a further risk assessment, to assess the nature

and extent of any contamination on the site, has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and agreed in writing by 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, pets, service lines and pipes; adjoining land and ground and surface waters.

The risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination', CLR 11.

Reason:-

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.

11. If the risk assessment indicates that remediation is required, 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, pets, service lines and pipes; adjoining land and ground and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme must include:

- A remediation strategy giving full details of remediation objectives and remediation criteria;
- A validation plan providing details of the data that will be collected in order to demonstrate that all the works set out above 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.

Reason:-

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. Prior to bringing the development into first 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 a 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.

Reason:-

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.

13. If, when carrying out the approved development, contamination that was not previously identified, is found at any time 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 10 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirement of condition 11. Such a scheme shall be submitted to and approved in writing by the Local Planning Authority before any remediation work takes place. Following the completion of the measures identified in the approved remediation scheme, a verification report must be prepared in accordance with condition 12. The report shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason:-

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.

14. No top 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 the 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 by the Local Planning Authority.

Reason:-

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.

15. No development shall take place until details of the measures to be incorporated into the development, to demonstrate how Secure by Design accreditation will be achieved, have

been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Local Planning Authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

Reason:-

In the interests of minimising the opportunities for crime.

16. Notwithstanding any details shown on the approved plans no development shall take place until revised access details, indicating the following, have been submitted to and approved in writing by the Local Planning Authority:

- a minimum width of 4.2m,
- any gates set back to a minimum of 5m from the rear of the carriageway edge
- access constructed with dropped kerbs at the carriageway edge;

The access shall thereafter be implemented in accordance with the approved details and be completed prior to the first occupation of any dwelling. It shall thereafter be retained as such for the lifetime of the development.

Reason:-

In the interests of highway safety and convenience.

17. No dwelling shall be occupied until the access to the site within the limits of the public highway and its internal parking, servicing and turning areas have been provided in accordance with the approved plans.

Reason:-

In the interests of highway safety and convenience.

18. No dwelling shall be occupied until the existing footways on Barngate Street, Waterloo Street, Langford Street and James Street, adjacent to that part of the site being developed, have been reconstructed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. As a part of these works, existing dropped kerbs made redundant as a consequence of the development hereby permitted shall be permanently closed and reinstated as footway with full height (excluding at table junctions).

Reason:-

In the interests of highway safety and convenience.

19. The car parking spaces shown on the site plan shall be provided in accordance with the site plan and shall only be used by the occupiers of the dwellings and their guests. These spaces shall be maintained for that purpose whilst ever the approved development remains.

Reason:-

In the interests of highway safety and convenience.

20. The proposed windows in the north-east elevation of apartments 17 and 23 shown on drawing 200B and 201B shall be fitted with obscure glazing to level 5 (minimum) from the Pilkington range or equivalent and then shall be maintained and retained in perpetuity.

Reason:-

To protect the amenity and living conditions of the residential property at No.33 Waterloo Street from overlooking or perceived overlooking.

Informatives

1. It is considered that the proposed development will have no adverse impacts on the scale and character of the surrounding Area and will not have an unacceptable impact on the enjoyment of any neighbouring properties. The development is therefore considered to meet the requirements of the Council's Core Strategy and the NPPF and takes account of the decision of the Planning Inspector in relation to the appeal against the refusal of application SMD/2013/0210.

2. The Council and the applicant entered into pre-application discussions to improve the design of the development. It is therefore considered that the proposals meet the provisions of paragraphs 186-187 of the NPPF.

3. Please read this decision notice in conjunction with S.106 legal agreement that was signed on 30th September 2014 to secure the delivery of the affordable housing and education contribution.

4. 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.

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.

6. Please be aware that the responsibility for safe development and secure occupancy of site rests with the developer.

7. In accordance the Site Waste Management Plans Regulations 2008 any construction project with an estimated cost greater than £300,000 must, before work begins, prepare a Site Waste Management Plan in accordance with the requirement of these regulations.

8. Air Quality Assessment: For some developments, screening models and spreadsheet based models such as DMRB10 and CAR will be acceptable. For the larger developments, however, dispersion modeling will usually be necessary.

9. If required, contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Planning Policy Statement 23 and the CLR Report Series 1-12. 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.

10. The conditions requiring off-site highway works shall require a Minor Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Minor Works Information Pack and an application form for the Minor Works Agreement. 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. email nmu@staffordshire.gov.uk <http://www.staffordshire.gov.uk/transport/staffhighways/licences/>

11. Construction works will require traffic management on the highway. This will require approval from SCC Network Management. Details are available at:
<http://www.staffordshire.gov.uk/transport/staffhighways/licences/Licences.aspx>
The applicant is requested to contact Lisa Stewart Network Coordinator(North) on 01785276634 or lisak.stewart@staffordshire.gov.uk or Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire ST16 2DH. The developer should allow

adequate time for processing of the application.

12. The Council is pursuing a Tree Preservation Order to be imposed on three trees on the footway of James Street, adjacent to the site and one tree on the footway of Langford Street adjacent to the site. If you are planning any works to any of those trees including cutting back or lopping, a Tree application will need to be submitted to the Council. The applicant is advised to protect the trees in accordance with BS2012:5837 during the construction works.

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.
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 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. 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.