



---

## Appeal Decision

Hearing held on 11 February 2014

Site visit made on 11 February 2014

**by M Middleton BA(Econ) Dip TP Dip Mgmt MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 April 2014**

---

**Appeal Ref: APP/B3438/A/13/2204739**

**Former Slimma Fashions Factory, Barngate Street, Leek, ST13 8AP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Renew Land Developments Ltd and The Wrekin Housing Trust against the decision of Staffordshire Moorlands District Council.
  - The application Ref 13/00462/FUL\_MJ, dated 3 May 2013, was refused by notice dated 28 August 2013.
  - The development proposed was described as the demolition of existing buildings and redevelopment for 100% affordable housing comprising 20 No. houses and 12 No. apartments.
- 

### Decision

1. The appeal is dismissed insofar as it relates to the 12 apartments. The appeal is allowed insofar as it relates to the redevelopment for 100% affordable housing comprising 20 No. houses and planning permission is granted for redevelopment for 100% affordable housing comprising 20 No. houses at the Former Slimma Fashions Factory, Barngate Street, Leek, ST13 8AP in accordance with the terms of the application, Ref 13/00462/FUL\_MJ, dated 3 May 2013, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the conditions in the attached schedule.

### Application for costs

2. At the Hearing an application for costs was made by Renew Land Developments Ltd and The Wrekin Housing Trust against Staffordshire Moorlands District Council. This application is the subject of a separate Decision.

### Procedural matters

3. Prior to the Hearing the Council expressed concerns about a discrepancy on the plans. The apartment elevation to Barngate Street showed an external staircase, whereas the drawing of its flank elevation and the site plan did not. The Appellant submitted revised plans that confirm that the staircase would be internal to the building. I have determined the appeal on this basis.
4. The Council, subsequent to its decision, decided that the buildings on the site could be demolished and the site cleared without the need for planning permission. The Appellants were advised of this opinion and by the time of the Hearing most of the former buildings had already been demolished and the site was being cleared. I have therefore not considered this aspect of the proposal any further.

5. In addition to the accompanied site visit on the afternoon of 11 February, I visited the site and area on the previous afternoon, late that evening and on the following morning before the commencement of the Hearing.
6. Following the publication of the Planning Practice Guidance, the parties were consulted on the relevance of its content for the appeal. A response was received from the Appellants but not from the Council. I have considered the contents of the Appellants' response when reaching my decision.
7. The Appellants submitted a signed Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 prior to the Hearing. In the Undertaking the owners of the land agree to restrict the future use of the appeal dwellings to affordable housing, as defined in the Undertaking and to make a financial contribution towards the enhancement of educational facilities in the vicinity of the development.
8. I am satisfied that the measures, as set out in the Undertaking, comply with the provisions of Circular 05/2005: *Planning Obligations*, are necessary to make the development acceptable in planning terms and meet the *Community Infrastructure Levy Regulations* (2010). They would ensure that the residential aspects of the proposal would not be used other than to meet local housing needs by persons who cannot afford to rent housing generally available on the open market. In the context of a serious under provision of affordable housing in Staffordshire Moorlands District in general and at Leek in particular, this attracts significant weight in favour of the proposal.
9. The third parties argued that the Undertaking did not specifically restrict occupancy to people already living within Leek or with a connection to the town. The Appellants agreed to a condition to restrict occupancy to such persons. The obligation would also ensure that capacity is provided in the local education system to accommodate the likely numbers of children who would live in the development, as assessed by Staffordshire County Council's Education Department.

### **Main Issues**

10. From all that I have read, seen and heard, I consider the main issues to be whether any harm resulting from the proposal on
  - a) the character and appearance of the area, including the setting of Waterloo Mill, which is a listed building,
  - b) the living conditions of local residents and
  - c) the level of parking available in the area is
  - d) sufficient to overcome the presumption in the National Planning Policy Framework (Framework) to approve sustainable development proposals that accord with the Development Plan (DP) without delay, particularly in circumstances where relevant Development Plan policies are out of date as a result of a lack of a five year housing land supply and
  - e) outweigh the benefits the proposal would provide for the supply of affordable housing in Staffordshire Moorlands.

## Reasons

11. At the time of the Hearing the DP consisted of the Staffordshire Moorlands Local Plan (LP) 1998. On 26 March the Council resolved to adopt The Staffordshire Moorlands District Council Core Strategy (CS). A six week deposit period, during which legal challenges could be made, has to elapse before it can fully replace the LP. Nevertheless given the stage that the CS has now reached, its policies should attract substantial weight.
12. Saved LP Policy B13 sets out the considerations that new development is expected to meet. They include good design and landscaping as well as satisfactory standards of amenity. This is now echoed in CS Policy DC1, which requires all development to be well designed, reinforcing local distinctiveness by positively contributing to and complementing the special character and heritage of the area. CS Policy H1, among other things, requires all new dwellings to respect the privacy and amenity of existing occupants. The thrust of the design and amenity considerations in LP Policy B13 are clearly being carried forward into the CS. CS Policy DC2 safeguards and seeks to enhance the historic environment.
13. Detailed considerations concerning the location of new development await the adoption of a Site Allocations Development Plan Document but this is some years away. The Council accepts that Staffordshire Moorlands only has a 2.3 years supply of housing land. Paragraph 49 of the Framework says that in circumstances where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites, housing applications should be considered in the context of the presumption in favour of sustainable development.
14. At paragraph 14 it says that where the relevant DP Policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate that development should be restricted. The DP Policies that regulate the supply and location of housing are time expired and out of date. I have not been referred to any specific restrictive policies.

### *Sustainable development*

15. The site is located within an area of largely nineteenth century terrace housing close to the centre of Leek. It was formerly a factory complex and is surrounded by streets on four sides. Terrace houses face it on three and a half sides, with a listed former silk mill occupying the remainder of the fourth.
16. Paragraph 34 of the Framework says that decisions should ensure that developments that generate significant movement are located where the need to travel can be minimised and the use of sustainable transport modes can be maximised. The appeal site is within walking distance of Leek town centre where there is a wide range of shops and services. It is close to sources of employment and to local schools. The Unilateral Undertaking commits the Appellants to making a financial contribution towards the provision of extra school places if the development goes ahead. Paragraph 38 of the Framework identifies primary schools and local shops as key facilities that should be located within walking distance of most residential properties. Paragraphs 94 and 95 of the Framework, in discussing climate change, also say that local authorities should adopt proactive strategies that plan for new development in locations and ways that reduce greenhouse gas emissions. The appeal site's location is one where the interconnectivity between dwellings, employment and facilities would encourage

walking, rather than the use of motor vehicles, for many purposes. In comparative terms this is environmentally a very sustainable site.

17. Paragraph 47 of the Framework requires Local Planning Authorities to assess and meet the needs for affordable housing in the housing market areas for which they are responsible. The Council's Strategic Housing Market Assessment (2008) suggests that there is a significant requirement for affordable homes within Staffordshire Moorlands. In the years between 2000 and 2012 only 318 affordable houses were completed in the District. The CS suggests that there is a need for 375 specifically in Leek between 2006 and 2026, very few of which have been built to date. This performance represents a very significant shortfall and there clearly needs to be a step change in the delivery of affordable housing both within Staffordshire Moorlands in general and Leek in particular. Paragraph 54 of the Framework refers to the need to plan housing development to reflect local needs, particularly affordable housing.
18. The appeal proposals would contribute to the meeting of this identified need at a time when the recession is still affecting private house building and the means to create affordable housing on a large scale are limited. The ability of the site to provide affordable homes that would be constructed to Code for Sustainable Homes Level 3 standard, encouraged by the Framework, would assist in supplying the housing required to meet the needs of present and future generations at Leek to a good standard. This contribution to social sustainability, in the context of an overall poor delivery of affordable homes, attracts significant weight.
19. Development contributes to the building of a strong and competitive economy, creating local jobs in the construction industry as well as business for and jobs in the building supply industry. This is particularly important in times of economic austerity. At the present time this Council is falling far short of its requirements in terms of housing construction and building land is in short supply. In such circumstances, the availability of any site that could contribute to house building and economic development, in the short term, should attract weight. Unless any adverse impacts of the development significantly and demonstrably outweigh the benefits then it should be given planning permission.
20. The appeal site is available. A well established building company in partnership with a local established housing association that has a track record of delivering affordable housing, has acquired the site with the intention of commencing construction as soon as site preparation allows and assuming that planning permission is obtained. With the exception of the financial contribution towards the improvement of educational provision in the area, the development does not require the provision of off-site infrastructure and although significant site remediation is required, that is already well under way. There is no insurmountable reason why this site could not be built out within five years, thereby making a valuable contribution to affordable housing supply in the short term.
21. I conclude that the site is a sustainable location for residential development in the context of the meaning within paragraph 7 of the Framework, convincingly meeting the environmental, social and economic roles of sustainability.

#### *Character and appearance*

22. The area is characterised by streets tightly packed with terrace housing, largely constructed before the First World War. These are interspersed with workshops, factories and former mill buildings. A number of the latter have been successfully converted into residential apartments, including Waterloo Mill, which faces the

appeal site and is a listed building. The terraced dwellings are of various designs and have different detailed features and set-backs. This adds to the interest of this varied townscape.

23. The appeal proposal would construct terraces of dwellings along James Street, Langford Street and Waterloo Street. Whilst these buildings would not replicate the houses, with their characteristic square bay windows, that would face them, they have been deliberately designed to replicate the varied character and detailed features of a range of dwellings in the area, including the canopies above the front doors on the dwellings opposite the site. Additionally, they include vertically emphasised windows with lintels and sills and front doors with semi-circular brick detailing above, as well as other traditional brickwork detailing. All of these characteristics are to be found in the neighbouring streets.
24. In my view, as proposed, the terraces would introduce a complementary design to this street scene that would reinforce local distinctiveness, without deliberately trying to copy the other houses in these streets. This is not a conservation area and the external design of the existing dwellings, which are associated with James Cornes, has no particular architectural merit. To insist that these dwellings are replicated on the appeal site would, in my view, create a monotonous streetscape that would be out of character with that of the wider area.
25. Parts of the frontages to Barngate and Waterloo Streets are to be occupied by a three storey building that would contain 12 apartments. This has been designed with large windows that would have a similar appearance and detailing to those that populated the previous building that stood on this part of the site. Its form and design would be sympathetic to the character and appearance of the listed mill opposite.
26. The main materials to be used throughout this development would be brick and slate. A materials condition could ensure that they reflected the colours and textures of the dominant local materials to be found in the area, including the appropriate use of local stone. The proposed terraces and the apartment block demonstrate a good quality of design, which takes account of the scale, character, siting, alignment, mass, design, colour and materials of their surroundings and meet the requirements of saved LP Policy B13 and CS Policy DC1.

*Setting of the listed building (Waterloo Mill)*

27. I consider the design of the terraced dwellings and the apartment block to be in keeping with the character of the listed mill. However, the photographs show that historically the mill has been visible up Barngate Street, over the top of the previous building, its form and interesting detail increasingly dominating the vista as it is approached along the frontages to Nos. 45-49 Barngate Street and the side elevation of No. 33 Waterloo Street. The former structures on this part of the site were single storey factory buildings, the one that occupied the corner position having a shallow hipped roof. The apartment block would be three stories with a pitched roof and more than twice the height of the former corner building. Whilst the main building would front Waterloo Street, there would be a substantial outrigger extending along the back of the pavement some distance down Barngate Street. This would undoubtedly obscure some of the former views of the listed mill in this direction and compromise its unfolding dominance as the street is traversed towards it.
28. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on decision makers to preserve the setting of Listed Buildings. The Framework at paragraph 129 also says that conflict between a heritage asset's

conservation (including its setting) and any aspect of a proposal should be avoided. I conclude that in its proposed location the apartment block would be unlikely to preserve the setting of Waterloo Mill, contrary to Saved LP Policy B10, CS Policy DC2 and the guidance in the Framework.

*Living conditions*

29. Although for the most part set back from the road, behind small front gardens, the proposed terraced dwellings would only be about fourteen metres from the fronts of dwellings on James and Langford Streets and little more than sixteen metres from those on Waterloo Street. These distances are appreciably less than the 22 metres minimum distance between facing windows of habitable rooms, recommended in Appendix 3, Space about Dwellings, to the LP.
30. The previous buildings, on the part of James Street where the new dwellings are to be built, were noticeably taller than the appeal houses would be. Consequently, the overall bulk of the new houses would have significantly less impact on the existing dwellings than that which has existed for many years. On Langford Street the former building was a single storey factory. The proposed terrace of houses would be slightly higher but would present a much improved aspect to the street than the former factory building. There are no natural light issues and the new dwellings' effect on the receipt of sunlight would be little different to that experienced previously. The separation distances are similar to or better than those on adjacent streets, including the relationships between some of the recent new build residential developments and older houses opposite.
31. Setting back the houses further into the site would reduce the private amenity space available to the new houses and would produce a layout that was totally out of character with that of the wider area. The Planning Practice Guidance points out that new development should look to respond appropriately to the existing layout of buildings, streets and spaces to ensure that adjacent buildings relate to one another. Setting back the buildings would not achieve this.
32. Additionally, the proposed development would also create a much improved visual outlook for existing residents from that which has existed in the recent past. On balance I consider these benefits of the housing aspect of the proposal outweigh the conflict with LP Appendix 3. The proposed terraced dwellings would provide satisfactory standards of amenity for existing and proposed users of buildings as required by saved LP Policy B13 and CS Policy DC1.
33. As discussed in paragraph 27, the bulk and mass of the apartment building would be significantly greater than its predecessor on the corner of Waterloo and Barngate Streets. The main aspect of No. 33 Waterloo Street faces this corner and includes the main windows to two habitable rooms as well as bedrooms above. The large building would be located about eleven metres from this dwelling and its outrigger, in particular, would tower above the neighbouring dwelling. The affected rooms also have windows in the other elevations and I consequently accept that despite the proximity of the new building, the impact on the receipt of natural light would be unlikely to be noticed. Nevertheless, the receipt of direct sunlight, particularly on summer evenings, would be noticeably reduced.
34. In its proposed location, this high building would have an overbearing effect on the living conditions at 33 Waterloo Street and the large and extensive upper floor windows, which would look down on this property, would have a particularly intimidating effect on its residents. This aspect of the proposal would not provide satisfactory standards of amenity for the users of 33 Waterloo Street through the space between the buildings, their design, interrelationship, window sizes and

positions. Despite my findings in paragraph 31 above, in the context of the standards in LP Appendix 3, I consider this degree of harm to the living conditions at 33 Waterloo Street to be unacceptable and contrary to saved LP Policy B13 and CS Policy DC1.

### *Parking*

35. The Council no longer has adopted policy or guidance on car parking. The houses are to be provided with one parking space per dwelling, 60% within the curtilages and the remainder in a communal car park. Whilst this is less than the number required under the former standard, that standard allowed for a lower standard in developments with communal or grouped parking and these dwellings, as well as having an element of communal car parking, are likely to be occupied by persons on low incomes and in housing need. They are consequently less likely to have household car ownership rates at or near the regional average as suggested by third parties. More likely the rates would be similar or even lower than the levels of car ownership that currently exist in this area of low cost homes. An analysis of existing car ownership rates in the area would have been a good starting point for any assessment. However, no evidence has been submitted to indicate what existing levels of car ownership in this part of Leek actually are.
36. As discussed above, the site's location has very good accessibility to Leek town centre, with all of its facilities and opportunities within walking distance of the appeal site. There are also bus routes close by. The Framework says that these considerations, along with the type of development and local car ownership levels, should be taken into account when assessing car parking needs. Whilst it is likely that some visitors would arrive by car, there are seven communal spaces associated with the houses and in the circumstances it is unlikely that every household would in fact own or use a car itself.
37. Whilst I agree that parking is at a premium in this part of Leek, the evidence from my site visits, both during the day and late at night, suggest that the spaces in the streets immediately around the appeal site are not fully utilised. If there were periods when there were more vehicles associated with the housing aspect of the development than spaces, then the evidence suggests that there would be likely to be spaces on the streets outside. I also note that the Highway Authority has not objected to the parking provision and that the Council chose not to refer to car parking in its decision to refuse the application. I consider the proposed provision for the houses to be acceptable.
38. Seven car parking spaces are proposed for the use of eleven apartments and a resource centre. I agree that those tenants with learning difficulties, who would occupy the flats used for supported living, would be unlikely to own a car. However, in addition to these, the intention is to house persons with physical disabilities who quite often do have specifically adapted vehicles for their personal use. Such vehicles would require dedicated parking spaces.
39. Additionally, all of the tenants of the supported apartments would have visitors who could come by car and some, if not all, would undoubtedly have carers, some of them possibly continuous. Some of these would drive to the site and require parking facilities. There is no assessment as to the likely parking requirements of the flats and no information on the parking requirements generated by similar developments elsewhere. The long term retention of the mix and type of tenants currently proposed is also not guaranteed. I therefore conclude that there is insufficient information to effectively judge the adequacy of the car parking for the twelve apartments.

## Conclusions

40. I conclude that the proposal is clearly sustainable development within the overall meaning as set out in paragraph 7 of the Framework. It would also make a contribution to the supply of affordable housing at Leek, which is in short supply. The DP housing location policies are time expired and the Council does not have a five year supply of housing land. In such circumstances paragraph 14 of the Framework makes a presumption in favour of granting planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
41. I have not identified any significant harm that would result from the implementation of the housing aspect of this appeal and consider it to be in accordance with the relevant policies of both plans. Whilst I consider its detailed design to be acceptable, I do however consider that the overall design of the apartment building, in the context of its size and bulk and its proposed location, would cause significant harm to the living conditions at 33 Wellington Street and the setting of Waterloo Mill. Additionally there could be insufficient car parking provided to meet the future needs of this building.
42. Paragraph 64 of the Framework says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. I conclude that this harm, which is contrary to part C of saved LP Policy B10, CS Policy DC1, saved LP Policy B13 and CS Policy DC2, is sufficient to overcome the presumption in the National Planning Policy Framework to approve sustainable development proposals without delay in the general circumstances of this appeal proposal.
43. However, it seems to me that the two elements of this scheme are sufficiently distinct to enable me to allow the housing aspect but not the apartments. The housing area has its own access and separate parking areas. I accept that a proper analysis of the parking required to meet the requirements of the flats might demonstrate a need for more spaces but there are opportunities to the rear of plots 09 and 26 if the overall parking provided for the houses needs to be affected by the redesign. A condition could ensure that at least one car parking space per house is provided and maintained. Given the urgent need for affordable houses in Leek I consider it appropriate to follow this course.
44. I therefore find for the reasons discussed above and having taken account of all of the other matters raised, including the representations from local residents, that the appeal should be allowed in part subject to conditions and dismissed in part.

## Conditions

45. The Council's twenty one suggested conditions were considered in the context of the tests outlined in paragraph 206 of the Framework and the advice in Circular 11/95: *The Use of Conditions in Planning Permissions* (the Circular), and rationalised and amended in discussion at the Hearing. The latter has now been superseded by similar advice in the Planning Policy Guidance. All of the conditions are agreed by the principal parties. They include time limits for commencement and the submission of details, where not already provided, as well as a plans condition.
46. To enable the proposal to meet DP policies that seek to achieve sustainable development and protect the living conditions of future and existing residents both on and off the site, conditions concerning, materials, safety, landscaping, contamination, construction management and the timing and the construction of



the vehicular access, parking, servicing and turning areas, including a revised access and improvements to the kerbs and pavements adjacent to the site have been suggested and agreed.

47. I have considered the need for these conditions in the light of the guidance contained in the Planning Practice Guidance and used the suggested model conditions where appropriate. I am not persuaded that the provision of foul and surface water cannot be determined under the provisions of other legislation. It was agreed at the Hearing that lighting should be incorporated into the landscaping condition and that an additional condition to secure occupancy in perpetuity by persons resident within or with a connection with Leek should be added. I have also amended or added conditions that relate to my decision to split the decision.
48. I consider these conditions to be necessary in order to ensure that the development is of a high standard, creates acceptable living conditions for existing and future residents within the development and area as a whole, is safe and sustainable and minimises the impact on the environment.

*M Middleton*

INSPECTOR

Richborough Estates

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans in as much as they relate to the terraced houses: 1600-110F; 1600-111F; 1600-112G; 1600-200H; 1600-202E BLK; 1600-203E BLK; 1600-204D BLK; 1600-205E BLK; 1600-206C BLK; 1600-207D BLK.
- 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.
- 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).
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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.
- 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.

- 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.
- 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.

- 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.

- 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.
- 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).
- 19) The dwellings hereby approved shall only be occupied by persons previously residing, born or working in Leek or the dependents of such persons but including retired persons who initially met the foregoing criteria.
- 20) Ten car parking spaces shall be provided on the site for the use of the occupiers of the dwellings and their guests. These spaces shall be maintained for that purpose whilst ever the approved development remains.

## **APPEARANCES**

### FOR THE APPELLANT:

Ben Webberley	Knights Solicitors LLP
Rebecca Sowerbutts	Knights Solicitors LLP
Barrie Newcombe	Barrie Newcombe Associates
Lee Dawkin	Renew Land Developments Ltd
Sarah Flaherty	Wrekin Housing Trust
Nigel Downs	Choices Housing Association

### FOR THE LOCAL PLANNING AUTHORITY:

Chris Johnstone	Staffordshire Moorlands District Council
-----------------	------------------------------------------

### INTERESTED PERSONS:

Jan Adams	Local resident
Roger Adams	Local resident
Edward Powell	Local resident
Christine Botham	Local resident
Stephen Ellis	Staffordshire Moorlands Councillor

## **DOCUMENTS SUBMITTED TO THE HEARING OR SUBSEQUENTLY**

- 1 Daylight and facing extensions and buildings, Appendix 3, Figure 2, Staffordshire Moorlands Local Plan 1998
- 2 Inspector's Report into the Examination into the Staffordshire Moorlands Core Strategy Local Plan
- 3 Staffordshire Moorlands Core Strategy Local Plan, Policy H1 New Housing Development and supporting text
- 4 Staffordshire Moorlands Core Strategy Local Plan, Policy DC1 Design Considerations and supporting text
- 5 Staffordshire Moorlands Core Strategy Local Plan, Appendix H, List of Saved policies in Adopted Local Plan to be Replaced
- 6 Statement from Jan Adams
- 7 Statement from Roger Adams
- 8 Statement from Edward Powell
- 9 Correspondence between Paul Hurdus of Staffordshire County Council Highways and Bill Booker of SCP concerning proposed parking, submitted by the Appellants
- 10 Application for a full award of costs submitted by the Appellants
- 11 Response to the costs application submitted by the Council
- 12 Consultation on the Planning Practice Guidance

### **PLANS SUBMITTED AT THE HEARING**

- A Building line necessary to achieve the minimum building separation distance, recommended in Appendix 3 to the Local Plan, submitted by the Appellants
- B Separation distances between recently built and historic dwellings on Barngate Street and Langford Street and at the appeal site, submitted by the Appellants
- C Cross section through the proposed development between the houses south of James Street and Waterloo Mill, showing suspended 25° angle for the assessment of the impact of the development on daylight at neighbouring properties, submitted by the Appellants

### **PHOTOGRAPHS SUBMITTED AT THE HEARING**

- 1 Seven photographs of the appeal site before demolition, submitted by the Appellants
- 2 Fourteen photographs of existing development around and in the vicinity of the appeal site, submitted by the Appellants
- 3 Twenty nine photographs of the appeal site and existing development in and around its vicinity, submitted by Roger Adams

Richborough Estates