STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Miss N Hewitt
Hewitt & Carr Architects
2 - 4 Cross Street
Cheadle
Staffordshire
ST10 1NP

Mr A R Alcock
C/o Agent

Application no: SMD/2016/0811

Determined on: 02/08/2018

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

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:
Land off Tenford Lane, Tenford Lane, Tean, Staffordshire, ST10 4EN

Description of Development:
Outline planning application with some maters reserved (except access) for a residential development of up to 40 houses (resubmission of SMD/2016/0200)

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):

Standard

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.
   Reason:- To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. Application for approval of the reserved matters for the development hereby permitted shall be made to the Local Planning Authority no later than the expiration of 3 years from the date of this permission.
   Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced and thereafter the development shall only be carried out in accordance with the details as approved.
Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Articles 4 and 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. The development hereby permitted shall not be carried out except in accordance with the access details shown on drawing reference Proposed Site Access Arrangements SCP/15357/F01 B as provided in the revised Transport Statement dated December 2015 and in general accordance with the principles set out in the indicative Framework Plan (ref 00438_AL(0)04 B) in relation to the provision of open space.
Reason:- To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

5. No more than 40 dwellings shall be built on the site.
Reason:- For clarity and the avoidance of doubt.

Strategic Landscaping

6. Prior to the commencement of the first reserved matters submission, a strategic landscaping strategy for the site, which considers the noise mitigation measures in respect of Condition 12 shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be carried out as approved.
Reason:- To ensure a satisfactory landscaped setting for the development in the interests of visual amenity.

Levels

7. Prior to the commencement of the first reserved matters submission, details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.
Reason:- To ensure a satisfactory landscaped setting for the development in the interests of visual amenity.

Highways

8. No development hereby approved shall be commenced until full details of construction of the following matters have been submitted to and approved in writing by the Local Planning Authority:-
   - Layout of roads and buildings;
   - Provision of parking, turning and servicing within the site curtilage;
   - Means of surface water drainage including longitudinal sections to SUDS principles;
   - Street lighting; and,

- Surfacing materials.

The development shall thereafter be implemented in accordance with the approved details and shall be completed prior to first occupation of the development.
Reason:- In the interests of highway safety.

9. The development hereby permitted shall not be brought into use until the visibility splays shown on plan ref. SCP/15357/F01 B have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level. The hedge shall be removed to the extent required to provide and maintain this visibility splay.
Reason:- In the interests of highway safety.

10. The development hereby permitted shall not be commenced until details of the following highway works have been submitted to and approved in writing by the Local Planning Authority: bellmouth access; footway connections into the proposed site from the existing network and dropped crossings with tactile paving on both sides of Tenford Lane - all as generally shown on drawing SCP/15357/F01 B but which shall incorporate further two-dimensional and three dimensional revisions as recommended by subsequent Safety Audits and as guided by detailed design. The development shall thereafter be implemented in accordance with the approved details and shall be completed prior to first occupation of the development.
Reason:- The development shall thereafter be implemented in accordance with the approved details and shall be completed prior to first occupation of the development.

Amenity

11. Prior to the commencement of development, a Construction and Environmental Method Statement for the site shall be submitted to and approved in writing by the Local Planning Authority. It shall include the following details:-
    I. The method and duration of any pile driving operations (expected starting date and completion date);
    II. 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;
    III. Pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
    IV. The arrangements for prior notification to the occupiers of potentially affected properties;
    V. The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
    VI. 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;
    VII. Details of wheel washing facilities. All construction vehicles shall have their wheels cleaned before leaving the site;

VIII. A scheme for recycling/disposal of waste resulting from the construction works;
IX. The parking of vehicles of site operatives and visitors;
X. The loading and unloading of plant and materials;
XI. The storage of plant and materials used in constructing the development;
XII. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; and,
XIII. Installation and maintenance of wheel washing facilities.

All works shall be carried out in accordance with the approved details.

Reason:- To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected and in the interests of highway safety.

12. Details submitted under first reserved matters shall include a site specific sound insulation scheme including details of an acoustic barrier and / or bund which shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall have due regard for the British Standard BS8233:2014 'Guidance on Sound Insulation for Buildings' and shall be designed to achieve noise levels of less than 35 dB LAeq16hr (07:00 to 23:00) in bedrooms and living rooms, less than 40 dBLAeq16hr (07:00 to 23:00) in dining areas, less than 30db Laeq8hr in bedrooms (23:00 to 07:00) and 50dB LAeq16hr (07:00 to 23:00) in outside living areas. 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 in writing prior to development commencing. Prior to the first occupation of the development, pre-completion tests shall be carried out to verify compliance with this condition and a corresponding report shall be produced containing all raw data and showing how calculations have been made. Thereafter, this report shall be submitted to the Local Planning Authority for its written approval before any of the dwelling units hereby approved are first occupied.

    Reason:- To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected and in the interests of highway safety.

<u>Flooding and Drainage</u>

13. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:-
    I. A scheme for the provision and implementation of surface water run-off limitation to existing greenfield run-off rates; and,
    II. Provision, implementation and maintenance of a Sustainable Drainage (SuDs) system with storage provided up to the 100 year plus 30% climate change allowance.

    Details submitted under first reserved matters shall include details of the provision, maintenance and implementation timetable for the SuDs system shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented in accordance with the approved timetable.

    Reason:- To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority in advance of reserved matters planning consent being granted.

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14. Finished floor levels shall be set at least 150mm above adjacent ground levels.
Reason:- In the interests of local flood risk mitigation.

Site Investigation/Contaminated Land

15. If, during the course of development, any contamination is found which has not been previously identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures. Prior to bringing the development into first use, a validation report demonstrating completion of the works as set out in the approved remediation strategy shall be subject to the written approval of the Local Planning Authority prior to first occupation of the development.
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.

Importation of Soil / Material

16. No top soil shall 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 shall be submitted to and approved in writing to by the Local Planning Authority prior to first occupation of the development.
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.

Ecology

17. Details submitted under first reserved matters shall include a 'Landscape and Habitat Enhancement & Management Plan' prepared in accordance with Ecological Appraisal, including long term design objectives, management responsibilities, maintenance schedules over a 20 year period for the application site as shown on Location Plan drawing ref. (ref 00438_AL(0)04 A), which shall be approved in writing by the Local Planning Authority. The Plan shall include design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) within site.
The following surveys shall be provided:-
- Badger survey;
- Reptile survey;

- Survey of ponds within 500m of the development suitable to support populations of great crested newts (a full survey for great crested newt will be required if ponds are suitable);
- Detailed bat surveys shall be carried out prior to the removal of any trees identified as having high–medium potential for bats through previous bat surveys. Surveys should be carried out according to the Bat Conservation Trust Survey Guidelines 2nd Edition. Bat Conservation Trust;
- Full Details of how water courses located on the site will be protected from possible pollution and contamination during the construction and completed phases of the development;

The following details shall be provided:-

- The extent and type of new planting (planting to be of native species wherever appropriate);
- Any new habitat created on site;
- Provision of 10 nesting sites for swifts, bats and other birds of Conservation Concern (as defined by the Royal Society for the Protection of Birds), such as house sparrow within the detailed design of buildings;
- Treatment of site boundaries and / or buffers around water bodies;
- Trees and shrubs planted within developed landscaped areas should be of native species of a similar composition to species identified within species rich hedgerows and the adjacent woodland; and,
- A Timetable for the implementation of the plan.

The approved management plan shall be implemented in accordance with the approved details.
Reason:- To mitigate against the loss of existing biodiversity and nature habitats.

18. No tree / shrub clearance work shall be carried out between 1st March and 31st August inclusive in any year, unless the relevant area has been surveyed in advance for breeding birds and confirmation of this has been provided in writing to the Local Planning Authority. Where breeding birds are identified in the relevant area, a scheme to protect them shall be submitted to and approved in writing by the Local Planning Authority prior to the carrying out of the relevant tree / shrub clearance work and the scheme shall be implemented in accordance with the approved details.
Reason:- To mitigate against the loss of existing biodiversity and nature habitats.

19. No development hereby approved shall be commenced until details of a lighting scheme for the application site has been submitted to and approved in writing by the Local Planning Authority. The design and location of lighting shall not impact on foraging or commuting bats and shall minimise disturbance to other wildlife avoiding retained and enhanced habitat areas. The scheme shall be implemented in accordance with the approved details.
Reason:- To mitigate against the loss of existing biodiversity and nature habitats.

Trees

20. Details submitted under first reserved matters shall include a scheme for the retention and protection of trees and hedges on or adjacent to the site, which shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in

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accordance with the approved statement and protection scheme for the site and in particular:

a) No trees or hedgerows shall be cut down, uprooted or destroyed, cut back in any way or removed without the written approval of the Local Planning Authority;
b) If any tree, shrub or hedge plant is removed without such approval, or dies or becomes severely damaged or diseased within 5 years from completion of the development hereby permitted, it shall be replaced by another tree, shrub or hedge plant of similar size and species, planted at such time as may be specified in writing by the Local Planning Authority;
c) No operations shall commence on site (including soil moving, temporary access construction and/or widening or any operation involving the use of motorised vehicles or construction machinery) unless the protection works required by the approved protection scheme are in place;
d) No excavation for services, no storage of materials or machinery, no parking of vehicles, no deposit or excavation of soil or rubble, no lighting of fires and no disposal of liquids shall take place on the site within any area designated as being fenced off or otherwise protected in the approved protection scheme, and,
e) All protective fencing erected in accordance with the approved scheme shall be retained intact for the full duration of the construction of the development for that phase of the site hereby permitted and shall not be moved or repositioned, without the prior written approval of the Local Planning Authority.

Informative(s)

1. The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

2. This approval should be read in conjunction with the Planning Obligation entered into under S106 of the Town and Country Planning Act 1990 (as amended) which accompanies it.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of 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 buildingcontrol@staffsmoorlands.gov.uk

2. Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority at Staffordshire County Council.

3. This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. An application will need to be made to discharge conditions and a fee is payable with the application. For more details please refer to our web site: www.staffsmoorlands.gov.uk If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:
   (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
   (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

4. Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

5. The permission is granted in strict accordance with the approved plans. It should be noted however that:
   (a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
   (b) Variation to the approved plans will require the submission of a new planning application.

6. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

7. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

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8. If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

9. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

10. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk

11. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

12. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.