STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

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Chief Executive

Sammons Architectural Limited
10 Cawdry Buildings Fountain Street
Leek
Staffordshire Moorlands
ST13 6JP

C/O agent

Application no: SMD/2017/0659

Determined on: 19/06/2019

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

FULL PERMISSION FOR DEVELOPMENT

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990.

Location of Development:
Land Off The Birches Cheadle Staffordshire

Description of Development:
Erection of 39 dwellings

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 92 of the Town and Country Planning Act 1990 (As Amended).

2. The development hereby approved shall be carried out in accordance with the following submitted plans:

- 01E Location Plan
- 07V Proposed Site Plan
- 42 House type – Plots 1-2
- 43 House type – Plots 3-4
- 44 House type – Plots 5-6
- 45 House type – Plot 7
- 46 House type – Plot 8
- 47 House type – Plot 9

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- 48 House type – Plot 10
- 49 House type – Plot 11
- 50 House type – Plot 12
- 51 House type – Plot 13
- 52 House type – Plot 14
- 53 House type – Plot 15
- 54 House type – Plot 16
- 55 House type – Plot 17
- 56 House type – Plot 18
- 57 House type – Plot 19
- 58 House type – Plot 20
- 59 House type – Plot 21
- 60 House type – Plot 22
- 61A House type – Plot 23
- 62 House type – Plots 24-25
- 63A House type – Plot 26
- 64B House type – Plot 27
- 65B House type – Plot 28
- 66A House type – Plot 29
- 67A House type – Plot 30
- 68 House type – Plot 31
- 69 House type – Plot 32
- 70 House type – Plot 33
- 71 House type – Plot 34
- 72 House type – Plots 35-36
- 73 House type – Plot 37
- 74 House type – Plots 38-39

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

External Appearance

3. Nothwithstanding the submitted details and prior to the construciton of any of the dwellings hereby approved, details and samples of proposed facing materials and hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties/land.

4. The development hereby permitted shall not be commenced until details of all walls, fences and other means of enclosure including retention and enhancement of existing boundary hedgerows have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of any dwelling on the site.
Reason:- To provide adequate privacy and an acceptable external appearance.

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5. Before the commencement of development (including any site clearance, site stripping, site establishment or formation of new access road) the approved landscaping scheme shall be submitted to and approved by the Local Planning Authority. Such a scheme shall include full details of all new trees, shrubs and other planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting. The landscaping scheme so approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees and shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.
Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties/land.

Tree Protection

6. Before the commencement of development (including any site clearance, site stripping, site establishment or formation of new access road) temporary protective fencing and advisory notices for the protection of the existing trees to be retained shall be erected in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and shall be retained in position for the duration of the period that development takes place, unless otherwise agreed in writing by the Local Planning Authority. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed in writing by the Local Planning Authority.
Reason:- In the interests of trees to be retained. In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties/land.

7. Before the commencement of development (including any site clearance, site stripping, site establishment or formation of new access road) full details of all tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include full construction specification for a no-dig cellular confinement system for the proposed private driveways to Plots 27, 28 and 30 where they encroach within the defined Root Protection Areas of existing protected trees, together with an arboricultural method statement setting out working methods and special protection measures for the avoidance of harm to all existing trees on and adjacent to the application site. Such method statement and protection measures shall specifically include details and timescales to ensure that appropriate measures are implemented to protect tree roots in the vicinity of the site access and driveway from the initial outset of any construction activity. Thereafter, the development shall be constructed only in full accordance with details approved under this condition.
Reason:- In the interests of trees to be retained. In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties/land.

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Ecology

8. Any mature tree to be removed or to have substantial crown pruning operations carried out shall first be carefully inspected for the potential to provide bat roosting opportunities. Any tree which has such potential (which could include cavities, splits, decay pockets, hollow stems or branches, areas of loose bark, dense ivy cover or dense epicormic shoots) shall be subject to a further detailed and if necessary climbing inspection by a licensed bat worker immediately prior to felling or pruning, and all felling or pruning of such trees shall take place in the presence of the bat worker who can then immediately advise on appropriate measures if bats are discovered during dismantling, felling or pruning operations.
Reason:- In the interests of protected species

9. An Ecological design strategy (EDS) addressing biodiversity enhancement and mitigation shall be submitted to and approved in writing by the Local Planning Authority within 1 month of commencement of development. The EDS shall include:

a) Creation of roosting opportunities for bats designed into the fabric of new buildings.
b) Nest boxes for sparrows designed into the new buildings.
c) Nesting opportunities for birds - house martin and swift within new buildings. A number of nesting sites should be placed together for each species on separate dwellings. Methods for attracting birds to the site should be specified.
d) Nectar and berry rich native shrubs providing a variety of habitats for invertebrates should be selected that will benefit foraging birds and bats. Species should be selected that provide structural diversity for wildlife. This may include appropriate climbing species such as cotoneaster, ivy, climbing roses and honeysuckles to create green walls that will further enhance the site and gardens for wildlife. Species selected must be appropriate to the shade or moisture conditions on site.
e) Gaps at the base of any close boarded fencing to facilitate the movement of hedgehogs.
f) A lighting plan to avoid and mitigate impacts on breeding birds and bats ensuring that undisturbed foraging and breeding behaviour can be exhibited.

The EDS shall provide detailed design and or method statements. The extent of proposed works shall be provided on appropriate scale plans and maps. How works are phased into the development timetable and persons responsible for implementing them must be detailed. In addition aftercare, maintenance, monitoring and remedial measures must be provided. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
Reason:- In the interests of nature conservation.

10. To avoid and mitigate impacts during the construction phase of the development methods detailed in table 5.2 pages 16-18, of the *Preliminary Ecological Appraisal Land to the Rear of The Birches, Cheadle* dated 31st March 2018 by Staffordshire Ecological Services shall be followed throughout construction.
Reason:- In the interests of nature conservation.

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Levels

11. The development hereby permitted shall not be commenced until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s) (finished floor levels of the dwellings shall be set at least 150mm above surrounding ground levels) have been submitted to and approved in writing by the Local Planning Authority. There shall be no variation in these levels without the written approval of the Local Planning Authority.
Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties. To protect the development from overland flow.

Drainage/Flood Prevention

12. No development hereby permitted shall commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA)/Drainage Strategy July 2018 compiled by WATERCO and the Site Plan 2014-1971-07 Rev U and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by the site to a maximum of 5.4 l/s and not increase the risk of flooding off-site,
- Provision of an appropriate calculated volume of attenuation flood storage on the site to a 100 year + 30% standard, and,
- Finished floor levels are set no lower than 150mm above local finished ground level, and,
- Confirm water quality treatment trains will be included in the final design.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
Reason:- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Highways

13. No dwelling hereby permitted shall be brought into use until the parking and turning areas associated with that dwelling have been provided in accordance with the approved plans. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.
Reason:- In the interests of highway safety.

14. No dwelling hereby permitted shall be brought into use until its access drives rear of the public highway have been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5m back from the plot boundary in accordance with the approved plan.
Reason:- In the interests of highway safety.

15. The development hereby permitted shall not be commenced until a scheme of off-site

highway works and traffic management has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the development being first brought into use.
Reason:- In the interests of highway safety.

16. Before the proposed development is brought into use, the existing Birchwood Grove shall be stopped up at both arms of the existing turning head and the surplus land returned to the existing fronting owners. Carriageway of 4.8m and 2m footway and service strip shall be continued on into the proposed development in accordance with submitted drawing.
Reason:- In the interests of highway safety.

17. On completion of construction works but prior to occupation of the first dwelling, Birchwood Grove shall be reconstructed as necessary to reinstate damage caused during construction works.
Reason:- In the interests of highway safety.

Amenity

18. Development shall not commence until a site specific scheme for protecting the proposed residential units from noise, has been submitted to, and approved in writing by the Local Planning Authority. The submitted scheme shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and be designed to achieve noise levels of less than 35 dB LAeq in bedrooms, less than 40 dBLAeq in living areas and 55dB LAeq 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.
Reason:- To protect occupiers from noise and safeguard their residential amenities.

19. No development hereby permitted shall take place except for works of site clearance and demolition until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

I. the 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

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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;

XIII. installation and maintenance of wheel washing facilities, and,

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

All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to any deviation from it.
Reason:- To protect the amenities of the area.

Contamination

20. Development shall not commence until a site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, in accordance with a scheme to be agreed in writing with the Local Planning Authority. Once completed, a written report of the findings and recommendations shall be submitted to and approved in writing by the Local Planning Authority. If the site risk assessment indicates that potential risks exist, development shall not commence, until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority.

21. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

22. If, during the course of development, any contamination is found which has not been 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.

23. 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 site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then

be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.

Reason (20 to 23):- 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.

Coal Authority

24. No development shall take place until a site investigation of the nature and extent of any land instability has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be submitted to and approved in writing by the Local Planning Authority before any development begins. If any land instability and/or and other public safety issues are found during the site investigation resulting from, for example, past mining activity, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any unexpected hazards are found which have not been identified in the site investigation, additional measures for their remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures before development re-commences.

Reason:- To ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimized and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public.

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.

SMDC Aboricultural Officer

a) It should be noted that trees T4 and T5 as denoted on the tree survey report accompanying the planning application are protected by Tree Preservation Order. The planning permission hereby granted does not authorise any work to these trees, other than where may be directly required to physically accommodate the development hereby approved, and specific consent following separate application to the local planning authority

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would be required to carry out any such work, other than where specified as exempt under the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Local Highways Authority

a) Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

b) The conditions requiring off-site highway works shall require a Major 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 link to a Major Works Information Pack and an application form for the Major Works Agreement. Please complete and send to the address indicated on the application fom which is Staffordshire County Council at Network
Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire ST16 2DH. (or email to nmu@staffordshire.gov.uk)
http://www.staffordshire.gov.uk/transport/staffshighways/licences/ TRO's associated with table junctions will be progressed at the developers expense.

c) The proposed traffic management scheme referred to in condition above requires an essential Traffic Regulation Order to provide safe access/off-site mitigating works. This recommendation of approval should not be construed as though the County Council is prejudging the outcome of the Order making process. The developer should note that the Order will be made on behalf of the developer by Staffordshire County Council at the developers expense and has to be secured before development commences as it is an important component of the required mitigating measures associated with the proposed development. In case the Order is not already being processed the developer is requested to contact Staffordshire County Council with immediate effect to enable the Order to be secured at the earliest convenience to avoid delays to implementation of the planning consent. Please note that there are no guarantees that the Order will be successful. This can be done under the Major Works Agreement.

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 BControl@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.
13.