STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Chief Executive

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Application no: SMD/2018/0509

Determined on: 15th October 2019

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 Adjacent To Daisy Bank Farm Uttoxeter Road Upper Tean Staffordshire

Description of Development:
Outline permission with details of access (all other matters reserved) for residential development of up to 55 dwellings including creation of a new access, car parking and ancillary landscaping

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

1. **The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters.**
   Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

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2. **Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission 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.

3. **Details of the Appearance, Layout, Scale, Appearance and Landscaping (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 approved shall be carried out in accordance with the following submitted plans**
Location Plan 17063 00 Rev B
Parameters Plan dated 7-11-18 17068 rev B
Design and Access Statement Rev B
Reason:- To define the permission and in the interests of proper planning.

5. **Development hereby approved shall be restricted to two storey development only, maximum 7.5m in height.**
Reason:-In the interests of the character and appearance of the area

6. **No more than 55 dwellings shall be built on the site**
Reason:- To define the permission and in the interests of amenity, highway safety and the character and appearance of the area

<u>Mix and size</u>

7. **The reserved matters application(s) shall be based on the Nationally Described Space Standards**
Reason: - To ensure dwellings of adequate size in line with national policy

8. **The mix of units at reserved matters shall reflect the Council's Strategic Housing Market Assessment**
Reason: - To ensure an appropriate mix of units

<u>Trees and Landscape/Visual Impact</u>

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9. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development, unless otherwise approved by the LPA. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), unless otherwise agreed by the LPA and in this case only following careful inspection by a competent person to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds.

Reason:- To protect existing trees and hedgerows in the interests of the character and appearance of the area.

10. 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 encountered during dismantling, felling or pruning operations.

Reason:- In the interests of protected species.

11. The first reserved matters application shall be accompanied and informed by an updated tree protection plan and arboricultural method statement based on the submitted Arboricultural Impact Assessment and Method Statement report reference MG/5553/AIA&AMS/REV A/JUL18, the 'Report' The development shall subsequently be carried out strictly in accordance with the updated Report.

Reason:- To protect existing trees and hedgerows during construction in the interests of the character and appearance of the area.

<u>Biodiversity/Ecology</u>

12. No development including site clearance shall take until a Construction Environmental Management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). This must include:

- **Risk assessments of potentially damaging construction activities.**
- **Identification of biodiversity protection zones.**
- **Practical measures during construction to avoid or reduce impacts during construction (may be provided by method statements).**
- **The location and timing of sensitive works to avoid harm to biodiversity.**

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- **Confirmation that there will be no clearance of trees, shrubs, tall ruderal or brambles between 31st March and 31st August inclusive unless a competent ecologist has undertaken a careful detailed check of vegetation for active birds nests, immediately before vegetation removal, and provided written confirmation that no birds will be harmed and/or appropriate methods are in place to protect nesting bird interest on sites. Any such written confirmation should be submitted to the LPA for its written approval before any clearance of trees, shrubs, tall ruderal or brambles.**
- **Suitable methodology for the removal of Japanese Rose before any work is undertaken on the hedgerows.**
- **Lighting used during construction to minimise impacts on wildlife.**
- **Open excavations or pipes to be sealed at night. Ramps / planking to be installed to permit wildlife to escape being trapped in structures during construction.**
- **The role and responsibilities of an ecological clerk of works or similar competent person.**
- **Disposal of waste material on site.**
- **Use of protective fences , exclusion barriers and warning signs.**

The CEMP shall be implemented and adhered to throughout the construction period strictly in accordance with approved details.
Reason:- In the interests of protected species and habitats during construction

13. The first reserved matters application shall be accompanied by an Ecological Management Plan (EMP) which shall first have been submitted to and approved in writing by the Local Planning Authority. The EMP shall address mitigation and enhancement and should include the following although this list should not be regarded as exhaustive:
a) Purpose and conservation objectives of the proposed enhancements.
b) Detailed designs and/or working methods to achieve stated objectives.
c) Extent and location of proposed works on appropriate plans and scale maps.
d) Type and source of material used where appropriate e.g. native species of local provenance.
e) Creation and enhancements of semi natural habitats linked to Staffordshire and UK biodiversity Action Plan priorities prioritising the enhancement and creation of hedgerows and associated buffer strip (up to 2m from hedgerows).
f) Provision for linear wildlife corridors and stepping stone habitats linked into the surrounding landscape and Local Wildlife Site (LWS) promoting habitat connectivity.
g) Timetable for the implementation of works demonstrating that works are aligned with the proposed phases of the development. This should include a ten year plan detailing implementation, monitoring and remediation and habitat

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maintenance measures
h) Creation of bird nesting features for bats, house martin and house sparrow within new buildings.
i) Creation of grassland areas to include soil preparation, seeding or creation using green hay, initial and long term maintenance including cutting regimes and protection from disturbance.
j) A lighting design plan and technical specifications to minimise light spill into surrounding hedgerows and the adjacent countryside. Lighting must demonstrate acceptable impacts on foraging or commuting bats that may use adjacent hedgerows and allow birds species to exhibit undisturbed behaviour patterns.
k) Garden planting to benefit pollinating insects including climbing species to create green infrastructure
l) Persons responsible for implementing the proposed works.

The EMP shall be implemented in accordance with the approved details and all features shall be retained in that manor thereafter.
Reason: In order to secure a net gain in biodiversity.

<u>Highways</u>

14. No dwelling shall be occupied until such time that a vehicular access onto Uttoxeter Road (A522) including new footways and visibility splays have been fully constructed, in accordance with a scheme to be first approved in writing by the Local Planning Authority based on General Arrangement drawing No SK21779-02.
Reason: In the interests of highway safety in accordance with the NPPF.

15. Prior to the commencement of any construction including site clearance a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details relating to construction access, hours of construction, routing of HGV's, delivery times and the location of the contractors compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. The development and all site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.
Reason: In order to protect amenity and minimise the impact of construction activity on the surrounding environment.

16. No dwelling shall be occupied until such time as the associated driveway has been surfaced in a bound material and sustainably drained in accordance

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with details to be first agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety in accordance with the NPPF.

17. No dwelling shall be occupied until such time that the existing footpath between the proposed site access and Hollincroft Court has been widened and surfaced in accordance with a scheme which shall first have been agreed in writing with the Local Planning Authority
Reason:- To ensure that a suitable and safe pedestrian access to the village centre is secured in the interests of the connectivity and sustainability of the site

Drainage – LLFA

18. The development hereby permitted shall not be commenced until such time that a Sustainable Drainage scheme, the 'Scheme' has been submitted to and approved in writing by the Local Planning Authority. The 'Scheme' shall include for the following:-
a) Limiting the surface water run-off generated by the site to a maximum of 5l/s/Ha as suggested by Severn Trent so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
b) Provision of an appropriate calculated volume of attenuation flood storage on the site to a 100 year + 30% standard.
c) Finished floor levels set no lower than 150mm above local ground level
d) Confirmation of the body responsible for maintaining the surface water system over the lifetime of the development according to an acceptable maintenance schedule which shall also be provided demonstrating that it is achievable and that it provides a suitable number of water quality treatment elements.
The 'Scheme' shall be fully implemented before first occupation of any dwelling hereby approved and shall subsequently be maintained in accordance with the timing / phasing arrangements embodied within the approved 'Scheme'.
Reason:- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the impact of flooding on the proposed development and future occupants.

19. The development hereby permitted shall not 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 shall subsequently be implemented in accordance with the approved details before the development is first brought into use.
Reason:- This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding

issues and to minimise the risk of pollution.

Construction/Demolition

20. No development (including site clearance) hereby permitted shall take place until a Demolition and 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 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;**
- **II. the arrangements for prior notification to the occupiers of potentially affected properties;**
- **III. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;**
- **IV. 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;**
- **V. a scheme for recycling/disposal of waste resulting from the construction works;**
- **VI. the parking of vehicles of site operatives and visitors;**
- **VII. the loading and unloading of plant and materials;**
- **VIII. the storage of plant and materials used in constructing the development;**
- **IX. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- **X. details of measures to protect the public footpaths and amenity of users of the pubic footpaths crossing the site during the construction works.**

The development shall be carried out in accordance with the approved details.
Reason: To protect the amenities of the area.

Contamination

21. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing

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unacceptable risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme must include:

a. **A site investigation scheme, based on the information already provided to support a detailed assessment of risks to all receptors that may be affected, including those off site.**
b. **The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and A remediation strategy giving full details of remediation objectives and remediation criteria**
c. **A validation plan providing details of the data that will be collected in order to demonstrate that the all works set out in (a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**
d. **The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.**

Reason :- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

Validation

22. 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 any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the validation plan, and for the reporting of this to the local planning authority.
Reason :- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

Unexpected Contamination

23. In the event that contamination is found at any time when carrying out the

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approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (21), which is subject to the approval in writing of the Local Planning Authority. 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 must be submitted in writing to the Local Planning Authority and is subject to the approval in writing of the Local Planning Authority.
Reason :- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

Soil Importation

24 No 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 should be first submitted to and approved in writing by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.
Reason :- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

Waste Management

25. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment.
Reason: To protect the amenities of the area.

Sound Insulation

26. 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

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due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and be designed to achieve noise levels of less than 30 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. Thereafter a copy of such report shall be submitted to the Local Planning Authority for its written approval the approved scheme shall be implemented in full before any of the dwellings hereby approved are occupied.
Reason: To protect occupiers from noise and safeguard their residential amenities.

Informative

1. **Your attention is drawn to the letters and advice from the Architectural Liaison Officer dated 3rd September 2018**
2. **A sustainable development has been negotiated which complies with the National Planning Policy Framework**
3. **This permission should be read in conjunction with the Section 106 Agreement dated 14th October 2019**

X

Signed by: JaneC

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.**

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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.**

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**

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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.