

Mr Sean McBride
Persimmon Homes (North West) Ltd
30-34 Crofts Bank Road
Urmston
Manchester
M41 0UH

Application no: SMD/2018/0180

Determined on: 01/12/2020

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

HYBRID 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 to the East of Froghall Road and North of Ayr Road and Cheltenham Avenue
CHEADLE STAFFORDSHIRE

Description of Development:

Hybrid planning application on land east of Froghall Road and north of Ayr Road/Cheltenham Avenue, Cheadle seeking 1) full permission for 125 dwellings and access to proposed primary school and 2) outline permission for up to 135 dwellings and primary school with all matters reserved.

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):

FULL – PHASE 1:

Time Limits (Full – Phase 1)

1. The development hereby permitted for Phase 1 shall be begun before the expiration of three years from the date of this permission.

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

Approved Plans (Full - Phase 1)

2. The development hereby approved for Phase 1 shall be carried out in accordance with the details as submitted in the application form and submitted specifications and as shown in drawings:

Location Plan	ARC/LP/01 Rev B
Phase 1 Planning Layout Rev Z3	ARCH/PL/PH1 Rev Z3
Proposed Site Access Arrangement	2002-F01 Rev A
Site Access Arrangement off Ayr Road	2002-F02
Site Access Arrangement off Cheltenham Avenue	2002-F03 Rev A
Single/Double Garage Plans and Elevations	SGD-01 Rev B
Alnmouth Housetype Plans and Elevations	AM-WD10
Alnmouth Housetype Plans and Elevations (Render)	AM-WD10
Danbury Housetype Plans and Elevations	DY-WD10
Danbury Housetype Plans and Elevations (Render)	DY-WD10
Danbury+ Housetype Plans and Elevations (Additional Window)	DY-WD12
Danbury+ Housetype Plans and Elevations	DY+-WD10
Danbury+ Housetype Plans and Elevations Plot 91	DY-WD13
Danbury+ Housetype Plans and Elevations (Render)	DY+-WD15
Chedworth Housetype Plans and Elevations	CD-WD10
Chedworth Housetype Plans and Elevations Additional Window, Render and Chimney)	CD-WD12
Chedworth Bay Housetype Plans and Elevations (Render and Chimney)	CD-WD13
Clayton Corner Housetype Plans and Elevations (Render)	CCA-WD11 Rev K

Clayton Corner Housetype Plans and Elevations (Render and Chimney)	CCA-WD12 Rev 0
Clayton Housetype Plan and Elevations	CA-WD10
Clayton Housetype Plans and Elevations (Chimney)	CA-WD10
Hatfield Corner Housetype Plans and Elevations	HTC-WD13 Rev 0
Hatfield Corner Housetype Plans and Elevations (Render and Chimney)	HTC-WD13 Rev 0
Hatfield Corner Housetype Plans and Elevations (Chimney)	CHT-WD10 Rev 0
Hatfield Housetype Plans and Elevations (Additional Window and Chimney)	HT-WD12
Hatfield Housetype Plans and Elevations (Additional Window)	HT-WD11
Hatfield Housetype Plans and Elevations	HT-WD10
Kendal Housetype Plans and Elevations	KL-WD10 Rev G
Kendal Housetype Plans and Elevations (Additional Window)	KL-WD10 Rev G
Kendal Housetype Plans and Elevations (Chimney)	KL-WD11 Rev 01
Longthorpe Additional Window Housetype Plans and Elevations	LG-WD10 Rev D
Longthorpe Housetype Plans and Elevations	LG-WD10 Rev D
Longthorpe Housetype Plans and Elevations (Render)	LG-WD11 Rev D
Stafford Housetype Plans and Elevations (Additional Window and Chimney)	SF-WD10 Rev G
Stafford Housetype Plans and Elevations (Chimney)	SF-WD10 Rev G

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

House Type Details (Full - Phase 1)

Moorlands House, Stockwell Street, Leek, Staffordshire Moorlands, ST13 6HQ.
www.staffsmoorlands.gov.uk Tel: 0345 605 3010

All correspondence to Staffordshire Moorlands District Council, P O Box 136, Buxton, SK17 1AQ.



3. Prior to any works taking place above damp proof course level on Phase 1, details of facing materials to be used in the construction of external walls and roofs of the dwellings, garages and chimneys, eaves, verges, windows (including head and sill details), doors (including garage) and hard surfacing (including shared surfaces) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason:- In the interests of the character and appearance of the area.

Boundary Treatment (Full - Phase 1)

4. No development shall commence on site for Phase 1, with the exception of site remediation works until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling to which they relate to. Any other enclosure shall be carried out in accordance with the approved details prior to the proposed development being brought into first use. The approved scheme shall be maintained for those purposes at all times thereafter for that phase.

Reason:- In the interests of the character and appearance of the area, provision of private amenity space and Designing out Crime.

Refuse Storage (Full - Phase 1)

5. No development shall commence on site for Phase 1, with the exception of site remediation works until details of the storage of refuse (collection points and in-plot), including details of location, size, means of enclosure and materials have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved refuse storage scheme for that dwelling has been completed and made available for use in accordance with the approved details. The approved scheme shall be maintained for those purposes at all times thereafter for that phase.

Reason:- In the interests of the character and appearance of the area and highway safety.

Removal of Permitted Development Rights (Full - Phase 1)

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification):-
- a) No development for Phase 1 as specified in Part 1 Class(es) A, AA, B, C, D and E & Part 20 other than those expressly authorised by this permission, shall be carried out on any plot without express planning permission first being obtained from the Local Planning Authority.

b) No development for Phase 1 as specified in Part 1 Class F other than those expressly authorised by this permission, shall be carried out on any plot without the express planning permission first being obtained from the Local Planning Authority, and,

c) No development as specified for Phase 1 in Part 2 Class A other than those expressly authorised by this permission, shall be carried out on any plot without the express planning permission first being obtained from the Local Planning Authority.

Reason:- In the interests of the character and appearance of the area and maintaining good amenity standards.

Landscaping (Full – Phase 1)

7. No development hereby permitted shall commence on site for Phase 1, with the exception of site remediation works, until a comprehensive landscaping scheme providing for the landscape treatment of all plots and areas of open space within Phase 1 has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include full details of all new trees, shrubs and any other planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting. The scheme shall also include the retention of the hedgerow trees along the eastern boundary of the open space with public footpath IR/2575 as well as those hedgerows alongside the southern boundary of Phase 1. The landscaping scheme so approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) prior to the first occupation of Phase 1 hereby approved. The trees and shrubs etc to be planted in accordance with the approved landscaping scheme shall be properly maintained for a period of 5 years following planting or other such period as specified by the Landscape and Ecological Management Plan for areas of open space. 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 planting season for this phase.

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

Highways (Full – Phase 1)

8. No development hereby permitted shall commence on site for Phase 1, with the exception of site remediation works, until full details indicating a revised, reduced length bus stop in its existing location have been submitted to and approved in writing by the Local Planning Authority. The revised bus stop scheme shall thereafter be provided in accordance with the approved details prior to Phase 1 of the proposed development being brought into first use.

Reason:- In the interests of highway safety.

9. Before Phase 1 of the proposed development is brought into first use, full technical details of the proposed access off the A521 Froghall Road shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be

provided in accordance with the approved details prior to Phase 1 being brought into first use.

Reason:- In the interests of highway safety.

10. No dwelling hereby permitted within Phase 1 shall be brought into first use until the access, parking, servicing and turning areas for that dwelling have been provided in accordance with the approved plans. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the lifetime of the development.

Reason:- In the interests of highway safety.

11. No dwelling hereby permitted within Phase 1 shall be brought into first use until a surface water drainage interceptor, connected to a surface water outfall has been provided across the access to that dwelling immediately to the rear of the highway boundary for any driveway which falls towards an adoptable highway.

Reason:- In the interests of highway safety.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and / or re-enacting that Order) the garage / car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging / parking of private motor vehicles associated with the residential occupation of the property concerned without the grant of further specific planning permission from the Local Planning Authority.

Reason:- In the interests of highway safety.

Coal Authority (Full – Phase 1)

13. No development hereby permitted for Phase 1 shall commence until a scheme of remedial measures for mine entry 104344-004, together with implementation timescales of those remedial works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details and implemented in accordance with the details and timescales so approved.

Reason:- The application site can be made safe and stable for the proposed development.

Air Quality (Full – Phase 1)

14. No development hereby permitted for Phase 1 shall be commenced with the exception of site remediation works until an air quality mitigation strategy, detailing all possible mitigation measures to improve air quality at the locations identified in the report AQ105750R2 to be impacted by the proposed development in 2022 (Receptors: R4, R24, R25) has been submitted to and approved in writing by the Local Planning Authority. The full scope of the mitigation plan shall be first agreed in writing with the

Local Planning Authority and shall be so designed to quantify the source contributions (e.g. HGVs, buses, taxis, cars etc.) responsible for the exceedance of the relevant objective in 2022 and detail possible mitigation measures to improve air quality. These shall include the best practice off-setting techniques that will be implemented by the applicant. The development of Phase 1 shall thereafter be carried out strictly in accordance with the best practice off-setting techniques as identified in the approved mitigation strategy and the measures relating to Phase 1 shall be completed prior to Phase 1 being brought into first use.

Reason:- In the interests of achieving appropriate environmental standards.

OUTLINE PHASE 2A & 2B

Time Limits (Outline – Phases 2a & 2b)

15. No part of the development hereby permitted shall be commenced on Phase 2a or 2b (as referred to in Condition 23) until full details of the access, layout, scale, appearance and landscaping for that phase (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

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.

16. Application for approval of the reserved matters for the first phase of the development hereby permitted (as approved under Condition 23) shall be made to the Local Planning Authority no later than the expiration of 3 years from the date of this permission and the last application for reserved matters approval shall be made no later than 7 years beginning on the date of this permission.

17. The development hereby permitted for Phases 2a and 2b (as approved under Condition 23) shall be begun not later than 2 years from the date of approval of the last of the reserved matters to be approved for that phase. The development shall not be carried out otherwise than in accordance with the approved details.

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

18. The development for Phases 2a and 2b hereby approved shall not be carried out except in accordance with the following submitted plans:

- Location Plan ref. ARC/LP/01 Rev B;
- The access points as shown on Illustrative Masterplan ref. 8060-L-07 Rev M with such other access points to be provided in accordance with the agreed phasing plan;
- The ecological / landscaping areas as shown on Illustrative Masterplan ref. 8060-L-07 Rev M, and,

No more than 135 dwellings shall be built on the site.

Reason:- To define the permission and in the interests of proper planning.

Dwelling Type and Size (Outline - Phase 2a)

19. The reserved matters residential application(s) shall be based on the Nationally Described Space Standards (NDSS) Technical Housing Standards.

Reason:- To ensure dwellings of adequate size in line with national policy.

20. The type / mix of units at the reserved matters stage shall reflect the Council's Strategic Housing Market Assessment (SMHA).

Reason:- To ensure an appropriate mix of units in line with national policy.

Coal Authority (Outline - Phases 2a & 2b)

21. The submission of first reserved matters, for Phases 2a and 2b shall include the submission of a layout plan which identifies an appropriate zone of influence for mine entry 104344-003 on site and the definition of a suitable 'no-build' zone for the mine entry, together with a scheme of remedial measures for the mine entry and implementation timescales of those remedial works. The submitted details shall be approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall be carried out in accordance with the approved details and timescales.

Reason:- The Coal Authority considers that the application site can be made safe and stable for the proposed development.

Air Quality (Outline - Phases 2a & 2b)

22. As part of the submission of any application for reserved matters in respect of Phases of 2a and / or 2b, an updated AQ (Air Quality) Assessment shall be submitted to the Local Planning Authority. If the updated AQ Assessment indicates a breach in AQ objectives then no development shall commence on Phases 2a and 2b until an Air Quality Mitigation Plan detailing all possible mitigation measures to improve air quality at the locations identified in the assessment to be impacted by the proposal has been submitted to and approved in writing by the Local Planning Authority. The full scope of the AQ Mitigation Plan shall be first agreed in writing by with the Local Planning Authority prior to any such commencement of development on Phases 2a and 2b and shall include the best practice off-setting techniques to be implemented. The development shall thereafter be carried out strictly in accordance with best practice off-setting techniques identified in the approved AQ Mitigation Plan and prior to each relevant phase being brought into first use.

Reason:- In the interests of achieving appropriate environmental standards.

(FULL & OUTLINE ALL PHASES 1, 2A & 2B):

Phasing Plan (All Phases)

23. No phase of development hereby permitted shall commence until a Phasing Programme has been submitted to and approved in writing by the Local Planning Authority. The Programme shall provide details of the phasing of the development including the extent and composition of the phases and the overall likely programme for the development. The development shall only be carried out in accordance with the approved Phasing Programme and implemented in accordance with the details and timescales so approved.

Reason:- To define the permission and in the interests of proper planning.

Levels (All Phases)

24. No phase of the development hereby permitted shall commence, with the exception of site remediation works, until detailed plans and sections showing both existing and proposed site levels for that phase, together with the proposed relationship with adjacent phase(s) have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

Reason:- To define the permission and in the interests of proper planning.

Trees / Hedgerows (All Phases)

25. No phase of the development hereby permitted shall commence (including any site clearance, site stripping, site establishment, formation of new access, installation of any drainage infrastructure or groundworks) until temporary tree protection barriers and advisory notices for that phase have been erected for the protection of the existing trees to be retained, in accordance with guidance in British Standard 5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations' and this shall be retained in position for the duration of the period that development takes place for each phase. 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 for that phase.

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

Biodiversity / Ecology (All Phases)

26. No phase of the development hereby permitted shall commence (including any site clearance, site stripping, site establishment, formation of new access, installation of any drainage infrastructure or groundworks) until a LEMP (Landscape and Ecological Management Plan) for that phase, together with the proposed relationship with adjacent phase(s), has been submitted to and approved in writing by the Local Planning

Authority, giving details of the proposed creation, maintenance, management and development, including timescales and delivery mechanisms, for all landscaping and wildlife habitats and associated structures / features within the various public open spaces, ecological areas and structural landscape buffer strips for that phase. This shall include full and accurate locations of existing and any proposed new habitats; technical specifications, timescales and phasing for the creation of any new habitats; 5-year establishment and aftercare management prescriptions for any newly created habitats and a minimum 20-year maintenance and management operations for all habitats throughout the phase to be monitored and reviewed every 5 years for each phase. Following approval of such a management plan, the scheme for each phase shall be fully implemented in accordance with the details and timescales so approved.

Reason:- In the interests of nature conservation.

27. No phase of development shall commence (including any site clearance, site stripping, site establishment, formation of new access, installation of any drainage infrastructure or groundworks) until a CEMP (Construction Environmental Management Plan) for that phase, together with the proposed relationship with adjacent phase(s) has been submitted to and approved in writing by the Local Planning Authority. 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;
- No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development;
- 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 interests on site. Any such written confirmation required shall be submitted and approved in writing by Local Planning Authority before any clearance of trees, shrubs, tall ruderal or brambles is undertaken;
- 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; and,
- 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 the approved details for that phase.

Reason:- In the interests of protected species and habitats during construction.

28. No phase of development shall commence, with the exception of site remediation works, until details of a lighting scheme for that phase 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 and timescales as specified for that phase.

Reason:- In the interests of nature conservation.

29. 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 nature conservation.

Drainage / Flood Risk (All Phases)

30. The development shall be carried out in accordance with the approved Flood Risk Assessment, Rev 03, ref. 881287-R1(03)-FRA dated February 2019 undertaken by RSK Ltd and letter ref. 881287_L01_K dated 29 August 2019 and the following mitigation measures it details:

- All development shall be located outside of the flood plain, and,
- There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of any bank of watercourses.

These mitigation measures shall be fully implemented prior to first occupation and subsequently in accordance with the scheme's timing / phasing arrangements in accordance with Condition 23. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason:- To reduce the risk of flooding to the proposed development and future occupants. To maintain access to the watercourse for maintenance or improvements to provide for overland flood flows and to avoid adverse impact on flood storage.

31. No phase of the development hereby permitted shall be commenced, with the exception of site remediation works, until drainage plans for the disposal of foul and surface water flows for that phase have been submitted to and approved in writing 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 for that phase.

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.

32. No phase of development hereby permitted shall be commenced, with the exception of site remediation works, until a scheme for detailed surface water drainage works (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development) for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-

- The results of ground investigation and percolation tests to determine the viability of Soakaways;
- Surface water drainage system(s) designed in accordance with the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015);
- Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to existing greenfield rates;
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system, and,
- Provision of a management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

All works within a phase of development shall be carried out in accordance with the approved details.

Reason:- To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site.

Construction / Demolition (All Phases)

33. No phase of the development hereby permitted shall be commenced (including any site clearance, site stripping, site establishment, formation of new access, installation of any drainage infrastructure or groundworks) until a Demolition, Construction and Environmental Method Statement for that phase has been submitted to and approved in writing by the Local Planning Authority and shall include the following details:-

- i. the hours of work, which shall not exceed the following: Construction and associated deliveries to and from 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. A site compound with associated temporary buildings;
 - vii. the parking of vehicles of site operatives and visitors;
 - viii. the loading and unloading of plant and materials;
 - ix. the storage of plant and materials to be used in constructing the development;
 - x. Routing of vehicles to and from the site;
 - xi. Wheel wash facilities;
 - xii. Road sweepers;
 - xiii. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; and,
 - xiv. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works.

All works within a phase of development shall be carried out in accordance with the approved Method Statement.

Reason:- To protect the amenities of the area, including in the interests of highway safety.

34. No mud or other deleterious material shall be deposited on the highway and any that is shall be immediately removed.

Reason:- To protect the amenities of the area, including in the interests of highway safety.

Contamination (All Phases)

35. No phase of development hereby permitted shall be commenced until such time as 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, crops, livestock, pets, woodland, service lines, pipes and buildings), adjoining land and ground and surface waters for that phase 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, and,

- c) A validation plan providing details of the data that will be collected in order to demonstrate that the all works set out in (b) 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.

All works within a phase of development shall be carried out in accordance with the approved scheme.

- 36. Prior to bringing any phase of the development into first use, a validation report for that phase demonstrating completion of the works as set out in the approved remediation strategy and the effectiveness of the remediation for that phase 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 for each phase 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 such monitoring to the Local Planning Authority for that phase.
- 37. In the event that contamination is found at any time when carrying out the approved development for any phase it must be reported immediately in writing to the Local Planning Authority. Development shall not commence any further for that phase until an initial investigation and risk assessment has been completed in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority, which shall assess the nature and extent of any contamination for that phase. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development for that phase shall not commence further until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment for that phase has been prepared and shall be subject to the prior written approval of the Local Planning Authority. All works within a phase of development shall be carried out in accordance with the approved scheme.
- 38. No topsoil / fill material shall be imported to the site for any phase of development until it has been tested for contamination and assessed for its suitability for the proposed development for that phase. 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 for each phase. 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 be carried out and the validity evidence shall thereafter be submitted

to and approved in writing by the Local Planning Authority prior to any importation of such material onsite for that phase. All works within a phase of development shall be carried out in accordance with the approved scheme.

Reasons (35 to 38):- 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.

Noise Impacts (All Phases)

39. The machinery, plant or equipment including installed or operated in connection with the carrying out of the development hereby approved shall be so enclosed and / or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.

Reason:- To protect the amenities of the area.

40. No phase of the development hereby permitted shall commence, with the exception of site remediation works, 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 for that phase. The submitted scheme shall have due regard to British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and shall be so 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 for that phase. A report containing all raw data and showing how calculations have been made shall be submitted to and approved in writing by the Local Planning Authority for each residential phase. All works within a phase of development shall be carried out in accordance with the approved scheme prior to any building or dwelling to which they relate being brought into first use and shall be maintained for those purposes at all times thereafter.

Reason:- To protect the amenities of the area.

Archaeology (All Phases)

41. No phase of the development hereby permitted shall commence until a written scheme of archaeological investigation for that phase has been submitted to and approved in writing by the Local Planning Authority and until any pre-start element has been completed in accordance with the approved scheme. The scheme shall include an assessment of significance and research questions and the following information:

- a) The programme and methodology of site investigation and recording;
- b) The programme for post-investigation assessment;
- c) Provision to be made for analysis of the site investigation and recording;

- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- e) Provision to be made for archive deposition of the analysis and records of the site investigation, and,
- f) Nomination of a competent person or persons / organisation to undertake the works.

No dwelling or building shall be occupied in a phase until the site investigation and post investigation assessment for that phase has been implemented in accordance with the approved written scheme of investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition have been secured.

Reason:- In the interests of archaeological and heritage interests.

Informative(s)

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
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.

Staffordshire County Council Highways & Rights of Way

3. *This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require 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.*
4. *The alteration to the bus stop and construction of the bellmouth shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.*
5. *The attention of the developer should be drawn to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path network. The path will need diverting as part of these proposals therefore the developer will need to apply to Staffordshire Moorlands District Council*

under section 257 of the Town and Country Planning Act 1990 to divert the rights of way to allow the development to commence. The County Council will need to be formally consulted on any proposal to divert the right of way.

- 6. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the rights of way or their closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09), in particular the recommendation that: "In considering potential revisions to an existing right of way that are necessary to accommodate planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic".*
- 7. It is important that users of the path network are still able to exercise their public rights safely and that the paths are reinstated if any damage to the surface occurs as a result of the proposed development.*
- 8. We would ask that trees are not planted within 3 metres of the public right of way unless the developer and any subsequent landowners are informed that the maintenance of the trees is their responsibility. It is also unlikely that any new "linking" footways created through this development will be included on the Definitive Map of Public Rights of Way. Alternative arrangements will need to be made to ensure their maintenance in the future either by the developer or subsequent landowners. It may be possible for these footways to be adopted under Section 38 Highways Act 1980 but this will be the responsibility of the developer.*
- 9. The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.*

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section at BControl@staffsmoorlands.gov.uk
1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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.
9. 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>
10. 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.
11. 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.

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