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Birmingham
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N/A
C/O Agent

Application no: SMD/2021/0550

Determined on: 22nd December 2022

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

APPROVAL OF RESERVED MATTERS

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:

Fole Dairy Uttoxeter Road Fole Uttoxeter Staffordshire ST14 5EH

Description of Development:

Approval of reserved matters, appearance, landscaping, layout and scale for 48 dwellings relating to SMD/2018/0234

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **APPROVES** the following matters which have been reserved for later approval on the grant of outline planning permission for development.

1. This notice constitutes an approval of matters reserved under Condition 3 of Planning Permission SMD/2018/0234 and does not by itself constitute a planning permission.

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

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

**Location plan 100B
Proposed Site Plan 150Y
Proposed House types 151G
Proposed accommodation mix 152G
Green Infrastructure Plan 157E
Proposed Boundary Treatment plan 160H
Hard Landscaping plan 159H**

River Easement 170I

External Levels 21047 100F

House type A 250C (Front elevation and floor plans)
House type A 350D (All elevations)
House type B 267A (Elevations and floor plans)
House type BC 269A (Floor plans; Front and side elevation) Plots 17 and 18 only
House type BC 270A (All elevations) Plots 17 and 18 only
House type D 274 (Floor plans and elevations Plots 1, 37 and 48)
House type DC 260C (Floor plans and elevations) (plots 6 and 7, Plots 31 and 32 and Plots 23 and 24)
House type DC 268A (Floor plans; Front and side elevation) Plots 19 and 20 only
House type DC 271A (All elevations) Plots 19 and 20 only
House type DC 272 (Elevations and floor plans) Plots 23 and 24 only
House type DBB 261C (Floor plans; Front and side elevation) Plots 33-35 only
House type DBB 361D (All elevations) Plots 33-35 only
House type E 254E (Floor plans and elevations)
House type E1 273A (Floor plans and elevations) Plots 21 and 36 only
House type G 255F
House type H 256C (Front elevation; Floor plans)
House type H 356D (Elevations)
House type L 262B (Floor plans)
House type L 462D (Elevations)
House type M 263A (Elevations and floor plans)
Detailed Landscaping Proposal 461-KL-ZZ-00-DR-L-002 P6
Detailed Landscaping Proposal 461-KL-ZZ-00-DR-L- 003 P6
Detailed Landscaping Proposal 461-KL-ZZ-00-DR-L-004 P3
Frontage section 7796 504
Garage 301B
Proposed street scene BB 501B

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. Notwithstanding the submitted plans, no development above slab level shall be take place until details of the following have been submitted to and approved in writing by the LPA. The development shall subsequently be carried out strictly in accordance with the approved details

- Facing bricks and render type (render on House type A only)
- Roof tiles
- Eaves, verge and gable end detail based on the typical detail provided on the submitted drawings
- Plinth and string course detailing
- Window details, including glazing bar subdivision based on the typical detail provided with the drawings
- All Windows and doors shall be set back a minimum of 75mm from the edge of the brickwork around the window and door opening
- Hard Landscape -road signs, street furniture, lighting scheme for roads and footpaths

Full details of all proposed fencing shown on the Boundary Treatment plan – height, materials, finish

- Details of enhanced glazing to plots bordering the LEAP

Reason:- In the interests of the character and appearance of this rural area and to ensure an acceptable external finish

4.No development above slab level shall commence until such time that the following detail has been provided in respect of the proposed timber bridges across the open channel and approved in writing by the Local Planning Authority:-

- Detailed design drawings including method of construction, fixing details, material and finish. There shall be no structural elements/fixings within the channel itself
- Written evidence from the Local Lead Flood Authority that they have been provided with the details above and are satisfied that they raise no flood risk issue

The development shall subsequently be carried out strictly in accordance with the agreed details

Reason:- To ensure an acceptable external finish and to ensure no risk to flooding is posed by the structures.

Highways/access

5. The development hereby permitted shall not be brought into use until the parking and turning areas 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:- To comply with NPPF paragraph 111; to comply with SMDC Local Plan policy DC3; in the interests of highway safety.

6. Prior to first occupation of any permitted new dwelling the parking area and turning area for that dwelling shall be provided and surfaced in a bound material which shall thereafter be retained for the life of the development for their designated purposes.

Reason:- To comply with NPPF paragraph 111; to comply with SMDC Local Plan policy DC3; in the interests of highway safety.

7. The garages shown on the approved plan shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted for use as accommodation without the written approval of the Local Planning Authority.

Reason:- To comply with NPPF paragraph 111; to comply with SMDC Local Plan policy DC3; in the interests of highway safety.

8. Any access, private drive or private road which falls towards adopted or adoptable highway shall be constructed with drainage interceptor sited immediately to the rear of the highway boundary connected to appropriate outfall.

Reason:- To comply with NPPF paragraph 111; to comply with SMDC Local Plan policy DC3; in the interests of highway safety.

9. Before the proposed development is brought into use, details shall be first submitted to and approved in writing by the Local Planning Authority indicating visibility splays at each access, private drive and private road junction appropriate to the design speed. The visibility splays shall thereafter be provided in accordance with the approved plans and retained for the life of the development.

Reason:- To comply with NPPF paragraph 111; to comply with SMDC Local Plan policy DC3; in the interests of highway safety.

10. The development hereby permitted shall not be brought into use until details of the maximum achievable visibility splay to the north of plot 23 have been submitted to and approved in writing by the Local Planning Authority. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development being brought into use.

Reason:- To comply with NPPF paragraph 111; to comply with SMDC Local Plan policy DC3; in the interests of highway safety.

11. Notwithstanding any details shown on the approved plans no development shall be commenced until revised access details indicating the following have been submitted to and approved in writing by the Local Planning Authority:

- a minimum width of 5m for the access to plots 27 to 36 and proposals for refuse collection;
- a minimum width of 5m for the access to plots 6 to 10 and proposals for refuse collection;
- a minimum width of 4.2m for the access to plots 37 to 40 and proposals for refuse collection;
- a minimum width of 4.2m for the access to plots 15 and 16 and proposals for refuse collection;

The access shall thereafter be carried out in accordance with the approved details and be completed prior to first occupation and shall thereafter be retained as such for the lifetime of the development.

Reason:- To comply with NPPF paragraph 111; to comply with SMDC Local Plan policy DC3; in the interests of highway safety.

12. Before the proposed development is brought into use, the two parking spaces for the adjacent Fole Chapel shall be marked as such and thereafter retained as parking for Fole Chapel for the life of the development.

Reason:- To comply with the Section 106 Agreement and in the interests of highway safety.

13 Notwithstanding any details shown on the submitted drawing, before the proposed development is commenced, revised drawings shall be submitted showing a straight, consistent smooth kerb line and footway on the site frontage on Fole Lane between Fole Chapel and the disused building near Fole Bridge and on the frontage of plots 21 and 22. The kerb lines shall thereafter be provided in accordance with the approved plans.

Reason:- To comply with NPPF paragraph 111; to comply with SMDC Local Plan policy DC3; in the interests of highway safety.

14. No development shall take place, until a Construction Environmental Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) a site compound with associated temporary buildings;
- ii) the parking of vehicles of site operatives and visitors;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) wheel wash facilities including means of dealing with water runoff;
- vi) mechanical road sweeper for existing carriageway;

Reason:- To comply with NPPF paragraph 111; to comply with SMDC Local Plan policy DC3; in the interests of highway safety.

Landscaping

15. The Landscaping plans hereby approved shall be implemented before the end of the first planting season (November to February inclusive) following completion of the final dwelling. All planting shall be maintained for a minimum period of 5 years following planting and any which are removed, become diseased, die or otherwise fail to establish within this period shall be replaced with similar species and the replacements themselves shall be properly maintained for 5 years .

Reason:-In order to secure an appropriate landscape design and to protect the visual amenity of this rural area.

16. No development above slab level shall commence until a Landscape and Habitat Management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details to confirm the establishment care for the landscape proposals and define their long-term management. It should explain who is to undertake the work and how it will be funded. It should give confidence that the work will be undertaken and be useable as a document to instruct landscape contractors to undertake the work i.e. contain suitable plans and schedules of activities to describe and locate the management objectives and maintenance activities to achieve them.

Reason:- To ensure that the initial establishment and future management of the external realm is successful.

Removal of permitted development

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) B and C other than those expressly authorised by this permission, shall be carried out Plots 2,3,12,13, 29 and 30 without express planning permission first being obtained from the Local Planning Authority.

Reason:- To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of this rural area and external appearance of the development

Informative

1. This application has been subject to extensive negotiation. The development is now considered to represent sustainable development in accordance with the provisions of the NPPF
2. The applicant's attention is drawn to comments made by the LLFA during the processing of this application. These matters will need to be addressed as part of the formal application to discharge drainage conditions on the outline consent prior to **any** development commencing on site. In the event that layout changes are required in order to satisfy drainage requirements or indeed any other condition the applicant may need to seek a variation to the application from the Council. In the case of a significant change, a new planning application may be required
3. Your attention is drawn to the letter from the Crime Prevention Design Advisor, Staffordshire Police dated 29th September 2021
4. The lighting in Condition 3 should be designed to mitigate any harm to wildlife

X *J Colley*

Signed by: Jane Colley Signature

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 buildingcontrol@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.
12. Domestic sprinklers
Fire sprinklers operate automatically even if you are not at home releasing water directly over the source of the fire and sounding the alarm, they are unobtrusive and easy to install. Sprinklers are NOT expensive; normally costing around 1-2% of the cost of construction of a new building. The use of sprinklers will usually allow design freedoms as well, which can reduce construction costs and improve usability and design freedoms of the building. The chance of an accidental discharge is 16,000,000:1
If you would like further advice please contact Staffordshire Fire and Rescue Service (www.staffordshirefire.gov.uk)
13. Working smoke alarms correctly positioned in your home can save your life.
The Fire Service recommends you have smoke alarms on every floor of your home, including in each bedroom, and make sure you test your smoke alarms at least once a month. Although the application of approved guidance and enforcement of regulations will give buildings the legally required baseline of fire protection, the Fire Service's viewpoint is many of these fall short of what we would consider adequate. This is why we campaign for the inclusion of sprinklers.

