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Application no: SMD/2022/0199

Determined on: 31st January 2024

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:

Land Adjacent To Daisy Bank Farm Uttoxeter Road Upper Tean Staffordshire

Description of Development:

Reserved matters application and associated discharge of conditions 3, 11 and 13 pursuant to outline planning permission ref. SMD/2018/0509 for the residential development of 55 dwellings including the 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, **APPROVES** the following matters which have been reserved for later approval on the grant of outline planning permission for development: Appearance, Landscaping, Layout and Scale subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - a. Site Location Plan – Ref: E652-LP01 (Sauro Architectural Design)
 - b. Site masterplan – Ref: E652-01 Rev G (Sauro Architectural Design)
 - c. Site sections – Ref: E652-14 and 14a (Sauro Architectural Design)
 - d. Proposed solar panels plan – Ref: E652-01 Rev A (Sauro Architectural Design)
 - e. Layout Plan (Engineering) – Ref: C1941-C-SK01 Rev G (CB3 Consult)
 - f. Layout Plan (Drainage Modelling) Ref: C1941-C-SK015 (CB3 Consult)
 - g. Landscape proposals (Full site) – Ref: 6838.07 Rev G (Trevor Bridge Associates)
 - h. Solar panels plan - Ref: E652.16 Rev A (Sauro Architectural Design)
 - i. Proposed Lighting Horizontal Luminance Plan – Dated 20 April 2023 (MMA Lighting)

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The dwellings hereby approved shall be constructed in accordance with the following list of approved housetype plans:
- i. House type A – Ref: E652.02 Rev B (Sauro Architectural Design)
 - ii. House type A1 – Ref: E652.03 Rev B (Sauro Architectural Design)
 - iii. House type B – Ref: E652.04 Rev B (Sauro Architectural Design)
 - iv. House type C – Ref: E652.05 Rev B (Sauro Architectural Design)
 - v. House type D – Ref: E652.07 Rev A (Sauro Architectural Design)
 - vi. House type D1 – Ref: E652.08 Rev A (Sauro Architectural Design)
 - vii. House type E – Ref: E652.09 Rev A (Sauro Architectural Design)
 - viii. House type F – Ref: E652.10 Rev A (Sauro Architectural Design)
 - ix. House type G – Ref: E652.11 (Sauro Architectural Design)
 - x. House type H – Ref: E652.12 Rev A (Sauro Architectural Design)
 - xi. House type I – Ref: E652.13 Rev B (Sauro Architectural Design)

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding any details shown on the approved plans, no above ground works are to be carried out until full details and samples of all external materials and finishes and hard surfacing to be used in the construction of the development, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a high-quality external appearance of the development and to protect the character and appearance of the area and the wider landscape character.

4. Prior to occupation of any of the dwellings hereby approved, details of all external lighting (including location, fixtures and shades, lux levels and horizontal luminescence) associated with the individual properties, parking courts or areas, and any pedestrian routes shall be submitted to, and approved in writing by the local planning authority. Hereinafter all external lighting shall be installed in accordance with those approved details.

Reason: In the interest of protecting residential amenity, ensuring appropriate safety and security, and protecting habitats and wildlife from unnecessary light spillage.

5. Prior to occupation of any of the dwellings hereby approved a strategy shall be submitted to, and approved in writing, to the local planning authority, providing full details as to how each property is to be served by broadband and other communications infrastructure. The connections detailed in this strategy shall be installed prior to the occupation of any of the dwellings (singularly or cumulatively).

Reason: In order to comply with the requirements of policy DC 1 of the Local Plan and to ensure that properties have effective services and facilities.

Highways and access:

6. The development hereby permitted shall not be brought into use until the internal roads and access routes, including parking, turning, and servicing areas have been delivered in complete accordance with the site masterplan (Ref: E652-01 Rev F), and to the specifications set out in the following detailed highways drawings, unless otherwise agreed in writing with the local planning authority:
 - a. Highways Long Section – Ref: C1941-C-SK02 Rev C (CB3 Consult)
 - b. Fire Appliance Tracking – Ref: C1941-C-SK10 Rev B (CB3 Consult)
 - c. Refuse Vehicle Tracking – Ref: C1941-C-SK11 Rev B (CB3 Consult)

The parking, turning, and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.

Reason: In the interest of ensuring that safe and convenience vehicle access is provided to all the proposed properties, and that appropriate servicing can be provided in accordance with policies T1 and DC1 of the Local Plan and paragraph 114 of the NPPF.

7. The development hereby permitted shall not be brought into use until the access route from the public highway has been surface in a bound and porous material for a minimum distance of 5m back from the plot boundary in accordance with the approved plans. The surfacing shall thereafter maintained

Reason: In the interests of highways safety and in accordance with policy DC1 of the Local Plan and paragraph 114 of the NPPF

8. Prior to first occupation of any new dwelling hereby approved the parking area for that dwelling shall be provided and completed.

Reason: In the interests of highways safety and in accordance with policy DC1 of the Local Plan and paragraph 114 of the NPPF

9. Prior to the installation of any highway or external works approved as part of this development, a strategy shall be submitted to, and approved in writing, by the local planning authority which details how the non-adopted highways, parking areas and private drives will be managed in in perpetuity. This strategy should include the following details:
 - a. Specific areas that will be covered by this strategy
 - b. Of the maintenance and repair of surfaces and finishes
 - c. The management / maintenance of below ground services and infrastructure.
 - d. How trees and other vegetation within the street will be managed.

e. Specific details of who would be responsible for the maintenance.

Thereafter the non-adopted highways, parking areas and private drives shall be managed in perpetuity in accordance with the approved details s

Reason: In the interest of ensuring that long term access is provided to all of the properties and that there is a clear management and maintenance regime for non-adopted infrastructure

10. Notwithstanding the details provided in this application, no footpath or other pedestrian connection shall be made to Uttoxeter Road (A522) other than that which is to be provided as part of the principal vehicular access point approved as part of the outline application (ref: SMD/2018/0509), and required under condition 7 of this permission unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting pedestrian safety when entering and leaving the site onto Uttoxeter Road.

Landscape and trees:

11. Within the first planting season (September to March) following first occupation of the development all landscaping and planting hereby approved must be implemented in accordance with the following approved landscaping plans and reports (unless otherwise agreed in writing by the local planning authority):
- Arboricultural Impact Assessment & Method Statement Ref: 6838/AIA&AMS/Rev D) (Trevor Bridge Associates)
 - Tree Protection Plan – Ref: 6838.02 Rev D (Trevor Bridge Associates)
 - Landscape proposals (Sheet 1) – Ref: 6838.03 Rev H (Trevor Bridge Associates)
 - Landscape proposals (Sheet 2) – Ref: 6838.04 Rev G (Trevor Bridge Associates)
 - Landscape proposals (Sheet 3) – Ref: 6838.05 Rev G (Trevor Bridge Associates)
 - Landscape proposals (Sheet 4) – Ref: 6838.07 Rev G (Trevor Bridge Associates)

Once implemented landscaping on the site shall be managed in accordance with approved Ecological Management Plan (EMP) (Ref: RHE.3340.01 - Rachel Hacking Ecology) and the planting guidance provide as part of the approved landscape drawings.

Any new planting, trees or other vegetation that either fails or dies within the first two planting seasons after implantation of the scheme hereby approved, shall be replaced to the same standards and specifications unless it is agreed in writing with the local planning authority that an alternative approach would be preferable.

Reason: To ensure an appropriate landscape solution is delivered and that the replacement trees and planting are delivered and maintained and ensure the development is in line with policies NE2 and DC 3 from the Local Plan.

12. Prior to the use of any boundary treatment or other means of enclosure (including the finish to any retaining structures) as part of the development hereby approved, full details including the materials, height and finish shall be submitted to, and approved in writing by the local planning authority. No boundary treatment, retaining structure or means of enclosure shall be installed except in complete accordance with the approved details.

Reason: To ensure that appropriate design and amenity considerations are met regarding boundary treatments that reinforce the local character and ensure adequate safety and security in line with Local Plan policy DC1

13. All the works to the trees and hedgerows on the site shall be in complete accordance with the details set out within the Arboricultural Impact Assessment and Method Statement (AIA&MS) (Ref: 6838/AIA&AMS/Rev D - Trevor Bridge Associates) and Tree Protection Plan (Ref: 6838.02 Rev D – Trevor Bridge Associates) unless otherwise agreed in writing by the local planning authority.

Reason: To ensure compliance with policy NE2 of the Local Plan which seeks to protect existing vegetation on any development site, and to link effectively with condition 11 of the original outline permission.

Biodiversity and ecology:

14. Within six months of the occupation of the dwellings hereby approved the bird and bat boxes (number and location as detailed within the accompanying Ecological Management Plan (Ref: RHE.3340.01 - Rachel Hacking Ecology) shall be installed within the development and they shall be retained for the lifetime of the buildings.

Reason: In order to comply with the requirements of the original outline permission, the recommendations of the Phase 1 habitat Survey and to ensure biodiversity enhancement for breeding birds as required by Local Plan policy NE2.

15. The development hereby approved shall be carried out entirely in accordance with the recommendations set out within section 5 of the Phase 1 Habitat Survey (dated March 2023 and prepared by Rachel Hacking Ecology), including the methodology for the reasonable avoidance measures to ensure that there are no impacts on any protected species on the site.

Reason: In order to ensure that protected species on the site are protected during the delivery of the development in accordance with Local Plan policy NE2.

16. Prior to the commencement of development hereby approved (with the exception of any ground investigation works) a strategy for the eradication of any Japanese Rose on the site shall be submitted to, and approved by, the local planning authority in writing.

Thereinafter the development shall, be delivered in accordance with this approved strategy.

Reason: In order to eradicate invasive species that are present on the site, and to ensure that the works to deliver the site do no further contribute to the spread of the invasive species, in order to protect native biodiversity in accordance with Local Plan policy NE2.

Amenity:

17. 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), no development as specified in Schedule 2, Part 1, Class(es) A, B, and C shall be carried out on plots 12-22 and 38-45, other than those expressly authorised by this permission, 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 residential amenity, character and visual amenities of this rural area and external appearance of the development.

Drainage and flood risk:

18. Any drainage scheme submitted under condition 18 of the original outline planning permission shall be in complete accordance with the drainage layout and engineering drawings submitted with this application, specifically Layout Plan (Engineering) – Ref: C1941-C-SK01 Rev G (CB3 Consult) and Layout Plan (Drainage Modelling) Ref: C1941-C-SK015 (CB3 Consult)

Reason: In the interests of proper planning in order to ensure that the discharge of conditions related to flood risk and drainage the outline planning permission are effectively linked to the layout and design matters

INFORMATIVE:

1. A sustainable form of development has been negotiated in accordance with the provisions of the National Planning Policy Framework
2. This estate road and drainage layout will require Technical Approval under Section 7 of the Staffordshire Act 1983 and will require exemption under Section 219 - 226 of the Highways Act 1980 if it is to remain private. There are detailed issues that need to be approved in order to achieve technical approval under that process and the developer should be advised to contact Staffordshire County Council at the earliest opportunity to ensure that approvals and agreements are secured before commencement of works. The obtaining of planning permission for this design/layout will not be considered as a reason

to relax the required technical standards for the road and drainage and any changes may necessitate the submission of further planning applications. As the road is to be private then the residents should be advised that they may be taking on the responsibilities and liabilities of the highway authority with regards to maintenance, snow clearance etc and are advised to take advice on public liability insurance against claims associated with those responsibilities.

Please see:

<https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx> and contact Staffordshire County Council at road.adoptions@staffordshire.gov.uk to ensure that approvals and exemptions are secured before commencement of works.

3. The following 3 conditions of outline planning permission SMD/2018/0509 are also hereby formally discharged:
- *Condition 3:* The submission of the remaining matters of detail reserved – this includes appearance, layout, scale, and landscaping. (Note – access arrangement has already been agreed)
 - *Condition 11:* Provision of updated information regarding tree protection, including method statements for the protection of retained trees on the site.
 - *Condition 13:* That the reserved matters application will be accompanied by a Ecological Management Plan (EMP) that deals with a range of ecological matters.

X 

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 DBCP Limited, Web: dbcp.co.uk; Email: info@dbcp.co.uk ; Tel: 0333 880 2000.
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.

