

Harris Lamb Limited
75 - 76 Francis Road
Birmingham
B16 8SP

N/A
C/O Agent

Application no: SMD/2018/0234

Determined on: 22nd 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:

Fole Dairy Uttoxeter Road Fole Uttoxeter Staffordshire ST14 5EH

Description of Development:

Outline Application for Residential development, means of access, ancillary works and site remediation.

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.
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, landscaping, layout, and scale, (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 shall be carried out in accordance with the following approved plans 100A Location Plan 101B Existing Site Plan

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

5. The reserved matters application(s) shall be based on the principles and rationale set out in the Design and Access Statement (DAS) and Landscape and Visual Appraisal. Notwithstanding the materials suggested within the DAS, eaves and verge detail should be traditional brick and mortar rather than timber fascias/barge boards and render should be used only as an accent rather than the predominant facing material

Reason:- To ensure an acceptable design in the interests of the character and appearance of this rural area

6. 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

7. The mix of units at reserved matters shall reflect the Council's Strategic Housing Market Assessment

Reason:- To ensure an appropriate mix of units

Highways/Access

8. No development hereby approved shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Means of surface water drainage to SUDS principles;

The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of the development.

Reason: - To comply with NPPF paragraph 32; to comply with SMDC Core Strategy policy DC1; in the interests of highway safety.

9. No development of any of the dwellings hereby permitted above slab level shall take place until details of the following off-site highway works have been submitted to and approved in writing by the Local Planning Authority:

- 2m footway on the A522 Uttoxeter road frontage of the site incorporating a pedestrian dropped crossing close to the bus stop.
- Upgrade of the existing bus stop on the A522 Uttoxeter Road.

The off-site highway works shall thereafter be constructed in accordance with the approved details and prior to the development being first brought into use.

Reason: - To comply with SMDC Core Strategy Policy T1 and T2; to comply with NPPF paragraph 35; in the interests of pedestrian safety.

10. The development hereby permitted shall not be brought into use until the existing dropped crossings on Uttoxeter Road, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development hereby permitted are permanently closed and the access crossings reinstated as footway.

Reason: - To comply with NPPF paragraph 32; to comply with SMDC Core Strategy policy DC1; in the interests of highway safety.

11. The development hereby permitted shall not be brought into use until the visibility splays shown on plan ref. no A18095-01A rev D2 have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason: - To comply with NPPF paragraph 32; to comply with SMDC Core Strategy policy DC1; in the interests of highway safety

12. No dwelling hereby approved shall be occupied until such time that a Travel Plan based on the submitted Travel Plan Framework has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures to secure its future monitoring. The development shall thereafter be carried out in full accordance with the approved Travel Plan.

Reason:- To comply with SMDC Core Strategy Policy T1 and the NPPF and to ensure modes of travel other than the car are encouraged and facilitated.

Drainage

- 13. 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 in writing by the Local Planning Authority. The scheme shall 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.

- 14. There shall be no built development within 8m of the top of the bank of the River Tean.**

Reason: - To ensure there is a natural corridor and appropriate buffer zone from the River Tean and to reduce the risk of flooding to the proposed development and future users

- 15. No development approved by this planning permission shall take place until such time as the following has been submitted to and approved in writing by the Local Planning Authority.**

1. A hydraulic model which has been re-run for the Broadgate Hall Brook and River Tean. The development proposals must be properly represented within this model.

The approved Model should subsequently form the basis of the Site Specific Flood Risk Assessment required under Condition 16.

Reason:- To ensure the development does not pose an unacceptable level of flood risk.

- 16. No development shall take place until a site specific Flood Risk Assessment has been submitted to and approved in writing by the Local Planning Authority which must include details of:**

- 1. Existing and proposed site level plan to Ordnance Datum**
- 2. Consideration of flood resilience measures up to the level of the 1 in 1000 year event**
- 3. Maps showing all return periods and scenarios modelled**
- 4. Any required floodplain compensation scheme.**
- 5. Evidence that the land use is appropriate for the flood zone**
- 6. More vulnerable parts of the site, such as the access routes or the dwellings, must be in lowest flood risk parts of the site where possible.**

- 7. Finished floor levels should be set at least 600mm above the highest of:-**
- a. The modelled 1 in 100 year plus climate change level for the Broadgate Hall Brook**
 - b. The modelled 1 in 100 year plus climate change level for the River Tean**
- 8. Provision of safe access and egress for future occupants of the site**
- 9. Address how any cars parked will be prevented from floating away during a flood event.**

The approved scheme shall be fully implemented before any of the dwellings hereby approved are occupied and subsequently maintained in accordance with the aim timing / phasing arrangements embodied within the approved scheme.

Reason:- To reduce the risk of flooding to the proposed development and future users. To demonstrate that the development will be safe for its lifetime without increasing flood risk for others.

Noise: Construction and demolition works: Time of operations

- 17. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.**

- **08:00 - 18:00 hours (Monday to Friday);**
- **08:00 - 13:00 hours (Saturday)**
- **No working is permitted on Sundays or Bank Holidays.**

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, demolition operations,) which generates noise that is audible at the site boundary.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

Noise: Sound Insulation

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

less than 40 dBLAeq in living areas and 55dB LAeq in outside living areas. A report shall subsequently be produced containing all raw data and showing how calculations have been made. A copy of such report shall be submitted to the Local Planning Authority for its written approval before first occupation of any of the dwellings hereby approved. The development shall be carried out strictly in accordance with the agreed scheme.

Reason: To protect occupiers from noise and safeguard their residential amenities.

Construction/Demolition

19. The development shall be carried out in accordance with the Methodology Risk and Method Statement submitted by RDE environmental S/18048/PH1/JM (1/03/18) throughout the course of the development.

Reason: To protect the amenities of the area

Contamination

20. No development approved by this planning permission shall take place until 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 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 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.
 - 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
 - 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.
 - 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

21. Prior to bringing the development into first use, a validation report demonstrating completion of the works set out in the approved Remediation scheme 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

22. In the event that contamination is found at any time when carrying out the 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 20, and submitted to and approved in writing by 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 produced, submitted to and approved 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

23. No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material shall be submitted to and agreed in writing by the Local Planning Authority prior to the soils being imported onto site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.

Reason: - 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.

Trees/Design/Landscape and Visual Impact

24. Other than the existing Uttoxeter Road frontage conifer hedge whose removal is accepted, no trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the development, as hereby approved or as subsequently approved under a related reserved matters application, unless otherwise approved by the LPA. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (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 birds.

Reason:- To protect existing trees and hedges which contribute positively to the character and appearance of the area

25. Before the commencement of development (including any demolition, site clearance, site stripping or site establishment) temporary protective fencing and advisory notices for the protection of the existing trees to be retained shall be erected in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and shall be retained in position for the duration of the period that development takes place, unless otherwise agreed by the LPA. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground

services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed by the LPA.

Reason:- To protect existing trees to be retained.

Informatives

1.The Council has negotiated a sustainable development in line with the provisions of the National Planning Policy Framework

2.This permission should be read in conjunction with the corresponding Section 106 Legal Agreement dated 21st October 2019

3. The Applicants attention is drawn to a number of shortcomings with the Illustrative Plan which must be addressed in any subsequent reserved matters submission.

a) Lack of sufficient spatial opportunity to satisfactorily reinforce/complement/enhance the existing vegetation along the western boundary of the site. This fails to support the submitted Landscape Strategy

b) Complete lack of space along the northern boundary for planting. This also fails to support the submitted Landscaping Strategy which refers to establishing a new native hedgerow on the frontage to replace the existing Leylandii hedge and fails to provide sufficient space for a landscape buffer to this boundary which should include not only a native hedge but also shrubs and trees.

c) Plots 45 and 50, 53 55 and 56 are too close to existing trees – see comments from the Trees and Woodland Officer dated 13th September 2018

d) Insufficient use of good design principles such as strong perimeter block development and strong/continuous building lines with buildings addressing the street.

e) Greater adherence to Manual for Streets – road hierarchy, more use of shared space, grass service strips to replace formal footpaths, minimum road widths, less engineered layout.

f) LEAP to be sited more centrally where it would benefit from good casual surveillance with appropriate buffers.

4. Your attention is drawn to the letters and advice from a) the Environment Agency dated 22nd June 2018 and 26th September 2018, b) the Architectural Liaison Officer dated 14th May 2018 and c) Severn Trent Water dated 22nd May

5. The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

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.
<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

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.

X 

Signed by: JaneC

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
2. Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority at Staffordshire County Council.
3. This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. An application will need to be made to discharge conditions and a fee is payable with the application. For more details please refer to our web site: www.staffsmoorlands.gov.uk If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a “condition precedent”. The following should be noted with regards to conditions precedent:
 - (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.
4. Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.
5. The permission is granted in strict accordance with the approved plans. It should be noted however that:
 - (a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
 - (b) Variation to the approved plans will require the submission of a new planning application.

6. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
7. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
8. If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
9. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
10. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
11. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
12. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of

London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.