

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE

17th October 2024

Application No.:	SMD/2023/0423	
Location	Land at, Tenford Lane, Tean, Staffordshire, ST10 4EN	
Proposal	Application for full planning permission for the erection of 87 dwellings and associated works.	
Applicant	Mr M Ellis, Markden Homes North West Ltd.	
Agent	Caroline Payne, Emery Planning Partnership	
Parish/ward	Tean	Date registered 17/08/2023
If you have a question about this report please contact: Jo Gregory email: jo@urbanimprint.co.uk		

REFERRAL

This is a major application and is locally contentious.

SUMMARY OF RECOMMENDATION

APPROVE subject to the prior completion of a Section 106 legal agreement and conditions.

1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 1.1 The application site is located to the north of the settlement of Upper Tean and to the north of Tenford Lane. The site is 6.2ha and rises quickly away from Tenford Lane (which runs along the southern boundary) towards a restored former quarry to the immediate north.
- 1.2 The site originally consisted of two agricultural fields laid out in a rectangular form parallel to Tenford Lane. Mature trees are located within the field boundaries with a higher concentration along the northern boundary of the site and a few mature trees sporadically located along the southern boundary that fronts Tenford Lane. Mature native hedgerows bound the site on four sides and a mature strip of hedging, trees and shrubs cross the site from north to south separating a third of the site from the remainder. High voltage powerlines currently cross the site entering via the north east corner and leaving the site to the west of the junction between Tenford Lane and Cavendish Road.
- 1.3 Due to extant permissions on this site, construction of 40 dwellings and some associated landscape and access works have commenced. The map below has been provided to clearly distinguish between the parts of the site that have permission and are being implemented, and those that are the subject of this planning application.



2. DESCRIPTION OF THE PROPOSAL

- 2.1 The application seeks full planning permission for a residential development of 87 dwellings and associated works. 40 of these dwellings already have permission (Reserved matters ref: SMD/2021/0491) and have been implemented, with much of the key infrastructure is already in place. The vehicular access to the site off Tenford Lane and the main vehicle route through the site that runs parallel to Tenford Lane, have been implemented in whole and in part respectively. The two proposed infiltration basins from the previous permission have also been implemented.
- 2.2 Whilst this is a full planning application for the whole site and all 87 dwellings and associated works, due to the extant permissions, this determination is necessarily focused on the additional 47 units proposed and proposed open spaces. The remaining 40 units already have permission and are under construction.
- 2.3 Permission SMD/2021/0491 included a substantial area of public open space covering the western third of the site. This design decision was due to concerns raised by the Environmental Health Officer at the time relating to the noise impact from kennels located directly adjacent to the site in a neighbouring field. As a result, a large section of the western half of the application site could not accommodate dwellings and was given to open space as an alternative.
- 2.4 Since this permission was granted, the kennels have ceased to operate and their licence has expired. Following the cessation of the kennels use this planning application has been submitted proposing an additional 47 dwellings, predominantly on this land. 35 of these dwellings (plots 53-87) are located on the site of the

previously approved public open space and within the former noise buffer from the kennels. The remaining 12 proposed dwellings (plots 41-52) are located towards the eastern end of the site. These dwellings are predominantly three and four bedroom detached, semi-detached and terraced units.

- 2.5 The proposal technically contains a larger surface area of public open space compared to the previous proposal. This is in part due to the application site boundary being larger than the reserved matters permission SMD/2021/0491 and encompassing a strip of land across the north of the site formerly excluded from the site boundary.
- 2.6 There are four main areas of public open space proposed although two of these are attached to one another and share a boundary. The smallest area of open space is positioned within the middle of the site to the south. This space also contains a small electricity substation adjacent to where the existing high voltage powerlines will be buried. New trees are proposed along the southern boundary of this space along the main internal access route. To the south of the open space, but still within the site boundary are two of the large mature trees whose root protection areas extend into this open space.
- 2.7 To the east of the site is proposed a public open space containing a play area. The specifications for this play area have been provided. The best visual representation of what will be provided within this play area is available in image '26481rev2- Picture sheet'. Across the north of the site spanning its length is a public open space containing a footpath, benches and a trim trail. A final area of public open space is provided beside the main entrance to the site. This area does not have a specific function and so will likely offer primarily visual amenity.
- 2.8 The Planning application, supporting documents, plans and consultees comments can be viewed at

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=173444>

3. RELEVANT PLANNING HISTORY

- 3.1 The application site is subject to a number of extant permissions, some of which have been implemented on site. The planning history below contains the key permissions and applications of relevance to this planning application. Some of the permissions below have been amended via section 73 and non-material amendments in addition to a number of planning conditions discharged.

SMD/2024/0031 - Variation of Conditions 1 and 10 of Reserved Matters approval SMD/2021/049.

Changes relating to the introduction of two new house types, removal of one of the three drainage basins, removal and introduction of a detached garage, removal of a dormer, rearrangement of plots, change of house types and driveway alterations. – Approved – 26th March 2024

SMD/2023/0240 - Variation of Conditions 1 relating to SMD/2021/0491 to allow amendments relating to house types, access, road levels, relocation and rearrangement of plots, removal and introduction of garages, removal of dormer, roof pitches, driveway alterations, vehicular access, , ensuites and private roads. – Refused – 27th December 2023

SMD/2021/0491 - Approval of reserved matters, appearance, landscaping, layout and scale in relation to SMD/2016/0811 – Approved – 17th February 2023

SMD/2016/0811 - Outline planning application with some matters reserved (except access) for a residential development of up to 40 houses (resubmission of SMD/2016/0200) – Approved – 3rd August 2018

SMD/2016/0200 - Outline planning application for residential development of up to 49 houses with all matters reserved except for access – Refused – 3rd November 2016

4. **PLANNING POLICIES RELEVANT TO THE DECISION**

4.1 For the purposes of this planning application, the development plan comprises of the Staffordshire Moorlands Local Plan (2020).

4.2 The following Local Plan policies are relevant to this application:

- SS 1 – Development Principles
- SS 2 – Settlement Hierarchy
- SS 3 - Future Provision and Distribution of Development
- SS 4 - Strategic Housing and Employment Land Supply
- SS 8 – Larger Villages Area Strategy
- SS 10 - Other Rural Areas Strategy
- SD 1 - Sustainable Use of Resources
- SD 5 – Flood Risk
- H 1 – New Housing Development
- H 2 - Housing Allocations
- H 3 – Affordable Housing
- C 1 – Creating Sustainable Communities
- C 2 – Sport, Recreation and Open Space
- C 3 - Green Infrastructure
- DC 1 – Design Considerations
- DC 2 – The Historic Environment
- DC 3 - Landscape and Settlement Setting
- NE 1 - Biodiversity and Geological Resources
- NE 2 - Trees, Woodland and Hedgerows
- T 1 - Development and Sustainable Transport

4.3 *Neighbourhood Planning:* The site is located adjacent to two parish boundaries, Checkley Parish Council and Cheadle Town Council. The site is within Cheadle Parish area. Cheadle Town Council does not have a Neighbourhood Plan. However, Checkley Parish Council does have a Neighbourhood Plan that was ‘made’ following a positive referendum, on 15th May 2024. It now forms part of the development plan under Section 38(a) of the PCPA.

4.4 The site is referenced in the Checkley Neighbourhood Plan as an “extension to the Upper Tean Village” (paragraph 5.25). However it is recognised as being outside the

Neighbourhood Area. Policies inside the Checkley Neighbourhood Plan therefore do not apply to the site.

4.5 The following documents are also material considerations:

- The National Planning Policy Framework (NPPF) 2023
- The National Planning Practice Guidance (NPPG)
- The Staffordshire Moorlands Design Guide SPD (2018)
- SMDC Housing Land Supply Statement (2022)
- SMDC Annual Monitoring Report (2020-2021)

5. CONSULTATIONS CARRIED OUT

5.1 Two periods of consultation, both 21 days long, took place from the 11th November 2023 and the second ran from the 8th July 2024. The second period was due to the receipt of revised application documents following feedback from officers.

Public comments

5.2 36 letters of objection have been received raising the following general matters:

- Traffic and highway safety
- Congested roads and increasing traffic
- Parking provision
- Narrow lane
- Intensity of development
- Pedestrian safety
- Proximity to school and safety of children
- Lack of safe walking routes into town
- Pressure on local infrastructure and services
- Lack of public transport infrastructure
- Pressure on local schools
- Loss of open space
- Loss of landscaped walks, green spaces and biodiversity
- Flooding and climate change
- Noise and air pollution
- Height of houses and visual impact on views
- Cost of proposed housing
- Legality and process of development

Technical consultees

5.3 The following table provides a summary of technical consultee responses. In the main these comments are on the most recent layout and package of information submitted and consulted upon during July, August and September (unless otherwise stated):

Consultee	Comment
Cheadle Town Council	Objection on highways grounds, sewerage and drainage capacity and properties being overbearing on existing neighbouring dwellings.
Checkley Parish Council	Objection due to the loss of the previously approved public open space and previous

	biodiversity benefits.
Local Highways Authority (Latest update following multiple responses)	<p>Summary: No objection subject to conditions.</p> <p>Site Visit Conducted on: 17-Jul-2024</p> <p>Comments</p> <p>Application is for residential development of 87 dwellings.</p> <p>There is an existing approval on the site for development of up to 40 dwellings. However, red line for this application also includes the previously approved site. There have been multiple applications subsequent to the initial approval. It may be that this application is intended to consolidate these applications.</p> <p>S7 application for technical approval of the internal roads and S111 application for the construction of the bellmouth and pedestrian links have been submitted under the previous planning approvals. Nonetheless, as the entire site is included within the red line, conditions are included which would require Works Agreement. S7 will be required for the overall site.</p> <p>Application was initially refused due to insufficient information. Transport Assessment based on 87 dwellings has now been submitted and demonstrates that the proposed development will not have a severe effect on the highway. A safe and reasonable access can be provided. Swept path drawings have been submitted demonstrating 11.3m refuse vehicle can access the first cul de sac. It does not demonstrate that the vehicle can access plots 69 to 77. This may cause issue with subsequent technical approval of the internal road layout and with refuse collections.</p> <p>Travel Plan would be expected for a development of 87 dwellings. S106 should be entered into for travel plan sum. Travel Plan should be prepared and submitted for approval and appended to the S106.</p> <p>Current records show that there were no Personal Injury Collisions on Tenford Lane within 43m either side of the site access or on Cheadle Road within 43m either side of the Tenford Lane junction, in the previous five years.</p> <p>Conditions</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall not

	<p>be brought into use until the visibility splays shown on plan ref. SCP/230125/D01 have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level. The hedge shall be removed to the extent required to provide and maintain this visibility splay.</p> <p>2. The development hereby permitted shall not be commenced until details of the following highway works have been submitted to and approved in writing by the Local Planning Authority</p> <ul style="list-style-type: none"> - bellmouth access; - footway connections into the proposed site from the existing network; - dropped crossings with tactile paving on both sides of Tenford Lane; <p>which shall incorporate further two-dimensional and three dimensional revisions as recommended by subsequent Safety Audits and as guided by detailed design.</p> <p>The highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.</p> <p>3. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plan A1079 05 A. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.</p> <p>4. The garages indicated on the approved plan A1079 06 A shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.</p>
Environmental Health Officer (Latest update following multiple responses)	No objection subject to conditions. The commercial kennels which existed during the original application phase have ceased to operate so noise impacts are no longer a concern.
Lead Local Flood Authority (Latest update following multiple responses)	Awaiting final comments on revised strategy following multiple rounds of amends and feedback.
Severn Trent Water	No objection.

Arboricultural Officer	No objection subject to further reinforcement of the existing Tenford Lane hedgerow and a series of conditions.
Staffordshire Wildlife Trust	No objection subject to conditions following multiple rounds of amends and feedback.
Landscape Officer	No objection but acknowledgement of additional visual impact.
Leisure and Parks Officer (open space)	No objection subject to contributions and conditions securing quality of open space and play area.
Environment Agency	No comments to make.
SMDC Planning Policy Officer	No objection.
SCC School Organisation Team	Awaiting confirmation of contribution request.
NHS Integrated Care Board	S106 / planning obligation contribution confirmed.
Staffordshire Police	No objection.
Waste operational services SMDC	No objection.
Minerals and Waste SCC	No objection.
Regeneration Officer	No objection subject to final agreement of section 106.

6. OFFICER COMMENT AND PLANNING BALANCE

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Authority is required to determine this application in accordance with the policies of the Development Plan unless material considerations indicate otherwise. NPPF paragraph 11 states that applications that accord with policies within an up-to-date Local Plan should be approved without delay.

Principle of development

- 6.2 Policy SS 2 of the adopted development plan directs development to those locations or settlements where it is deemed most sustainable, largely based on the availability and provision of various services. As part of this, the adopted development boundaries define towns, rural area larger villages, rural area smaller villages and other rural areas and collectively contribute to the spatial representation of the District's over-arching development strategy. Upper Tean is identified as a larger village within policy SS8 and is identified as being one of the most sustainable rural settlements under policy SS2.
- 6.3 The location of the proposed development is a greenfield site which lies outside (although adjacent to) the defined development boundary of Upper Tean, within the open countryside. In such locations, Policy SS 10 sets out the parameters against which applications for development are considered in order to establish their acceptability in principle. In respect of development for housing, new-build housing on greenfield land within the countryside will only be supported where it has 'an essential need to be located within the countryside in accordance with policy H 1'. There is no indication that this development has an essential need to be located in the countryside and the proposed development does not satisfy any of the criterion contained within policy H 1 relating to residential development outside of defined development boundaries.

- 6.4 On this basis the application proposes development for housing at a location that is in conflict with the Council's adopted spatial strategy without meeting any of any supporting exception criteria, and is therefore contrary to policies H1, SS 2 and SS 10 of the Staffordshire Moorlands Local Plan.
- 6.5 Notwithstanding this, paragraph 69 of the National Planning Policy Framework (NPPF) requires LPA's to maintain a 5 year rolling supply of housing and it is acknowledged that the Council is not currently able to demonstrate a 5 year supply of deliverable housing land. The most recently published 5-year housing land supply statement for the LPA (as of April 2023) confirms that the District has a deliverable supply of 3.58 years. As the planning application was submitted prior to the 19th December 2023 it is unaffected by the changes in the updated NPPF (Dec 2023) regarding housing supply, although this is expected to be reversed by the draft NPPF recently consulted upon by the new government. This means that the application should now take account of paragraph 11 of the NPPF.
- 6.6 Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means (as it is relevant to this application):
- 'c) Approving development proposals that accord with an up to date development plan without delay or:*
- d) where there are no development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless:*
- i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposals; or*
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole;'*
- 6.7 Importantly, Footnote 8 to Paragraph 11 confirms that 'out of date policies' includes circumstances such as, *"for applications involving the provision of housing, (a) situations where the LPA cannot demonstrate a 5 year supply of deliverable housing sites"*. In this respect the development plan policies relevant to housing supply are considered out of date.
- 6.8 On this basis, in addition to the fact that there are no policies within the NPPF which provide a clear in principle reason for refusing permission, paragraph 11d(ii) of the NPPF is triggered, which affirms that permission should be granted in this case unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. This is known as the 'tilted balance'. This report will return to the matter of the tilted balance, and the weight that can be afforded to other material considerations as part of the concluding planning balance.
- 6.9 The above assessment of national planning policy and the tilted balance should also be considered in conjunction with the material consideration in favour of the scheme that is established by the extant permissions on this site. Outline permission (SMD/2016/0811) was approved for 40 dwellings on this site in August 2018. These

40 dwellings now form part of this planning application but they have been approved and are under construction.

- 6.10 Furthermore, the proposal will result in the delivery of 47 additional dwellings to contribute towards housing land supply and overall the site will deliver 29 affordable houses. The principle of the development of 87 dwellings on this site is therefore established and acceptable due to the tilted balance and the need for housing.
- 6.11 The following impacts will therefore be assessed, all of which are clearly linked to development plan policies and specific requirements within the Framework, in line with paragraph 11d:
- Design and layout
 - Housing mix and tenure
 - Amenity
 - Highways
 - Trees and landscape
 - Ecology and biodiversity
 - Drainage and flood risk
 - Contamination, noise and air quality
 - Section 106 contributions

Design and Layout

- 6.12 The Framework is very clear that design is an important part of good planning. It also makes it clear that development that is not well designed should be refused (Paragraph 139). It goes on to set out that significant weight should be given to local design policies and guidance, which in this case specifically comprises policy DC 1 of the Local Plan and the Staffordshire Moorlands Residential Design Guide Supplementary Planning Document (SPD).
- 6.13 As previously discussed, plots 1 to 40 of this development already benefit from planning permission by virtue of outline and reserved matters permissions granted under planning references SMD/2016/0811 and SMD/2021/0491, in addition to some permitted non-material amendments. Dwellings that form this part of this development are currently under construction. The design and layout of plots 1 to 40 within the scheme now before this Committee is the same as that which is already approved and under construction. There has also been no change to any of the policies or development plan documents relevant to an assessment of the design and/or layout of plots 1 to 40 which would materially alter the outcome of a design assessment in this regard. As a result, there is no basis upon which the Council could reasonably object to any isolated design or layout matter which is confined to this part of the scheme.
- 6.14 Nevertheless, officers have sought to undertake a robust assessment of the development in order to ensure that the design and layout of plots 41 to 87 is in conformity with the relevant policies of the development plan in their own right and will relate well to those elements already benefitting from a planning permission. In addition, officers have also considered the extent to which the scheme can satisfy the requirements of policy DC 1 and the Staffordshire Moorlands Residential Design Guide SPD when assessed as a whole, particularly in respect of layout, connectivity, public (and open) space, amenity, character and materials. These assessments have prompted a range of significant amendments to the scheme which has enabled a

higher quality of design to be achieved overall. The applicant has positively engaged with the design evolution process.

- 6.15 In respect of layout, the scheme ensures properties benefit from a clear front with private rear gardens located within the inside of the block, all of which are of a sufficient size and provide appropriate separation distances between properties (discussed further within later sections of this report). The properties themselves benefit from a policy compliant level of parking provision throughout which is integrated into the scheme in a manner which avoids dominance within the public realm or street scene so far as is possible, and properties are served by vehicular routes which have a clear hierarchy in respect of their scale and intensity of use, delivered through appropriate variations in street width, surfacing and landscaping. These are all important aspects of good design as defined by policy DC1.
- 6.16 Despite a larger number of dwellings proposed within the scheme when compared to outline consent granted under planning reference SMD/2016/0811, the development proposed still maintains an appropriate design and layout particularly by virtue of the site entrance which is largely free from development, consisting of public open space and landscaping related to the SUDS proposed throughout the site. The layout also successfully retains and integrates a large extent of mature hedgerow which is currently located within the site.
- 6.17 Blocks of housing development are broken up by landscaping which extends from a proposed wild flower meadow to be established to the north of the site and provides a softer landscaped edge. This will provide a buffer between the proposed development and the disused quarry further north of the site and enable landscaping and open space to extend down into the site's core. It should be noted that the applicant intends to supply an appropriate boundary along the northern edge of the site in order to ensure that residents and pets are prevented from accessing the quarry. This can be secured using an appropriate condition.
- 6.18 A series of formalised pedestrian footpaths (including benches and a trim trail) are set within the landscaping to the north of the site which provides a good level of permeability throughout the site and successfully connects the different parts of the site to each other.
- 6.19 Full specifications for the play area and trim trail have been provided as part of this application and it is intended that their delivery would be secured in full through an appropriately worded condition in the event that planning permission is granted. It is also proposed that a condition requiring a lighting strategy for the footpaths, trim trail and play area is submitted to the authority for approval in order to ensure that these areas remain appropriately lit during expected hours of use.
- 6.20 14 house types are proposed for use within the development which in relation to the total of 87 dwellings proposed provides scope for an appropriate range and variety within the street scene. In respect of their external appearance it should be noted that 10 of these house types have already been approved for use as part of the housing mix for the 40 dwelling development currently under construction. They have therefore already been assessed and found to be in accordance with policy DC 1.
- 6.21 The remaining four housetypes which have not previously been approved by the authority (types H, I, J and L) have also been assessed. Proposed housetype L was a new design introduced in response to officer requests for a housetype that would more successfully address key corners across the site. Housetype L has windows

that address two sides and thus provides improved passive surveillance for the internal routes.

- 6.22 From an architectural perspective the four proposed housetypes are appropriate within the wider mix and would complement the character of development which is currently coming forward on part of the site. The dwellings feature traditional features, a good level of architectural detailing and are to be built of a material (and colour) palette which is broadly the same as that which has previously been found acceptable. Conditions will ensure that the proposed development is implemented in accordance with the submitted details.
- 6.23 An enclosure plan was submitted as part of the application package which provides details of the boundary treatments proposed for use as part of the development. A combination of boundaries including metal estate fencing, timber post and rail fencing, feather edge wooden boarding within brick piers and finally the standard concrete gravel board and feather edge boarding are proposed in less publicly visible areas (such as rear gardens). A specific solution incorporating a timber fence and dog mesh is proposed for the northern edge of the site adjoining the quarry. These proposals indicate an appropriate and high-quality approach to boundary treatments within the development. The original plan has since been superseded due to changes in the proposed layout. A condition will ensure an updated enclosure plan is submitted and approved in writing by the authority.
- 6.24 Assessed as a whole, the design and layout of the proposed development is found to be in accordance with policy DC 1 of the Staffordshire Moorlands Local Plan and the Staffordshire Moorlands Residential Design Guide SPD as well as the relevant paragraphs within the National Planning Policy Framework.

Housing mix and tenure

- 6.25 Policy SS8 seeks to increase the availability, range and type of house types for first time buyers and families. As per Policy H1 the final mix should be negotiated with developers and based on housing need, informed by the Strategic Housing Market Assessment (SHMA). SMDC policy officers have concluded that based on the current housing stock figures in Cheadle (2021) there is a need for 1 and 2 bedroom properties and requested the proposed housing mix be adjusted to accommodate this.
- 6.26 The applicant has provided an accommodation schedule to confirm the housing mix. This is summarised below:

Number of bedrooms	Plots 1 - 40 (approved)	Plots 41 - 87	Plots 1 - 87
2	15	7	22
3	8	21	29
4	17	19	36

- 6.27 The preference of the applicant is to provide 2 bedroom units instead of 1 bedroom units and this is perhaps appropriate given the edge of settlement location. The proposal therefore is split between 59% two and three bedroom properties and 41% four bedroom properties.

- 6.28 Policy H3 requires all major developments to provide 33% affordable housing. This equates to 28.71 units. Initially 28 affordable dwellings were proposed. However, feedback from the Regeneration Officer confirmed that the figure needed to be rounded up to 29 dwellings. The proposal has been updated to reflect this change.
- 6.29 Policy H3 seeks affordable housing provision on sites to comprise 60% social rented tenure and 40% intermediate / starter homes. Discussions regarding the exact split as either 70% social rented and 30% shared ownership, or in line with policy H3, are ongoing and will be confirmed through the finalisation of a section 106 agreement.
- 6.30 The proposal is policy compliant in terms of the number of affordable units proposed, the intention to 'pepper pot' the units around the site (see Tenure Plan A1079_08B) and all units comply with the National Described Space Standards (NDSS). The proposed housing mix is considered to be acceptable and broadly in line with policy SS 8 with a weighting towards the delivery of smaller and family homes.

Amenity

- 6.31 An assessment of the amenity impact of the proposed dwellings has been made in terms of the impact on existing neighbouring dwellings, on dwellings approved (plots 1 – 40) and now partially constructed, and the relationship internally between the individual proposed dwellings plots 41 – 87. This has been of particular relevance due to the topography of the site and how it slopes up and away from Tenford Lane.
- 6.32 The plots located in closest proximity to existing dwellings that front Tenford Lane have been approved via a variation of conditions application (SMD/2024/0031 refers). The amenity impact of plots 28 – 40 have already been assessed and found to be acceptable. It is not considered that the dwellings proposed as part of this application will have any amenity impact on existing dwellings on Tenford Lane in terms of overlooking or loss of privacy.
- 6.33 Across the whole of the site the proposed layout has appropriate distances between front and rear elevations and those containing habitable room windows. As this site has a varied and at times steep gradient additional sections were requested in order to fully assess the potential for overlooking between proposed and approved plots. In places where some plots sit higher and face other dwellings this is often a front to side relationship and has therefore been considered to be acceptable and of no harm to amenity.

Highways

- 6.34 Policies DC1 and T1 both require that new developments are effectively assessed to understand the impacts they may have on the local highways network and highway safety, but also to ensure that they prioritise sustainable modes of transport such as walking, cycling and the use of public transport.
- 6.35 Following assessment of the submitted Transport Assessment the highways officer has concluded that the proposed development will not have a severe effect on the highway and that safe and reasonable access can be provided. The swept paths provided demonstrate appropriate access and manoeuvring space for a refuse vehicle, although access to plots 69-77 is complaint but could be improved.

- 6.36 The application initially received an objection from the Highways Authority due to insufficient information and queries relating to refuse vehicle swept paths, carriageway widths, the parking layout and a need to contribute positively to pedestrian and bus routes locally.
- 6.37 Subsequently additional information was provided and the highways officer removed their objection subject to a series of conditions intended to secure the appropriate visibility splays, parking and turning areas, and requesting detail regarding footway connections and crossings to be reviewed and approved via condition. A condition preventing the formal conversion of garages to living accommodation is proposed for the lifetime of the development.
- 6.38 A series of highways and movement related contributions are proposed including a Travel Plan to support the section 106 agreement and a contribution towards its monitoring. The applicant has committed to local bus stop upgrades and the improvement of the surface of the footpath that serves Wentlow's Sports Field, accessed via an alleyway opposite the application site entrance. These contributions will be secured via a section 106 agreement.
- 6.39 The proposal is therefore considered to comply with policies DC1 and T1 of the Local Plan and has been considered by the Highways Authority to be acceptable in terms of highways safety.

Trees and landscape

- 6.40 National policy places great importance on the retention of existing trees and the planting of new trees, within the street, in new development, paragraph 131. Local Plan policy NE 2 - Trees, Woodland and Hedgerows requires that existing woodlands, healthy trees and hedgerows are retained and integrated into new development. The submitted Arboricultural Report (THL-R23-59) demonstrates how the retention, enhancement and integration of existing trees on site is to be achieved.
- 6.41 During the determination period there have been several rounds of discussions and requests for additional information regarding the impact of the proposal on the existing trees on and adjacent to the application site. The majority of trees affected by this application are located in existing field boundaries and are to be retained.
- 6.42 When assessing the proposal in comparison to the previously approved scheme, the tree officer confirmed that the additional 47 dwellings will all remain well clear of the Root Protection Areas of trees to the north of the site. To the south there are no changes to the previously approved layout that would affect existing trees and it is considered that the layout provides sufficient standoff from the mature hedgerow. Overall, no significant impact will be had on existing trees and hedgerows.
- 6.43 National planning policy requires that planning decisions ensure that new development is sympathetic to landscape setting and maintains a strong sense of place, paragraph 135 NPPF. Given the edge of settlement location of the site, the topography of the site and the transition between the edge of Upper Tean and the wider landscape in addition to the impact of the proposal on views are all matters for consideration in the determination of this application.
- 6.44 A detailed consideration of landscape visual impact was conducted by officers prior to the approval of application SMD/2016/0811 which gave outline permission for 40

dwellings on the site. The landscape officer has assessed this visual impact based on the addition of 47 dwellings to the site. In conclusion, the proposal will have a greater impact in landscape visual terms when compared to the approved 40 dwellings, this however, is not considered to be a substantial impact over and above the already permitted development. It does not represent a prominent intrusion into the countryside nor have a significant adverse impact on the character or setting of a settlement or key view.

- 6.45 In conclusion, the proposal is therefore compliant with policy NE 2 Trees, Woodland and Hedgerows and DC 3 – Landscape and Settlement Setting.

Ecology and biodiversity

- 6.46 The application has been the subject of a detailed review by the Staffordshire Wildlife Trust on behalf of the local planning authority. The protection of wildlife and local biodiversity is clearly set out within chapter 15 of the Framework and within policy NE1 of the Local Plan, both requiring the safeguarding of existing biodiversity and where possible delivering biodiversity gains, with any losses effectively mitigated.
- 6.47 The Staffordshire Wildlife Trust (SWT) initially placed a holding objection on the proposal following the initial consultation period requesting additional information to be submitted and a net gain in biodiversity to be demonstrated in line with policy NE1.
- 6.48 The additional information provided included:
- i. Biodiversity net gain assessment and metric
 - ii. Badger Report
 - iii. Reasonable avoidance measures relating to GCN
 - iv. CEMP including measures for GCN, nesting birds, reptiles and hedgehogs
- 6.49 The above materials were provided by the applicant and assessed by the SWT. In terms of biodiversity net gain the proposal delivers a 6.19% gain in habitat units and a 6.42% gain in hedgerow units. The proposal is not required to comply with national requirements for 10% biodiversity net gain on major developments because it was submitted prior to that becoming mandatory.
- 6.50 In terms of specific protected species, no evidence of active badger activity was found on the site or within 30m of the site. Subsequently the remaining requirement has been for the CEMP to include reasonable avoidance measures relating to badgers, GCN, nesting birds, reptiles and hedgehogs. This can be appropriately conditioned.
- 6.51 Following a review of the additional materials the SWT have removed their holding objection and confirmed the proposal is acceptable in ecological terms.

Drainage and flood risk

- 6.52 Policy SD 5 of the Local Plan requires that new development carefully considers the potential it may have to increase the risk of flooding in line with the provisions and

requirements of the NPPF. The site lies within Flood Zone 1 based on the Environment Agency's Flood Map for Planning. A Flood Risk Assessment (FRA) (K23-013-FRA) supports the proposals in addition to a full drainage strategy and design.

- 6.53 The Lead Local Flood Authority (LLFA) have fully assessed the proposals and initially requested additional information to be provided by the applicant prior to determination of this application. This included additional information regarding soakaways, water quality, finished floor levels and the modelling used. The applicant has provided additional information to address these matters and several rounds of discussion have taken place with the LLFA.
- 6.54 Final comments are due from the LLFA imminently and will be provided in advance of planning committee assessing the application, it is expected that the LLFA at that stage will remove their objection and confirm the proposal is policy compliant and acceptable in terms of flood risk and drainage.

Contamination, noise and air quality

- 6.55 Other technical considerations have also been fully assessed in arriving at the officer recommendation to approve this application. These matters have been reviewed by the environmental health officer and include air quality, construction impacts, lighting and land contamination. In all regards the EHO has no objections subject to appropriate planning conditions.
- 6.56 The EHO has also noted that the closure of the neighbouring commercial kennels to the west of the site has resulted in a cessation of the noise impacts that were a concern for previous development proposals on this site. It is this noise impact that resulted in a large portion of the site being considered unsuitable for residential development and a large area of open space proposed as part of outline application SMD/2016/0811. This concern has now been removed and the EHO has no objection as a result.
- 6.57 Given the proximity of nearby residential properties it has also been agreed that a construction environmental management plan (CEMP) is produced following approval to limit any nuisance during the construction phase of the development from noise, dust or other adverse effects.
- 6.58 The proposal is considered acceptable from a health and amenity perspective subject to planning conditions relating to construction management, contamination, soil importation and lighting.

Section 106 contributions

- 6.59 In order for this application to be policy compliant, a series of contributions and measures need to be secured via Section 106 agreement.
- 6.60 These relate to financial contributions towards key services and infrastructure such as local education and healthcare provision in addition to contributions towards local open space and recreation provision. The Section 106 agreement is also utilised to secure affordable housing provision on the site, which the applicant seeks to provide

in line with development plan policy. All contributions must meet the tests set out within Policy SS 12 – Planning Obligations and Community Infrastructure Levy.

- 6.61 The authority has an existing Developer / Landowner Contributions SPG (2004) that is in the process of being replaced. The document sets out how contributions will be sought from developers towards the provision of community facilities and infrastructure improvements that are directly related to the development or the use of the land and must be reasonable in terms of scale and kind.
- 6.62 Contributions towards education, in particular school places will be requested where new development exceeds capacity.
- 6.63 Provision of Affordable Housing is covered within Policy H3 where schemes of 10 dwellings or more (major) are to provide 33% Affordable Housing on site. Alternative percentages of provision or off site provision will only be permitted where viability justifications are presented and agreed by the authority. The applicant has not put forward a viability argument and has confirmed that they intend to agree to Affordable Housing provision in line with policy.
- 6.64 Policy C2 - Sport, Recreation and Open Space seeks to ensure that high quality recreational open space is provided by major development proposals. The provision should be necessary and reasonably related in form and scale to the proposal.
- 6.65 The following heads of terms have been agreed with the applicant and these will form the basis of the legal agreement:
- Delivery of 29 affordable housing units
 - Delivery and maintenance of LEAP play area
 - Off site open space contributions
 - Education contributions SCC
 - Integrated care board contribution
 - Highways improvements - bus stop upgrades, footpath to Wentlows Sports Pitch upgrade
 - Fee for the monitoring the section 106 agreement £802.55 (£218.83 for the monitoring of the section 106 and an additional £583.72 due to it being a residential development)
- 6.66 The above heads of terms are in line with expectations for developer contributions as set out within the development plan. Final figures will be confirmed within late letters. The applicant has confirmed their willingness to enter into such an agreement if the planning committee resolve to approve the application, as per standard procedure. The proposal is thus policy compliant in this regard.

7. CONCLUSION & PLANNING BALANCE

- 7.1 In accordance with the Town and Country Planning, Planning and Compulsory Purchase Act, 2004, planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development conflicts with policies in the development plan concerning

strategic housing location (Policy SS 1) due to its position outside of the settlement boundary of Upper Tean.

- 7.2 However, the NPPF is a strong material consideration in the determination of applications. It sets out a presumption in favour of sustainable development and places great emphasis on the delivery of new housing to ensure sufficient five year housing land supply. Where a Local Planning Authority cannot demonstrate a five year housing land supply, paragraph 11 of the NPPF applies. This states that in this situation development plan policies concerning housing are considered 'out of date' and the 'tilted balance' applies which places the weight of decision making in favour of giving planning permission. In this instance the 'tilted balance' applies as the LPA have a housing land supply of 3.58 years (2023).
- 7.3 The provision of housing and in particular the provision of 33% Affordable Housing must be given significant weight in the determination of this application. The site is located adjacent to the settlement boundary within walking distance of Upper Tean centre and a bus route. It can be considered to be sustainably located which also carries weight in favour of approval.
- 7.4 All technical matters have been assessed in addition to a full design review. There are no outstanding objections from technical consultees. The layout of the proposal and the quality and function of the proposed open space have been improved resulting in a proposal that does not result in harm to local character.
- 7.5 As identified by the landscape officer, there is some landscape visual impact due to the increase in dwellings from 40 to 87 but this is not considered sufficient to justify an objection to the proposal.
- 7.6 This in conjunction with the tilted balance results in a planning balance that weighs in favour of the application being approved.

8. RECOMMENDATION

8.1 That planning permission is approved subject to the following conditions:-

- 1. The development hereby permitted 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.

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans:**
 - **Planning layout A1079_01H**
 - **Landscape layout M3774-PA-01-V3**
 - **Proposed site sections A1079_13A**

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

Design and layout:

3. **Prior to the commencement of development – excluding any works carried out in association with the already approved scheme SMD/2024/0031 – full details of the landscaping, planting and any hard or fixed boundary detail along the sites northern boundary, and along Tenfold Lane shall be submitted to, and approved by the local planning authority. Prior to first occupation of any of the dwelling hereby approved, the northern boundary shall be delivered in complete accordance with the approved details.**

Reason: In the interest of public safety and to ensure that the wider landscape character is preserved in line with policies DC1 and DC3.

4. **Notwithstanding any previously submitted details, full details regarding the location, height and materials of all boundary treatments, fences and other means of enclosure to be installed on site, are to be submitted and approved by the local planning authority. These details should be designed to reflect the characteristics of, and integrate with, those already approved and /or installed under application SMD/2024/0031, as well as the materials proposed for use in the construction of the dwellings. Hereinafter all boundary treatments, fences and other means of enclosure shall be installed in accordance with the approved details. Notwithstanding the provisions of the General Permitted Development Order these boundaries should be maintained as such in perpetuity unless otherwise agreed in writing with the local planning authority.**

Reason: To protect the character and appearance of the local area, and the quality of the development in line with policy DC1 of the local plan, secure residential amenity and privacy and demonstrate visual continuity between any boundaries already installed

5. **Prior to any above ground works - excluding those elements of the scheme already approved under SMD/2024/0031 - a full materials palette shall be submitted to and approved in writing by the local planning authority. The materials palette should reflect the colours and textures of those dwellings already delivered on site where this is relevant. The materials palette shall include the following:**

- **Details of the principal walling and roofing materials, and architectural detailing and materials and finish with these details**
- **Details of the treatment of the eaves including materials and finishing to include fascias, soffits and bargeboard including rainwater goods**
- **Details of doors (including garage doors), windows and other fenestration, including materials, colour and finishes.**
- **Details of all external surfacing materials, including the details of the streets, pavements, private drives and footpaths through the parks and landscape.**

The development hereby approved shall be delivered in complete accordance with the agreed materials schedule unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of ensuring that the dwellings are delivered to a high design standard in accordance with policy DC1 and the Staffordshire Moorlands Design Guide SPD, but also to ensure consistency across the whole site.

6. **Prior to any element of the development hereby approved being occupied, full details of the seating areas, play facilities, trim trail and any associated signage or other street furniture shall be submitted to and approved in writing by the local planning authority. This street furniture and play equipment shall be delivered on site in complete accordance with this plan within six months of the occupation of the first dwelling hereby approved. These facilities shall be maintained as such in perpetuity unless otherwise agreed in writing with the local planning authority.**

Reason: To ensure that the external street furniture and play equipment are all delivered to an appropriate specification for the enjoyment of residents

7. **Before the development is first brought into use, fencing shall be erected around the drainage ponds and to the northern boundary of the site in accordance with drawings and details to be submitted to and approved in writing by the local planning authority.**

Reason: In the interests of public safety.

Ecology conditions:

8. **The proposed development shall be implemented in accordance with the species protection and mitigation measures and recommendations as set out in the Preliminary Ecological Appraisal (Elite Ecology) dated June 2023 and the Biodiversity Net Gain Assessment (Rachel Hacking Ecology) dated July 2024 in addition to any subsequent or updated surveys.**

Reason: To ensure that the proposed development does not impact upon existing ecology or protected species and any change in circumstances are accounted for.

9. **No development including site clearance shall take until a Construction Environmental Management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). This must include:**
 - **Risk assessments of potentially damaging construction activities.**
 - **Identification of biodiversity protection zones.**
Reasonable avoidance measures for badgers, GCN, nesting birds, reptiles and hedgehogs
 - **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.**
 - **Confirmation that there will be no clearance of trees, shrubs, tall ruderal or brambles between 31st March and 31st August inclusive unless a competent ecologist has undertaken a careful detailed check of vegetation for active birds nests, immediately before vegetation removal, and provided written confirmation that no birds will be harmed and/or appropriate methods are in place to protect nesting bird interest on sites. Any such written confirmation should be submitted to the LPA for its written approval before any clearance of trees, shrubs, tall ruderal or brambles.**
 - **Lighting used during construction to minimise impacts on wildlife.**

- Open excavations or pipes to be sealed at night. Ramps / planking to be installed to permit wildlife to escape being trapped in structures during construction.
- The role and responsibilities of an ecological clerk of works or similar competent person.
- Disposal of waste material on site.
- Use of protective fences, exclusion barriers and warning signs.

The CEMP shall be implemented and adhered to throughout the construction period strictly in accordance with approved details.

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

Environmental Health:

10. **Construction and Environmental Management Plan: No phase of the development hereby permitted shall take place except for works of site clearance and demolition until a Construction and Environmental Management Plan for that phase of the site has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-**

I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;

II. the method and duration of any pile driving operations (including expected starting date and completion date);

III. pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;

IV. the arrangements for prior notification to the occupiers of potentially affected properties;

V. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;

VI. A dust management plan containing the measures outlined in Appendix D : Mitigation Measures for Construction Impacts, in the Air Quality Assessment undertaken by the Aval Consulting Group and submitted in support of the application.

VII. a scheme for recycling/disposal of waste resulting from the construction works;

VIII. the parking of vehicles of site operatives and visitors;

IX. the loading and unloading of plant and materials;

X. the storage of plant and materials used in constructing the development;

XI. any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment,

XII. the details of any generator/s to be used on site. They should be sufficiently attenuated so that any noise generated shall be inaudible inside any nearby noise sensitive premise,

XIII. during construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.

All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

Reason: To protect the amenities of the area amenity of local residents and that of the surrounding area from disturbance during the construction phase.

- 11. Report of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not commence 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 has been prepared, and is subject to the approval in writing of the Local Planning Authority.**

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

- 12. Soil Importation: No top 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 should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by**

the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.

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

- 13. Lighting Condition: The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance or cause glare at the adjoining light sensitive locations when the light (s) is (are) in operation. A Lighting Strategy for the whole site (including all areas of open space and all footpaths) and details of all artificial lighting to be installed under this permission should be submitted to and approved by the Local Planning Authority prior to development commencing.**

Reason: To protect the local amenities of the local residents by reason of excess of illuminance.

Trees:

- 14. The first action on commencement of development, prior to any further action (including any site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access) shall be the erection of temporary tree protection barriers and advisory notices 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 these barriers and notices 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: In the interests of the character and appearance of the area.

- 15. The landscaping scheme shown on Barnes Walker Landscape Layout Plan Drg. No. M3774-PA-01-V1, Planting Plan Drg. No. M3774-PA-02-V2, Planting Plan 1 of 2 Drg. No. M3774-PA-04-V1, Planting Plan 2 of 2 Drg. No. M3774-PA-05-V1, and M3774 Plant Specification V2 shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees, shrubs etc planted in accordance**

with this landscaping scheme shall be properly maintained for a period of 5 years following planting. 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 season.

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

Highways:

- 16. The development hereby permitted shall not be brought into use until the visibility splays shown on plan ref. SCP/230125/D01 have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level. The hedge shall be removed to the extent required to provide and maintain this visibility splay.**

Reason: In the interests of highways safety.

- 17. The development hereby permitted shall not be commenced until details of the following highway works have been submitted to and approved in writing by the Local Planning Authority**
- bellmouth access;
 - footway connections into the proposed site from the existing network;
 - dropped crossings with tactile paving on both sides of Tenford Lane;
 - which shall incorporate further two-dimensional and three dimensional revisions as recommended by subsequent Safety Audits and as guided by detailed design.

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

Reason: In the interests of highways safety.

- 18. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plan A1079 05 A. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.**

Reason: In the interests of highways safety.

- 19. The garages indicated on the approved plan A1079 06 A shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.**

Reason: In the interests of highways safety.

20. **The development shall not be occupied until a bin collection and storage strategy plan is submitted to and approved in writing by the Local Planning Authority. Bin collection points are to be provided for any streets that can not be accessed by refuse due to block paving.**

Reason: In the interests of highways safety and proper waste management.

Flood risk:

21. **Awaiting from LLFA**

22. **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 further development as specified in Part 1 Class(es) AA, A, B, C, D, E and F or Part 2 Classes A to C shall be undertaken 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 the area and to protect the residential amenities of neighbouring residents.

Informatives:

Environmental Health Informatives:

Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

All lighting details should be provided with predicted LUX levels at the cartilage of the nearest residential receptors. This should be undertaken in line with the Institute of Lighting Engineers Guidance on intrusive lighting.

The lighting scheme should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011(or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

Illuminated area m ²	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10.00	100	600	800	1000
Over 10.00	n/a	300	600	600

Environmental Zones			
Zone	Surrounding	Lighting Environment	Examples
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically dark	National Parks, Areas of Outstanding Natural Beauty etc.
E2	Rural	Low district brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Small town centres or suburban locations
E4	Urban	High district brightness	Town/city centres with high levels of night-time activity

The guidance advises that, where an area to be lit lies on the boundary of two zones or can be observed from another zone, the limits used should be those applicable to the most rigorous zone.

Any approved noise scheme and measurements should pay due regard to British Standard BS8233:2014 Sound insulation and noise reduction for buildings (Code of Practice), and the Building Regulations 2010 Document E or other appropriate guidance.

Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>

During any demolition and construction activities (including landscaping) the contractor should take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.

- The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils <https://www.london.gov.uk/programmes-strategies/planning/implementing-london-plan/london-plan-guidance-and-spgs/control-dust-and>
- Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)

If required, Contamination risk assessments shall be carried out in accordance with UK policy the Land contamination risk management framework (LCRM), published by the Environment Agency <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

- Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.
- The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become an "appropriate person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.
- Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.
- During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes
- The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.
- Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

Highways informatives:

This estate road and drainage layout will require Technical Approval under Section 7 of the Staffordshire Act 1983 and will require an agreement under Section 38 of the Highways Act 1980 if it is to be adopted as 'highway maintainable at public expense'. 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 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

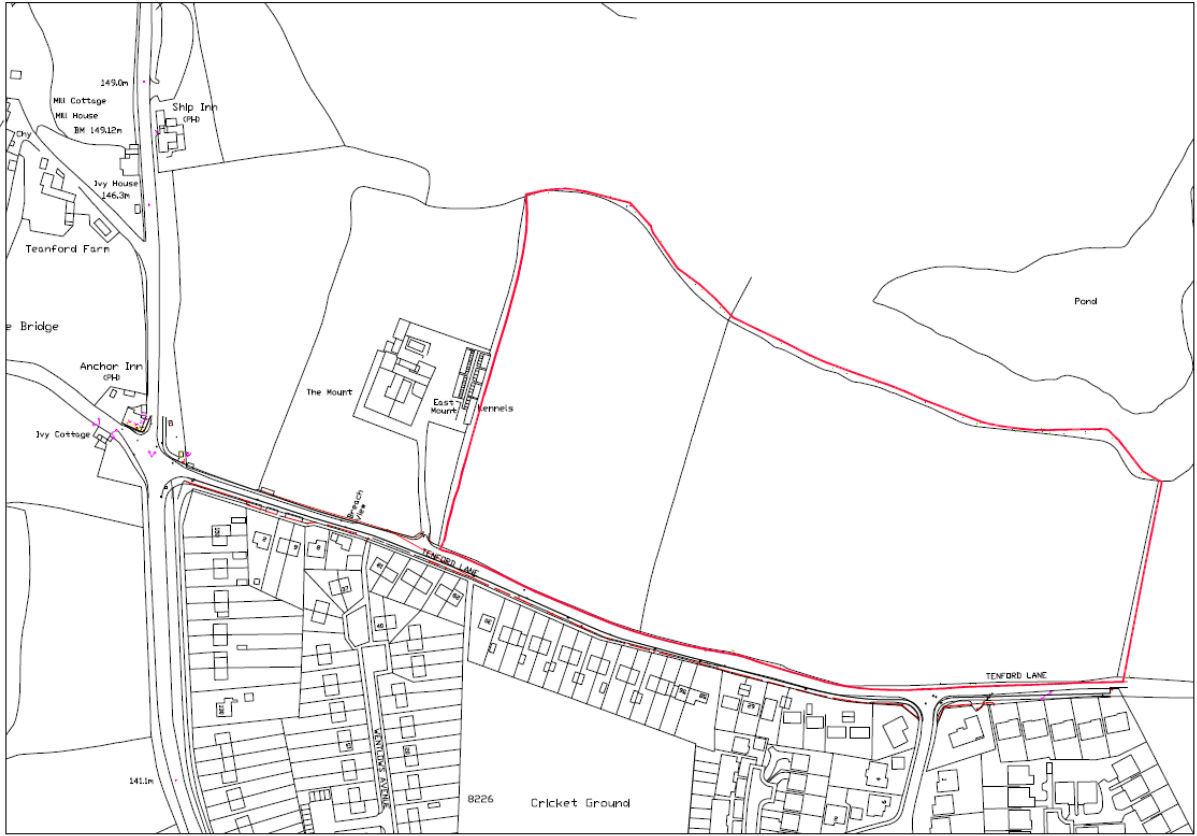
required technical standards for the adoption of the road and drainage and any changes may necessitate the submission of further planning applications. If the road is to be private then the residents should be advised that they may be taking on the responsibilities and liabilities of the highway authority 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.

The conditions requiring off-site highway works 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 (highway.agreements@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/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>

This response is issued on the understanding that the developer enter into a S106 Agreement to secure Travel Plan Fee of £10000. Travel Plan will need to be prepared, submitted and approved prior to commencement.

B In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



Site Location Plan 1:2500