

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**10<sup>th</sup> November 2022**

<b>Application No:</b>	SMD/2021/0550	
<b>Location</b>	Fole Dairy Uttoxeter Road Fole Uttoxeter Staffordshire	
<b>Proposal</b>	Approval of reserved matters, appearance, landscaping, layout and scale relating to SMD/2018/0234	
<b>Applicant</b>	C B Collier FD Limited	
<b>Agent</b>	Harris Lamb Limited	
<b>Parish/ward</b>	Checkley	<b>Date registered</b> 07/09/21
<b>If you have a question about this report please contact:</b> Jane Curley tel: 01538 395400 ex 4124 Jane.curley@staffs Moorlands.gov.uk		

**REFERRAL**

This is a major application and the Committee determined the outline application

**1. SUMMARY OF RECOMMENDATION**

<b>Approve subject to conditions</b>
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**2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 This is a cleared and levelled site, formerly a commercial dairy in Fole extending to approx. 2 hectares. The site has road frontage to the main A522 Uttoxeter Road and a minor road to the east. To the south the site adjoins the River Tean and to the west are open fields.

2.2 There are several Listed buildings nearby including Fole Spring Farm, Mill Farm and Fole bridge. Fole chapel and Fole Mill lie adjacent to the site and are non-designated heritage assets.

2.3 In the vicinity of the site Uttoxeter Road has a speed limit of 30mph. There are bus stops close to the site on Uttoxeter Road linking to Hanley and Uttoxeter.

2.4 An existing culvert runs through the site in a north – south direction. Part of the Drainage strategy for the site involves opening this up.

2.5 There are no trees within the main body of the site but hedges and trees are found along the western and southern boundaries. There was a high mature conifer hedge along the entire site frontage when operating as a commercial dairy but this has since been removed.

The Uttoxeter road and side lane are defined only by security fencing. No public rights of way cross the land.

2.6 Fole is a small hamlet of residential and agricultural buildings previously dominated by the industrial dairy site. The settlement lies near the River Tean which is a key landscape feature in a pasture landscape of small fields and hedgerows. The demolition of the dairy buildings leaves a large vacant industrial site and has opened up opportunities to reinforce and re-establish the village character and its ruralness. The overall opportunity is for proposed housing to reinforce the design of buildings, along Uttoxeter Road, the side road and Broadgatehall Brook, as a natural extension of the existing settlement.

### **3. DESCRIPTION OF THE PROPOSAL**

3.1 This application seeks approval for the reserved matters of Layout, Scale, Appearance and Landscaping. The application is accompanied by a Design and Access Statement and Heritage Assessment

3.2 48 dwellings are proposed. House types include terrace type units, semi-detached and detached with the mix of sizes as follows:-

13 x 2 bed  
26 x 3 bed  
9 x 4 bed

3.3 Although the SMHAA recommends a higher proportion of smaller units (60% one and two beds) a viability case was put forward at outline stage and accepted by the Council. This was based on 57 units and a similar mix of units albeit higher proportion of 4 bed units

### **4. RELEVANT PLANNING HISTORY**

SMD/2018/0234 Outline application for residential development, means of access, ancillary works and site remediation. Approved

DET/2018/0012 Demolition of various former industrial buildings. Prior approval required and granted.

13/00151/OUT-mj Partial demolition and redevelopment of site for residential led mixed use scheme. Approved with Section 106 Agreement. Expired

12/00161/OUTMAJ – Outline application for the erection of housing/employment use – Refused 28 May 2012

12/00054/REFUSE - Appeal in to the above refusal, lodged 6 December 2012 – to be considered by Public Inquiry – and was withdrawn (shortly before exchange of proof of evidence for the Inquiry) on 25 March 2013.

### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

Staffordshire Moorlands Local Plan (adopted September 2020)

- SS1 Development Principles
- SD1 Sustainable Use of Resources
- SD3 Carbon-saving Measures in Development
- SD4 Pollution and Flood Risk

- SS10 Rural area strategy
- SS12 Planning obligations
- DC1 Design Considerations
- DC2 Heritage
- DC3 Landscape protection
- C1 Creating Sustainable Communities
- C2 Sport, recreation and open space
- NE1 Biodiversity and Geological Resources
- NE 2 Trees, Hedges and woodland
- H1 New housing development
- H3 Affordable housing
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures

### Checkley Neighbourhood Plan

The Checkley NP has recently been submitted to the Council for review after which approval will be sought to publish the Plan for formal public consultation. There may then be an Examination and a Referendum before the Plan can be made and at this point it would become part of the Development Plan.

The application site is proposed within the Plan as a housing allocation

Little weight can be given to the Plan at the moment due to the stage of its preparation.

### National Planning Policy NPPF

### National Planning Policy Guidance

## **6. CONSULTATIONS CARRIED OUT**

Press Notice expiry date: Expired

Site Notice expiry date: Expired

Local residents have been notified by letter.

Three households have made representation raising the following issues:-

- Houses too close to the main road. There have been accidents where vehicles have come through the perimeter fence. It needs some traffic calming measures or the houses to be moved back
- Pollution due to houses too close to the road
- Too many houses on and facing the road frontage are not in keeping with Fole
- Houses 1, 37 and 48 are too close to the site boundary
- Concern that any pedestrian access points on the frontage houses will lead to parking on the main road
- Concern about potential for flooding – flooding has occurred in the past
- Site levels have already been raised by the crushed demolition materials – will they be raised further and will this lead to greater risk of flooding
- It appears the ditch along the A522 has been removed. Where will water go during heavy rainfall if the brook cannot cope
- There is no Flood risk assessment for the A522 and the houses north of this
- Houses will overlook existing dwellings

### Checkley Parish Council

Have some concerns about the proposal as follows:-

- Row of houses seem to be too close to the busy road causing a health issue due to pollutants.

- There is also concern that this row of houses would also cause on road parking issues on the egress of a sharp bend and hill.
- This area is also prone to flooding so the culvert is also an issue that has been highlighted.

### **Operations Manager -Waste**

No issues regarding waste collection

### **Local Highway Authority**

No objection subject to conditions

### **Environment Agency**

#### First response

Object - SMD/2018/0234, condition 15 requires further hydraulic modelling to ascertain the flood risk on site to form the evidence base for any flood risk mitigation measures required as part of an updated Flood Risk Assessment (condition 16).

As this information has not been submitted, we are unable to assess the Reserved Matters submission from a flood risk perspective. Therefore, we cannot comment on whether the proposals are appropriate at this time, especially in relation to site layout and design (e.g. finished floor level requirements).

#### Further response

No objection. Confirmed that the information provided is acceptable in terms of Conditions 15 and 16 on the outline permission.

Also confirmed that no objection in respect of Condition 14 (the 8m easement along the river)

#### Officer comment

Formal applications to discharge Conditions 15 and 16 will need to be made to the Council prior to any development commencing on site

### **Local Lead Flood Authority**

#### First response October 2021

Object - The proposed daylighted watercourse configuration has been amended from the configuration provided in the 2018 modelling study. As the layout of the watercourse has fundamentally changed and the hydraulic modelling is based on the original 2018 watercourse configuration; which subsequently informed:

- the positioning of dwellings outside areas of flood risk;
- the operation of the proposed flow interception ditch;
- and the finished floor levels on the development,

the hydraulic modelling study needs to be revisited in order that these aspects of the development can be tested/established in line with the proposed changes to the development layout.

- The 2018 outline drainage strategy contained proposed attenuation tanks which would now be located under residential dwellings in the new layout. It should be demonstrated where these storage areas are proposed to be sited within the new layout.

#### Further response (October 2022)

Outstanding issues include the location of the attenuation tanks, water quality measures, updated calculations and diversion of the foul sewer

### Officer comment

The outstanding issues raised by the LLFA are not matters which should delay determination of or be reason to refuse this reserved matters application. That is because the principle of drainage was considered at outline and the details of the drainage scheme are matters that will be addressed through the pre commencement drainage conditions imposed on the outline and particularly Condition 13.

If, as a result of satisfying the drainage condition (or indeed any other condition on the outline) any revisions are needed to the layout, scale, appearance or landscaping of the site, then the applicant would need to seek a variation to the application. Depending on the nature of the revision this could be a Non material amendment, a Section 73 Minor material amendment or in the case of a significant change a new planning application.

### **Council's Urban Design Consultant**

In general, the street pattern is acceptable with a hierarchy of roads and footpaths off one main access and the use of the existing lane to the eastern site boundary. The following points suggest further review of the layout:

- The line of the open Broadgate Hall Brook. The regularity of the width of the channel with the long road and adjoining footpath risks it looking artificial as a green corridor rather than a naturalised open waterway. This may depend on a native planting strategy but appears fairly standardised in the landscape strategy plan and may need more informal tree planting in the western bank of the brook. I also suggest another additional footpath bridge across from Plots 32 to Plot 39.
- The parking areas dominate in places. The amount of frontage parking in front of Plots 45 -48 create a poor sense of arrival into the estate.
- Double garages along western boundary are large in size in proportion to the houses as they have workrooms above. Also, the garages and boundary wall to plots 12 &13 dominate a short stretch of street frontage and therefore ends up with a poor streetscene. The pyramid hipped roofs with lanterns also provides dominant garages.
- The hammerhead ending beyond pumping station appears too close to the riverbank and may be intrusive into the countryside setting. The angle of driveway to the pumping station from the hammerhead is a poor detail.
- The frontage to Uttoxeter Road should be stronger with more houses facing it and referenced to the character of the previous terrace millennium buildings. The general road and parking layout around the Fole Chapel is acceptable providing space for the building to be viewed on arrival into Fole along the Uttoxeter Road.
- The LEAP appears close to the river and although accessible with parking nearby, a more overlooked central location or nearer towards the main entrance would encourage users from other parts of the village to use the play area and this would benefit social cohesion.
- House number 8 is too close to the western boundary to provide a comfortable setting for the house. The use of an Ivy screen rather than a well-established field hedge would not mitigate the dominant impact of the side elevation.
- The use of angled terraces and footpaths are not typical of the residential pattern of development in the area. I understand this is to add variety and character into the layout but unsure that it will lead to introducing a suburban character into a rural setting.
- I also feel the angle of houses 37, 11-16, 20 and 21 are all slightly orientated at an angle to the road or features to which they relate, particularly the river. I understand this gives wider views but results in a pattern of development which is untypical along the valley where houses nearly always are orientated to enjoy direct views across the valley of facing the roads. This pattern of houses offset at slightly different angles may be to bring a degree of informality into the design but also results in a looser layout.

- The corner of plot 44 is too close to the footpath and imposing on this junction.
- The verge to Plot 48 by the at the entrance road has poor legibility, with there being little definition of the boundary between house and public verge.
- The use of angled gateway buildings is not very typical of the patten of development in the area and creates odd, angled footpaths at the frontage to Uttoxeter Road.
- The driveway to Plot 1 onto Uttoxeter Road is at odds to the rest of the development.
- I do think the garages are oversized. The pyramid hipped roof with lantern gives too much prominence to these ancillary buildings.

#### House Types:

- The house types would benefit from more local detailing within the brickwork. The segmental arch windows are acceptable although I would also prefer brick headers on the second-floor windows, and a dogtooth cornice with a band of alternate projecting headers. Previously, the Millennium Cottages, frontage residential buildings to the site on Uttoxeter Road, had Flemish style front central gables, with arched and square door and window openings, and sash windows. This must have given this road frontage specific identity. The new houses nearby the chapel could have a different character other than house types D & B together which are repeated elsewhere in the layout. Plots 33 to 36 adjacent to the Fole Chapel would benefit from being a different character area to give stronger placemaking qualities to the scheme and the Village interface.

#### Conclusion

- The layout, road hierarchy, mix density of the scheme provides a good urban design response. There is room to strengthen the concept of the scheme, particularly the village and rural interfaces and to provide a more natural green corridor. There is also an opportunity to bring more detail into elevations to reflect local context.

### **Landscape response (Ryder Landscape Consultants acting for the Council)**

#### First Response

Acceptable in broad terms but insufficiently detailed to allow a final approval of landscape reserved matter.

The proposals indicate what appears to be a potentially acceptable set of landscape proposals for former dairy site that should create an attractive place to live as well as some habitat value. However there is not sufficient information shown to confirm this with certainty.

It is recommended that the following landscape information is supplied;

- Soft landscape plans and schedules at 1:200 scale or greater;
- Hard landscape plans and schedules of materials to allow an understanding of character again at 1:200 for plans and larger scale for any details;
- Planting operations specification (Summary of activities and workmanship standards acceptable instead of full contractual specification)
- Landscape and Ecology Management Plan for the Site;
- Confirmation of adoption intent for roadways on scheme and other features such as the LEAP, culverts and access to River Tean.

#### Second Response

Revised scheme is acceptable subject to some minor amendments.

### **Commissioning Officer – public open space**

#### First response

The following information provides more detailed comments regarding the opportunities relating to play, open space, playing pitches and Sport England 'Active Design' guidance.

As has been mentioned in previous advice to the applicant at both the planning application stage and pre-advice for reserve matters - we are not in favour of the position of the LEAP. The site is bordered on two sides by water courses which can pose a risk to children. The position is also pushed in to a corner of the site and in many ways is hidden from view, which may encourage anti-social behaviour to take place. Lastly, the proximity to the residents of plot 20 and 21 is of concern as the rear gardens and boundary fencing is extremely close to the play area. Ideally dwellings should face on to play space and have a buffer of at least 20 meters, the rear plots of both 20 and 21 are much closer than this and possibly also plots 17,18 and 19 but at least these are face on to the play space. The residents may end up suffering with high levels of nuisance.

We would recommend that a revised position should be found within the development to ease these concerns. It would be preferable if the play area could be positioned more centrally, giving good visual cover but away from the two water courses and close proximity of plots 20 & 21.

The site, although relatively small does have some good opportunities for people to be active. The network of pedestrian pathways are welcomed and that fact that these in some circumstances make the most of the green spaces on the development. The site is isolated from local amenities and as such the ability for people to walk to the nearest shops/schools etc may be limited.

A contribution to sports pitch facilities was secured in the Section 106 Agreement at outline

#### Second response

The LEAP is now moved away from the immediate close proximity of the River Tean but it is still bordered on one side by the open water ditch which runs the length of the site. There is still a risk posed by the open ditch and we would ask that appropriate fencing is used around the play area (minimum 1.2m high with two self-closing gates at the entrances). The new position means the play area isn't pushed in to a corner of the site anymore which again is welcomed. Unfortunately, the issues that were highlighted last time with the close proximity of the play area to the dwellings is still a problem. There are a number of properties which sit around three sides of the play area who's rear or side gardens and boundary fences are extremely close to the play area. Ideally, dwellings should face on to play space and have a buffer of at least 20 meters. The residents may end up suffering with high levels of nuisance. The play area needs to meet the criteria of a Local Equipped Area for Play (LEAP). As such the activity zone should be at least 400m<sup>2</sup> and provide stimulating and challenging play experience for both the toddler age and junior (0 to 14yrs). There should additionally be room for children to run around and play 'chase' type games.

From the site layout it seems that there is intended to be a strip of shrubs/hedge or trees between the fence of the play area and the boundary fences of the properties. Although this may provide some form of barrier between the play area and the properties it will become a difficult area to maintain. This may lead to it becoming overgrown and harbouring high quantities of litter in the undergrowth.

It seems that some of the pathways and therefore walking opportunities for residents within the development have been lost on the new revision of the site layout. There is still a linking pathway from one side of the development over the open water ditch to the other side which is welcomed. Having said that the pathway on the right-hand side of the open water ditch seems to lead people to have to enter the play area which may prove to be a barrier to those with mobility issues and will also promote unnecessary pedestrian traffic through the children's play area. Additionally, the pathway leading towards properties 32 and 31 seems to stop at a dead end and push walkers to come in to close conflict with the parking spaces and therefore vehicles in front of those properties.

## **Natural England**

No comment

## **Staffordshire Wildlife Trust**

Holding objection. Asked for the following to be required prior to determination

1. A full sustainable drainage scheme, including amphibian friendly design features.
2. Layout amendments to ensure good quality boundary habitats and natural habitat 8m river bank easement.
3. Updated otter survey of River Tean
4. Further details of works within 8 metres of the river, including the brook inlet and an outline design for the
  1. new brook channel.
5. Updated landscaping plan showing additional enhancements and planting list.
6. Updated Flood Risk Assessment

## **Officer comment**

Biodiversity goes to the principle of development which was considered at the outline stage. It cannot be revisited as part of this reserved matters application. There are conditions on the outline permission and in the Section 106 agreement that seek to address issues relating to flood risk, the 8m easement, the maintenance and management of the open channel and ditch and SUDS. A revised Landscaping scheme has been provided as part of this reserved matters application and is discussed in the report below.

## **Staffordshire Police: Crime Prevention Design Advisor**

Overall supports the scheme and consideration that has been given to designing out criminal and anti – social opportunity. Considers scope to improve as follows:-

1. One aim should be to prevent unauthorised access from the front of properties to the private rear gardens, and well-positioned, minimum 1.8m high fencing and lockable gating is required to do this. Unfortunately, there does not appear to be a boundary treatments drawing to confirm whether this will be the case. This minimum height fencing should also be used to enclose rear gardens aside from any supplementary planting. The Local Authority should satisfy itself that robust boundary treatments have been provided.
2. One apparent deficiency relates to a couple of rear access paths that have been included (to the side of plot 19 and between plots 46-47). The proposed Site Plan shows these as ungated. It is recommended that minimum 1.8m high gates are provided for these as close to the front of the building line as possible with a key operated lock incorporated (operable from both sides) and keys provided to the relevant residents. This would deny unauthorised access to the hidden rear of the gardens and eliminate an obvious vulnerability.
3. Column street lighting compliant with BS5489-1:2020 Code of Practice for the Design of Road Lighting supplemented by dwelling mounted lighting at the front of dwellings can play an important role in providing a safe living environment and reducing opportunities for crime and anti-social behaviour. A well-designed lighting scheme would address this and need not conflict with ecological considerations as long as it is undertaken by a qualified lighting designer who can demonstrate suitable professional competency for this type of development coupled with relevant years of experience.
4. The nicely contained, semi-isolated, well-designed development subject to good natural surveillance throughout should allow a strong sense of community identity to quickly develop, which itself can be good crime prevention. The development should be perceived to be under the ownership and control of its residents, which should to some extent deter unwanted attention being attracted to it. The fact that it is located in a rural location and comparatively low crime area are also noteworthy. As an



aside, some excellent CAD drawings amongst the documentation provide a very good indication of how the scheme might look.

## **7. OFFICER COMMENT AND PLANNING BALANCE**

7.1 Planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 This application seeks permission for the reserved matters of Layout, Scale, Appearance and Landscaping. These matters are considered under the various sub headings below. Access was approved at the outline stage. The main access will be from Uttoxeter Road with some secondary access points from the side lane

7.3 The application was subject to a design review by Derbyshire Landscape and Placemaking (urban design consultants acting on behalf of the Council). This resulted in a number of improvements which are described below

### Layout

7.4 The initially submitted scheme was considered to be unacceptable. The application has since been subject to significant negotiation and revision.

7.5 In urban design terms the revised layout incorporates many positive features. The street pattern has an appropriate hierarchy of roads and footpaths. It has a stronger frontage to Uttoxeter Road, is less parking dominated and sufficient space is provided to enable Fole chapel to be viewed on arrival into Fole. The layout shows the culvert opened up creating a green corridor running north- south through the site with a footpath alongside.

7.6 There are still instances of side garden fences/acoustic fences fronting streets (plots 1, 6, 20, 27, 32, 36, 37 and 48). The applicant was asked to consider walling or a mix of walling and infill panels along the Uttoxeter Road frontage but declined to do so. The Landscape consultant advises that there is sufficient space in front of these fences for instant hornbeam hedging which he says would provide effective screening in 3 years and is an appropriate species for most locations within the development. In more prominent areas, including the Uttoxeter Road frontage advanced native hedging is now shown which is considered to be more in keeping. The landscaping of the Uttoxeter Road frontage is considered in more detail in the Landscaping section below

7.7 The layout protects the 8m easement alongside the river as required by the Environment Agency and secured in Condition 14 of the outline consent.

7.8 In terms of the Councils space about dwelling standards these are largely achieved within the development. There is also adequate separation between the proposed dwellings on Uttoxeter Road and existing dwellings on the opposite side of the road to the north with a minimum of 25m and in most cases considerably more. No amenity issue is raised with Mill farm to the south west

7.9 The proposed footpaths enable access through the site alongside the central open channel. Overall connectivity/permeability is well thought through.

7.10 For all of these reasons the revised scheme is now considered to be acceptable in Layout terms and compliant with relevant parts of Policy DC1.

## Scale

7.11 The majority of the units are two storey in height. House H is two and half storey with rooms in the roof space albeit the overall ridge height is no more than 8.5m.

7.12 Concern was expressed about the proposed live work garages to plots 4 and 5. These are detached structures, 2 storey in height with garages on the ground floor and office and W/C at first floor. These have been reduced in scale during the processing of the application but in doing this an uncharacteristic roof form has resulted which the architect describes as a dutch hip. The height to ridge is now 6.35m. These structures are considered to be a poor design response which do not read as ancillary structures but almost compete with the dwelling (a large 4 bed, 2 bath family home). The scale and design is not felt to be in keeping with the remainder of the development or this rural location. As these two garages are distinct elements of the scheme it is possible, in effect, to issue a “split decision” by imposing a condition to state that no approval is given for these parts of the scheme and this forms part of the recommendation below.

7.13 With the exception of the two live – work garages on plots 4 and 5, the scale is considered to be acceptable and in accordance with relevant parts of Policy DC1.

## Appearance

7.14 The initial designs were considered to be unacceptable. As a result of negotiations there have been many design changes to the appearance of the units. The dwellings are now considered to reflect more closely the local context and form. Brick detailing to eaves, verges and gable ends is included. Windows are defined with heads and cills. The number of chimneys has been increased. With the exception of a small panel of render on house type A, all elevations are brick under a tiled roof. Good quality materials will be key here which can be conditioned.

7.15 The Levels plan shows that there will be little variation in finished floor levels (to be expected as the site is largely flat) with the range from 110.450m in the east to 112.900m in the west. By way of comparison existing ground levels in Uttoxeter Road and the side lane are around 111 -112m There is a slight increase in FFL's from existing ground levels; a requirement of the EA for flood risk reasons.

7.16 The Boundary treatment plan shows post and rail fencing (with advanced native hedging) to the rear of Plots 9, 12, 13 and 16 which is considered an appropriate response to the countryside edge. Close boarded fencing is proposed to subdivide rear gardens areas throughout and as discussed above in some cases providing enclosure where side gardens face streets. The use of close boarded fencing on Uttoxeter Road is not ideal but as noted above, the applicant declined to change this to walling. Advanced native hedging is shown to screen the fencing here (see also discussion in Landscape section).

7.17 Subject to conditions to secure good quality materials and detailing there is no objection to appearance . Compliance with relevant parts of Policy DC1 is achieved

## Landscaping

7.18 The submitted scheme was a “concept scheme” and not a fully detailed landscaping scheme. The latter has subsequently been received and reviewed by the Ryder Landscape Ltd acting for the Council and by Officers. A number of amendments were suggested to the applicant to address deficiencies in the scheme.

7.19 The Landscaping proposals are now generally considered an appropriate response and include new trees, enhanced hedgerow planting on the west, new native hedging together with more ornamental hedges, shrub planting , grass and species rich meadow grass.

7.20 Officers have sought to clarify the situation along the prominent site frontage where there are inconsistencies between the drainage plans (the swale ditch in particular) and the Landscaping plans. The applicant now accepts that some of the tree planting shown on the Landscape plans is not achievable. Revised Landscaping plans are provided which show the four affected trees re positioned elsewhere on the site frontage. A sketch section through the ditch adjacent to the A522 has been provided which confirms that the arrangement here is very tight. It suggests that there is space for the native hedge to screen the close boarded fencing but the concern is that this is a sketch plan, not the final drainage detail. The applicant has been asked to provide more detail and clarification on this. Members will be updated at the meeting.

7.20 The revised Hard landscaping plan shows the main access road in tarmac. Private, non-adopted areas are now shown surfaced in Tegula paving (Pennant grey) with private footpaths in a contrasting colour (Traditional). The public footpaths through the development are resin bound gravel. These revised materials are considered acceptable and more in keeping with the character of this rural hamlet.

7.21 The Green Infrastructure plan includes the central open channel and north bank of the River Tean corridor and land alongside the Uttoxeter Road frontage some of which is within the highway. Some of the planting on Uttoxeter Road is highway land. The LHA advise that the applicant would need agreement from them for this to include for its future maintenance/management. They advise that this would be picked up during the highway work agreement (Section 7 and Section 38 agreements).

7.22 There is a large Ash tree on the boundary of Plot 21. The Landscape consultant expressed concern about the proximity of the proposed dwelling to the tree and the likely impact on its rear garden in terms of shading and possible pressure to fell. The suggestion was put to the applicant that a smaller house type be considered on this plot. Rather than do this the applicant has reduced the height of the dwelling closest to the tree so that there is no direct impact on the tree canopy. The applicant is also happy to accept a condition to control the foundation design for this plot. How successful this would be is not known and it still leaves the issue of overshadowing of the rear garden unresolved. However the 2018 Arboricultural Impact Assessment report describes this Ash (Tree 20) as 'over mature' with possible central rot so its future may be time limited in any event, particularly with the continuing advance of "Ash Die Back" disease across the country. It is not subject to a TPO. The scheme does also provide for new tree planting in appropriate locations within the site and on balance the issues surrounding this tree in terms of impact to it during construction and impact from it in terms of amenity are not considered to be fatal to the scheme.

7.23 For all of the above reasons there is considered to be compliance overall with Policy NE2 and the NPPF

#### Provision of on-site LEAP

7.24 A requirement of the Section 106 at outline stage was that a LEAP (Locally equipped area of play) was provided on site in accordance with prevailing guidance. The prevailing guidance for outdoor sport and play is provided by Fields in Trust. It says that for a LEAP, a minimum activity zone of 20m by 20m (400 sq m) should be provided with minimum buffer zone of 20m from the activity zone to any habitable room façade.

7.25 The plans show provision for a LEAP. As the Commissioning Officer says it is now more appropriately sited within the development. It is shown enclosed by a 1.2m perimeter fence and two self-closing gates. Although for the majority of its width it is much less than 20m, overall it has an area of just over 400 sq m. However the buffer zone between it and some of the proposed dwellings is less than guideline of 20m and ranges between 5m (for

the front of plots 31 and 32) to 13m to the rear elevation of plot 17. The Commissioning Officer is concerned that this close proximity to the play area could lead to residents suffering from high levels of nuisance. He also raises the potential difficulty of maintaining the hedge and keeping it free of litter and the fact that the layout of the footpaths mean that users have to go through the LEAP

7.26 These points were put to the applicant. Amended plans were subsequently provided showing

- A revised route for the footpath so that users do not have to pass through the LEAP.
- A maintenance strip between the fence and hedge to allow for cutting / litter pick purposes.
- Acoustic fencing for those properties closest to the LEAP together with appropriate acoustic fenestration on facing elevations.

7.27 The Environmental Health Officer was also contacted for his response. He does not have any issue in principle to the proposed siting of the playground. He makes these comments:-

1. *The playground is being built at the same time as the housing which in my opinion is significant. It is not being imposed on any pre-existing residents, so occupiers will be well aware that the playground is adjacent to their properties. If a resident is sensitive to 'children playing noise' then from the outset they can choose a dwelling away from the playground. So build the playground first.*
2. *The mitigation proposed may work but if the predicted type of noise causes annoyance then the proposed mitigation is unlikely to significantly improve the situation though the glazing will obviously assist, residents can shut their windows. Screaming children noise will readily overcome a 2m high acoustic barrier but it will remove line of sight and provide privacy.*
3. *The hedge provides negligible noise attenuation but again will provide privacy.*
4. *Some signage indicating curfew hours and age of use would assist.*
5. *The point the applicant makes re level of use is valid. Playgrounds on estates such as this are generally lightly used and noise should not be a problem with normal use.*
6. *The potential for ASB out of hours would be a bigger issue so a curfew and age restriction would be useful and should be signed.*
7. *We do not receive complaints against playgrounds so Gareth K. is probably in a better position than us to comment on the day to day reality on complaints against playgrounds. We do not consider the noise caused by children playing in a playground as a potential nuisance.*

7.28 For all of these reasons and with some misgivings over the proximity of the LEAP to some of the plots the judgement is that with the mitigation measures in place and the advice of the EHO that the LEAP is on balance acceptable and is a valuable part of the development encouraging as it does independent play with physical activity seen as fundamental to overall health and wellbeing and a key aspect of the social dimension to sustainable development. There is compliance with Policy C2.

#### Other issues

7.29 Matters of access, drainage, contamination, ecology were considered at the outline stage and relevant conditions imposed. Amongst the highway conditions is a requirement to provide a 2m wide footway along the site frontage incorporating a pedestrian dropped crossing close to the bus stop and upgrading the existing bus stop.

7.30 Some of the letters of representation express concern about flooding. Both the Environment Agency and the Local Lead Flood Authority were consulted at the outline stage. Both recommended approval subject to the imposition of conditions which require amongst other matters the submission of a site specific Flood Risk Assessment before any development commences. In addition the Section 106 agreement entered into at the time of the grant of outline consent secured the following:-

- Future maintenance and management of the Open channel and ditch
- Future maintenance and management of the SUDS
- Future maintenance and management of the areas of public open space including the LEAP and any highway not maintained at public expense
- Sports pitch contribution towards facilities in Checkley
- Provision of two dedicated parking spaces for Fole chapel

The Section 106 requires a scheme to be agreed for the LEAP including layout and timing of delivery and therefore it is not necessary to impose conditions on this reserved matters consent in relation to these matters

7.31 A Heritage Note prepared by Ecus Ltd is provided to support the application. The outline planning application was supported by a Heritage Statement (Hislop Heritage Services 2018) which assessed the contribution the site made to the setting of nearby designated and non-designated heritage assets and the potential impacts (both adverse and beneficial) of the proposed development to these settings. Subsequently the former dairy buildings and recreation rooms have been demolished and the site cleared. No issue was raised to the principle of housing on the site at outline stage from a heritage point of view.

7.32 As the Heritage note says this now cleared brownfield parcel of land is out of character with the surrounding small agricultural settlement of Fole. The site's current character and appearance detracts from the settings of nearby heritage assets through its poor public realm. The proposed development as discussed above is, following negotiations, considered to be acceptable in terms of siting, appearance, scale and landscaping and will have a positive impact on the setting of nearby heritage and non-designated heritage assets. There is compliance with Policy DC2 and the NPPF

7.33 Finally in terms of deliverability the applicant comments as follows,

*'....the scheme we have been producing with you is the subject of detailed discussions with two housebuilders who are looking to take the scheme forward. They would be looking to progress the site as soon as possible so obviously a decision in November will help us to finalise discussions with them and complete the sale of the site..... Contracts are out; exchange can take place when the Reserved matters is dealt with and we understand they are looking to make a start on site next year.'*

#### Conclusion & Planning Balance

7.34 This application has been subject to significant negotiation and design changes. The scheme before Members is considerably improved on that originally submitted. The applicant has worked constructively with Officers. The scheme is very 'tight' in parts as described above, particularly around the LEAP, the site frontage and plot 21. The scheme would benefit from less fencing fronting the public realm where it is reliant upon advanced hedging for cover to make it acceptable. There are however many positive elements including the design and detailing of the houses, the hierarchy of the streets, the revealing of the open channel through the centre, and the connectivity provided by the footpaths. Overall the application is considered to comply with policies in the Development Plan.

Furthermore the Council cannot currently demonstrate a 5 year deliverable supply of housing land. This proposal will boost supply and regenerate this brownfield site.

7.35 For all of the above reasons a recommendation of conditional approval is made.

## **8. RECOMMENDATION**

**That planning permission be granted subject to the following conditions:-**

**1.This notice constitutes an approval of matters reserved under Condition 3 of Planning Permission SMD/2021/0550 and does not by itself constitute a planning permission.**

**Reason:- The application relates to matters reserved by Planning Permission SMD/2021/0550**

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

**Location plan 100B**

**Proposed Site Plan 150OU**

**Proposed House types 151E**

**Proposed accommodation mix 152E**

**Green Infrastructure Plan 157C**

**Proposed Boundary Treatment plan 160D**

**Hard Landscaping plan 159F**

**River Easement 170G**

**External Levels 21047 100F**

**House type A 250C (Front elevation and floor plans)**

**House type A 350D (All elevations)**

**House type B 267A (Elevations and floor plans)**

**House type BC 269A (Floor plans; Front and side elevation) Plots 17 and 18 only**

**House type BC 270A (All elevations) Plots 17 and 18 only**

**House type D 264B (Floor plans and elevations)**

**House type DC 260C (Floor plans and elevations) (plots 6 and 7, Plots 31 and 32 and Plots 23 and 24)**

**House type DC 268A (Floor plans; Front and side elevation) Plots 19 and 20 only**

**House type DC 271A (All elevations) Plots 19 and 20 only**

**House type DC 272 (Elevations and floor plans) Plots 23 and 24 only**

**House type DBB 261C (Floor plans; Front and side elevation) Plots 33-35 only**

**House type DBB 361D (All elevations) Plots 33-35 only**

**House type E 254E (Floor plans and elevations)**

**House type E1 273A (Floor plans and elevations) Plots 21 and 36 only**

**House type G 255F**

**House type H 256C (Front elevation; Floor plans)**

**House type H 356D (Elevations)**

**House type L 262B (Floor plans)**

**House type L 462D (Elevations)**

**House type M 263A (Elevations and floor plans)**

**Detailed Landscaping Proposal 461-KL-ZZ-00-DR-L-002 P4**

**Detailed Landscaping Proposal 461-KL-ZZ-00-DR-L- 003 P4**

**Detailed Landscaping Proposal 461-KL-ZZ-00-DR-L-004 P4**

**Garage 301B  
External Levels 21047 100D**

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

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

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

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

**4. No development shall commence until such time that the following detail has been provided in respect of the proposed timber bridges across the open channel:-**

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

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

#### **Highways/access**

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

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

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

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

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

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

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

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

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

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

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

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

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

**- a minimum width of 5m for the access to plots 27 to 36 and proposals for refuse collection;**

**- a minimum width of 5m for the access to plots 6 to 10 and proposals for refuse collection;**

**- a minimum width of 4.2m for the access to plots 37 to 40 and proposals for refuse collection;**

**- a minimum width of 4.2m for the access to plots 15 and 16 and proposals for refuse collection;**

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

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

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

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

**13 Notwithstanding any details shown on the submitted drawing, before the proposed development is commenced, revised drawings shall be submitted showing a straight, consistent smooth kerb line and footway on the site frontage on Fole Lane between**



Fole Chapel and the disused building near Fole Bridge and on the frontage of plots 21 and 22. The kerb lines shall thereafter be provided in accordance with the approved plans.

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

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

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

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

#### Landscaping

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

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

16. No development above slab level shall commence until a Landscape and Habitat Management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details to confirm the establishment care for the landscape

proposals and define their long-term management. It should explain who is to undertake the work and how it will be funded. It should give confidence that the work will be undertaken and be useable as a document to instruct landscape contractors to undertake the work i.e. contain suitable plans and schedules of activities to describe and locate the management objectives and maintenance activities to achieve them.

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

17. Notwithstanding the submitted and approved plans, no permission is given or implied for the Live work garages on Plots 4 and 5

Reason:- Owing to their form and massing these structures do not read as ancillary buildings and fail to respect the site or its surroundings contrary to Policy DC2 and the NPPF

#### INFORMATIVES

1. This application has been subject to extensive negotiation. The development is now considered to represent sustainable development in accordance with the provisions of the NPPF
2. The applicant's attention is drawn to comments made by the LLFA during the processing of this application. These matters will need to be addressed as part of the

formal application to discharge drainage conditions on the outline consent prior to any development commencing on site. In the event that layout changes are required in order to satisfy drainage requirements or indeed any other condition the applicant may need to seek a variation to the application from the Council. In the case of a significant change, a new planning application may be required

3. Your attention is drawn to the letter from the Crime Prevention Design Advisor, Staffordshire Police dated 29<sup>th</sup> September 2021

**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/in formatives/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.**

