

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**9<sup>th</sup> March 2023**

<b>Application No:</b>	SMD/2022/0249	
<b>Location</b>	Land Off Cheadle Road, Upper Tean, Staffordshire	
<b>Proposal</b>	Full Planning Application for residential development of 67 houses with a mix of two and two and a half storey dwellings, consisting of new access to Cheadle Road, new public open space, sustainable urban drainage, landscaping, pumping Station and associated works	
<b>Applicant</b>	Keepmoat Homes Ltd	
<b>Agent</b>	Katie Gregory, Pegasus Group	
<b>Parish/ward</b>	Cheadle / Checkley	<b>Date registered</b> 2 <sup>nd</sup> December 2022
<b>If you have a question about this report please contact:</b> Bob Phillips <a href="mailto:planning@staffs Moorlands.gov.uk">planning@staffs Moorlands.gov.uk</a> Tel 01538 395400		

## REFERRAL

The application is brought before committee because it is a major development and locally contentious.

### 1. SUMMARY OF RECOMMENDATION

**APPROVE with conditions.**

#### 1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 1.1 The application site is a large (c3.75 hectare / 9.2 acres) site which sits to the west of Cheadle Road (the A552) in Upper Tean. The application site is bounded by Cheadle Road to the east, Breach Lane to the north, the River Tean to the west and the existing built edge of Upper Tean to the south and south-west. The site is within the Upper Tean settlement boundary and is not within the Green Belt. The site is within the Checkley Parish area, however the river forms the boundary with Draycott Parish. The site is within the River Tean valley.
- 1.2 The site has been the subject of a previous outline planning permission, also for 67 dwellings, granted in 2016 (SMD/2015/0424) however this permission lapsed in June 2019. This led to the site being considered a commitment at the time of the preparation of the Local Plan in 2019 (adopted 2020) and thus being included within the settlement boundary of Upper Tean.

### Site description

- 1.3 The site, which is currently open paddocks and wetland, runs downhill from the A552 to the river that runs along the valley floor. As a result, the site has a relatively complicated and steeply sloping topography. The site can be considered in two parts – the upper site comprising of paddocks and pastureland and the lower portion of the site which is adjacent to the River Tean.
- 1.4 The lower site (to the west) of the application site is entirely within the flood plain for the River Tean and thus is considered undevelopable, including within it former remnants of a mill race, as well as a considerable number of mature trees and wetland landscape. The eastern-most portion slopes steeply up from the floodplain to Cheadle Road. The upper site is surrounded by relatively mature hedgerows and includes a number of remnant trees and hedgerows within the core of the site. The two elements of the site are clearly distinguishable as a result of the notable topographical change but also as a result of a clear belt of trees that runs north-south through the site, a number of which have been identified as being of high quality.

### Immediate townscape surroundings

- 1.5 There are several residential properties that abut the site including detached and semi-detached properties that line the opposite side of Cheadle Road (a major route through the area and former turnpike), behind which is a former municipal estate known as the 'Wentlows' which comprises two storey semi-detached properties. To the south of the site, Cheadle Road is lined on both sides with predominantly two storey residential properties and leads to the local centre at the junction with Draycott Road. The exception to the predominantly residential context is a modest commercial / industrial complex occupies a site immediately to the south-west on the site of a former mill.
- 1.6 To the north-east of the site is the grade II listed public house (The Anchor Inn) which is at the junction of Breach Lane and Cheadle Road. Opposite to the public house is a single bungalow and associated smallholding which are excluded from the application site. Further along Breach Lane, adjacent to the river, is a short run of traditional terraced cottages. Breach Lane is very different in character to Cheadle Road (which has a more open and urban character) having a very rural and character which is reinforced by the narrow carriageway and higher hedgerows.

### Wider landscape context

- 1.7 The site is within the settlement boundary for Upper Tean as defined by the Local Plan. Whilst the site is not within the Green Belt, however the land to the immediate north of it is within the Green Belt. During the drafting of the 2020 adopted Local Plan, the site was removed from the open countryside as it benefited from an extant outline planning permission for housing, which has subsequently lapsed. A public footpath crosses the northern end of the site running between Cheadle Road and Breach Lane. Another public footpath runs on the opposite side of the river, and whilst offsite is a key public vantage and appears well used.
- 1.8 Turning to the landscape context, the site sits on the boarder of several landscape character areas, but predominantly fits within the Churnet Valley character area. Visually, the site is reasonably well screened from close by due to the landform, existing residential properties, and tree cover, but remains an important open aspect from longer distance views especially to the north where the site is viewed from

higher ground without the benefit of the same landscape screening. However, in most views the site is viewed in the context of the wider Upper Tean settlement.

## 2. DESCRIPTION OF THE PROPOSAL

- 2.1 The application seeks full planning permission for a residential development of 67 houses with access from Cheadle Road, and including the provision of new public space, sustainable urban drainage, landscaping, pumping station and associated works. There is no affordable housing to be provided within this scheme as the applicant has set out that they consider that it would make the scheme unviable. This position has been assessed by an independent third party (details in section 5 of this report to committee).
- 2.2 The proposed development is almost entirely located within the upper section of the site. However, some additional development area has been achieved through grading and retaining of the site to 'nibble' into the lower portion of the site. None of this is proposed within the functional flood plain of the River Tean but does result in the loss of some mature trees. The layout that has been presented has been evolving throughout the application process in response to feedback from the design officer, landscape and tree officers and the local highways authority. The key aspects of the design are listed in the paragraphs below to explain the design approach taken and the elements that will be delivered.
- 2.3 *Layout and engineering:* To achieve development on the steeply sloping upper site, there are significant engineering works proposed, which include the setting of a series of development plateaus and retaining structures that 'step' down the hillside. As a result, houses that in plan appear to front Cheadle Road would in practice sit some 1 – 2m lower than the road. The houses and roadways to the western edges will be located atop a retaining structure which is between 1 and 2m higher than the lower ground levels. A new attenuation basin and pumping station have been proposed to effectively deal with drainage matters.
- 2.4 *Access and circulation:* Vehicle access is taken entirely from Cheadle Road, with a main access point situated c.120m north of Wentlows Road. This has required the removal of a small section of the mature hedgerow that fronts Cheadle Road. In order to avoid further hedgerow removal and create a more attractive walking environment a new adopted pedestrian footpath is provided in the site's interior running along the back of the hedge.
- 2.5 *The public footpath:* The development has also included redirection of the public footpath (Checkley 44) that crosses the site and opportunity has been taken to ensure that this aligns with a key connection to the bus stops on Cheadle Road. [Note: whilst planning permission for the footpath diversion is sought through this application, formal approval of the diversion is subject to a separate statutory process and agreement].
- 2.6 *Character areas:* The proposed development comprises a network of streets and spaces, based around four-character areas - each of which relates to the surrounding context (green edge, rural courtyard, mill drive, Cheadle Road mews). Each of these character areas includes a different mix of house types and materials and a central shared space route or road. Parking has been provided in accordance with the policy requirements in a variety of different forms including on-plot, rear courtyards and small parking courts within the public realm.

- 2.7 *Housetypes*: The scheme will be delivered using ten different house types that range from two bedroomed terraces and flats, right through to larger four bedroom detached houses. In many cases the house types have varied materials and finishes to help reinforce the character areas (listed above). The majority of the dwellings proposed are 2 or 3 bedrooms, with only seven larger units. All the house types are either 2 storey or 2.5 storeys using the roof space. Those at the settlement edge and within the rural courtyard zones having a suite of softer, more traditional materials and colours, and elsewhere a more contemporary suite of materials are being used.
- 2.8 *Landscape and trees*: Whilst an illustrative landscape masterplan and a series of engineering appraisals have been submitted setting out the preferred approach to both matters, full details are to be conditioned if permission is granted. The applicant has confirmed that their approach will be one focused on using soft boundaries and planting wherever possible and any trees lost will be replaced with two.
- 2.9 *The lower site portion*: Whilst the development of the upper portion of the site includes the new dwellings and access road, the lower portion is left relatively untouched by development. Existing trees and vegetation are proposed to be managed, coupled with additional tree planting. Some of this will be managed as informal open space. There are no children's play facilities proposed as part of this development, despite a request from the open space team that one is provided
- 2.10 Full details of the application including plans, supporting documents, objections and consultation responses can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=161464>

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

- 3.1 For the purposes of this planning application, the development plan comprises of the Staffordshire Moorlands Local Plan (2020).
- 3.2 The following Local Plan policies are relevant to this application:
- SS 1 – Development Principles
  - SS 8 – Larger villages strategy
  - SD 1 - Sustainable Use of Resources
  - SD 5 – Flood Risk
  - H 1 – New Housing Development
  - H3 – 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
- 3.3 Checkley Parish Council are developing a Neighbourhood Development Plan (NDP) which was subject to public consultation on a first draft of the plan during June and

July 2022 and was submitted to SMDC for formal consultation and examination. To date no further formal consultation or examination has taken place. Therefore, in accordance with paragraph 48 of the Framework should only be afforded limited weight in this decision-making process.

3.4 The following draft policies are considered relevant from the Checkley Neighbourhood Development Plan (Regulation 14 Draft June 2022):

- HSG 1: Housing and Site Allocations
- HSG 2: Housing Mix
- COM 1: Community, Sport and Recreational Facilities
- DES 1: Design
- DES 3: Landscape and Rural Character
- TRA 1: Transport

3.5 The following documents are material considerations:

- The National Planning Policy Framework (NPPF) 2021
- The National Planning Practice Guidance (NPPG)
- The Staffordshire Moorlands Design Guide SPD (2018)

#### **4. CONSULTATIONS CARRIED OUT**

4.1 A Site Notice has been displayed and the application advertised in the press as per the authority's standard practice and procedure.

4.2 In accordance with paragraph 132 of the NPPF, the applicant has undertaken pre-application consultation with the local planning authority and received feedback from many of the key statutory consultees. Feedback from planning officers was provided to the applicant to shape the submission. Detailed feedback was provided to the applicant, as part of the Planning Performance Agreement, on 16 December 2022 (Design and layout) and 22 December 2022 (other technical matters).

4.3 It should be noted that following initial feedback and consultations undertaken during autumn and winter 2022, a complete new planning application package was submitted on 20<sup>th</sup> January 2023 and was subject to a full 21-days further formal consultation (between 25<sup>th</sup> January and 16<sup>th</sup> February 2023) with both the general public and key consultees. The following summarises the feedback received during this round of consultation. Previous consultation is no longer considered relevant since the scheme and the supporting documentation provided has been substantially amended.

##### Public comments

4.4 4 letters of objection have been received raising the following general matters:

- The development will impact negatively on protected species.
- The development will impact negatively on local traffic flows on Cheadle Road.
- The site is poorly served by public transport.
- The local community infrastructure (doctors, dentists, schools) is already at capacity.

- The land is in the flood plain and this will cause problems for the river flooding.
- The development will spoil views of the countryside.
- The development appears cramped in nature with little space for gardens /planting.
- The new development would not be affordable for local people.
- There is insufficient need for this amount of new housing in Upper Tean.
- The development is not in compliance with the emerging Neighbourhood Plan, with specific reference to:
  - Housing mix and the provision of larger homes
  - The focus of housing should be on brownfield land
  - The development does not preserve the attractive character
  - The development would encroach into rural areas

4.5 Comments also noted three specific comments:

- The mental impacts from the spoiling of the outlook on numbers 132 -150 Cheadle Road.
- The impact on properties directly opposite the new access point from comings and goings.
- The impacts of the new properties backing onto the existing residential properties to the south of the site.

4.6 Three further letters of objection were received during the first round of consultation on this application in July 2022. They do not raise any issues beyond those set out above.

4.7 Please note that some public comments wrongly identified the land to be within the Green Belt and within the wider rural area rather than part of the Upper Tean Village (the site is within its settlement boundary in both the Local Plan and the emerging Neighbourhood Plan) and as such these comments have been discounted.

4.8 The Ramblers Association and the Peak and Northern Footpath Society also commented on the application and set out that the footpath that crosses the site should be considered as part of this scheme.

Technical consultees

4.9 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 post-25<sup>th</sup> January 2023 (unless otherwise stated):

Consultee	Comment
Checkley Parish Council (comments from July 2022)	Has <b>objected</b> to the scheme - That the previous scheme on this site has expired, this is not material different and was previously objected to, that the scheme conflicts with the development plan, there is no housing need assessment, and that Checkley has already reached its required housing numbers, there is only desktop archaeological and environmental studies. They also wish to bring attention to policies in the emerging Neighbourhood Plan – specifically pg. 52.

Draycott Parish Council (comments from October 2022)	Did not object to the application but wished to ensure that technical matters related to traffic and flood risk were effectively considered.
Local Highways Authority (Latest update following multiple responses)	Final comments are awaited. The LHA have previously objected on a number of grounds, most of which have been resolved but there are three small outstanding matters that await resolution – update will be provided to committee.
Public Rights of Way Officer	Footpath Checkley 44 will need to be diverted as part of proposals Any new route should be safe to use and have no trees planted within 3m of the path. They confirm that they have not received any specific application to modify or divert the footpath. They have requested and informative that sets out that the planning permission does not grant permission to alter the public footpath and that a s.257 TCPA application would still be required.
Environmental Health Officer (Latest update following multiple responses)	Final comments are awaited regarding air quality related to traffic and transport movements. There is no objection on matters of noise, contamination and site nuisance subject to suitable conditions.
Lead Local Flood Authority (Latest update following multiple responses)	The LLFA are now satisfied with the submitted proposals and have no objection to the granting of planning permission. They have recommended a condition pertaining to the implementation, management and maintenance of the drainage scheme and a further condition related to management of flood water / drainage during the construction phase.
Severn Trent Water	Have not objected to the scheme, but request conditions related to drainage matters (these are in line with those requested by the LLFA above). They also note the presence of their nearby pumping station on Breach Lane and ask that access to this be maintained at all times.
Tree Officer	Has <b>objected</b> to the scheme –the officer considers that whilst the layout has been improved to improve the relationship between new dwellings and proposed properties, the scale of tree removal and the potential further impact on retained trees as a result of engineering works is unacceptable. The officer concludes that there would be significant harmful impact on retained trees and there are uncertainties in relation to potential harmful impact on trees and adverse visual impact arising from proposed substantial changes to existing ground levels.

Staffordshire Wildlife Trust	Have no objection to the scheme subject to appropriate conditions being imposed. These related to construction management, landscape management and maintenance, biodiversity net gain and bat-friendly lighting design. There is no designated wildlife site impacted. There are bats and common toad on the site which will require careful consideration. There is the opportunity to improve the biodiversity of the site using the DEFRA biodiversity matrix as a guide.
Landscape Officer	The landscape officer has assessed the scheme and the accompanying Landscape and Visual Appraisal. Whilst the LVA is broadly considered to be acceptable, views from the north are downplayed. From a landscape design perspective, he notes that there is little information regarding landscape treatment and this would need to be conditioned. The officer has concerns about the visual and landscape qualities of the new settlement edge and the removal of trees.
Design Officer (comments from August 2022)	Detailed feedback on the originally submitted layout was provided by the design officer. This focused on improving walkability of the layout, ensuring a clearer street hierarchy, and ensuring properties fronted onto streets to improve passive surveillance. Advice was also provided in terms of adapting the housetypes and character areas to better link to local character. Some of these points were taken into account in the redesign of the proposal but not in their entirety.
Public Open Space Officer	Would like to request a Local Area of Play on the site due to it being some distance from other facilities. Would like to see more footpaths within the open space and land. Have requested a contribution based on the calculation in the SPD.
Conservation Officer (comments from October 2022)	No objection.
Archaeology	Have reviewed the information submitted (specifically the archaeology desk-based study) and confirm that pre-commencement archaeological works can mitigate for any risk to below ground archaeology. Have set out a pre-commencement condition.
Environment Agency	Recent comments have directed us to comments from July 2022. In this they raise no objection to the proposal but recommend a condition restricting new structures within the flood plain.



Staffordshire County Council (SCC) Planning	No objection to the development from a minerals and waste planning perspective.
SCC School Organisation Team (comments from July 2022)	The response has requested a commuted sum in line with the calculation outlined in the SPD.
NHS Integrated Care Board	Have requested a commuted sum to provide additional capacity for healthcare but note the viability study stating that contributions are not possible and question the calculations and findings.
Staffordshire Police (comments from July 2022)	Detailed design and layout comments were received against the first scheme, but no further comments have been received on the updated scheme. They also recommended some conditions.
Waste operational services	No objection to the proposal. No issues regarding waste collection. Suggest condition ensuring bin storage is large enough for required bins.

## 5. OFFICER COMMENT AND PLANNING BALANCE

- 5.1 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

- 5.2 The principle of residential development on this site is supported by a number of key factors, not least that the site is within the settlement boundary of a large village, as defined by policy SS 8 of the Local Plan. The site was having been removed from the open countryside due to the outline planning permission granted in 2016. This permission has now lapsed (having only a three-year time limit), and as such the previous scheme cannot be delivered. However the opportunity to provide new residential development on this site remains acceptable in policy terms.
- 5.3 Returning to policy SS 8, this identifies Upper Tean as a larger village and important in serving and supporting the wider rural hinterland, including providing local housing need. Section 2 of that policy sets out that the policy's goal should be to increase the range of available and affordable house types, as well as supporting development of windfall housing sites within the settlement boundary. It is strange to think of a scheme of 67 dwellings as being 'windfall'. However, since the land is unallocated, within the settlement boundary and outside of any other restrictive designations (Green Belt, conservation areas etc.) it should be considered as such.
- 5.4 Notwithstanding this support in principle, there are two strong material considerations that would further support the release of this site for residential development. The first, as already alluded to is the lapsed outline permission (SMD/2015/0424), which whilst expired is considered to add support to the principle of developing this site for

housing. Given that the application site boundary is identical and the broad characteristics are similar there would need to be significant policy or environmental changes to suggest a different approach should be taken. It is considered that no such circumstances exist.

- 5.5 The second strong material consideration is the current housing land supply situation within Staffordshire Moorlands which currently stands at 3.71 years supply. In this circumstance the 'tilted-balance' is applied (as outlined within paragraph 11d of the Framework) which sets out that permission should be granted unless; 1. The area is protected from development through policies in the Framework (a list is included in the footnote 7 on page 6 of the Framework), or 2. The adverse effects of doing so would outweigh the benefits when assessed against the policies in the Framework as a whole. The site is not within an area of protection, and therefore the assessment is therefore based on the second point.
- 5.6 Collectively this clearly demonstrates that, in principle, this application for new housing, on this site is supported by both development plan policy, the site's planning history and the provisions of the Framework. However, this of course will be subject to the detailed considerations of benefits and impacts as set out in paragraph 11d (point 2) of the Framework.
- 5.7 The following impacts will therefore be assessed, all of which are clearly linked to development plan policies and specific requirements within the Framework:
- Landscape and visual impact
  - Trees
  - Ecology and biodiversity
  - Design and layout
  - Contamination, noise and air quality
  - Highways, access and PRoW
  - Drainage and flood risk
  - Impact on heritage assets
  - Viability

#### Landscape and visual impact

- 5.8 The application is supported by a Landscape and Visual Appraisal (LVA) and an Illustrative Landscape Masterplan (ILM), both of which were revised and submitted in January 2023. The application does not include detailed landscape plans or designs which would need to be conditioned for subsequent approval. These details were sought by officers. However the applicant has been reluctant to provide these. As a result, the LVA has been undertaken using the site layout and the ILM. It is noted that the proposed layout assessed has marginally changed since the LVA was produced. The ILM has been updated to reflect changes to the proposed layout and was submitted on 22 February 2023. However, it is not considered that these changes invalidate the findings of the LVA.
- 5.9 Policies with the Local Plan (Policies DC1, H1 and SS1) and the emerging Neighbourhood Plan (DES1 and DES3), as well as paragraph 130 of the Framework, collectively set out that new developments should effectively integrate with the landscape and townscape character of the surroundings, preserving and enhancing

the countryside setting. In that respect, landscape setting, character and design detail are considered to be an important consideration for this application.

- 5.10 The review of the LVA by the landscape officer has identified that in broad terms the baseline character of the area identified is reflective of the local situation but considers that it does not necessarily identify the separate and discrete character of the landscape along Breach Lane. This area has a character which is smaller in scale and requires a different design response. From a visual perspective, whilst additional viewpoints from the north would have been helpful, the LVA acknowledges that the settlement edge location and the heavy screening of views from the west (due to trees on the site) mean that the development will likely be seen as indistinguishable from the settlement of Upper Tean. This conclusion is not disputed.
- 5.11 The landscape officer has set out that, based on his detailed assessment, the appropriate development response for this site should therefore include the off-setting of development from Breach Lane to protect the interface with the northern views. The retention where possible of the on-site vegetation to the west will ensure that this. It appears from the ILM and the layout proposed that these elements have, in part, been delivered.
- 5.12 The LVA states that there will be additional internal tree loss. In landscape and visual terms, it is agreed that these losses would not change the overall perception of the site but there is insufficient detail in terms of how these losses would be mitigated for in the application material. This of course would need to be provided as part of detailed landscaping proposals, which the applicant wishes to handle via condition. This lack of detail is a concern for the landscape officer, especially with regard to how this might relate to the boundary treatments and the retaining structures.
- 5.13 The proposal includes a series of parcels or clusters of development which is especially helpful in integrating it with the wider landscape when viewed from the north and west, however the specific landscape treatment of these edges is of concern. Without full details the risk that the hedge along the northern boundary could be replaced with a close boarded fence would have a serious negative effect on the landscape. The same query has been raised on the plots that back onto the lower portion of the site (the western edge), where there remains a concern over the qualities and characteristics of the transition between the two parts of the site. In these locations the retaining walls and structures need to be carefully considered in relation to their wider landscape qualities, so they do not appear at odds with the context. These concerns have also been raised from a different perspective with regard to trees (see tree comments below).

It is therefore concluded that whilst the macro landscape and visual qualities of the site are considered acceptable, there is insufficient detail provided to confirm that the finer details are acceptable. It is therefore considered that there would need to be a number of detailed conditions (many that would need to be pre-commencement) attached to any decision in order to allow for appropriate control over these details. These are considered by officers to be necessary and reasonable given that this full planning application is not supported by full details and to allow a comprehensive assessment of them.

- 5.14 These conditions should include:

- pre-commencement submission and agreement of a full suite of landscape drawings (planting plans, hardworks drawings) including details of tree replacement
- submission of full details of all boundary treatments (including location, materials, finishes) before any are used on site
- submission of a detailed strategy/design for the rear garden's boundaries at the western and northern edges of the development
- pre-commencement submission of a soil stabilisation / soil management plan
- prevention of the use of close boarded fences or similar hard boundaries (in perpetuity) along the northern and western boundaries for the development

### Trees

- 5.15 The proposed development has taken care to avoid impact on the trees. However, the scheme does propose the loss of several mature and semi-mature trees within the site – the initial design solution restricting the loss of those of a lesser value. A full arboricultural impact assessment has been submitted with the application and has been updated and reissued on 22 Feb 2023. As noted, the applicant has not provided detailed landscape plans to accompany the planning application, so its findings are not fully resolved and implementable, and would require a detailed and comprehensive pre-commencement condition.
- 5.16 However, the applicant's report identifies that several significant mature trees in a group, known as G3 which mark the change from the upper to the lower portion of the site, will be removed to accommodate the new homes and a balancing pond (for SUDs). This group is considered to be a significant part of the structural landscape. It has been confirmed by the applicant that for every tree lost two trees will be provided, and that the remainder of the trees on the site will significantly benefit from long term management and maintenance to secure their future. This provision would need to be conditioned alongside any landscape plans as these are yet to be agreed and finalised.
- 5.17 The Council's tree officer has reviewed the application on a number of occasions since the revised layout and application package was submitted in late January 2023, and a meeting was held between the applicant's design team and the officer to address various concerns. Several changes have been made which are welcomed by officers. However, the tree officer remains of the opinion that the proposed development represents a significant loss of trees to group G3 (almost 1/3 of the total group). Those that remain in that group will be encroached with significant works in their root protection areas to accommodate the internal roads (labelled tertiary street), parking areas (parking for plots 33 -37) and below ground drainage installations. This effectively places several trees within group G3 that are identified for retention at further long term future risk.
- 5.18 The arboricultural officer also remains concerned about the design and landscape details for the western edge of the development where there are several mature trees which are also considered to be of the highest quality. The design solution for this element of the proposal, by the applicant's own admission (in a meeting on 20<sup>th</sup> Feb 2023) remains unresolved. Full details of the retaining structures, level changes and landscape details are not provided. The applicant's arboricultural statement suggests the existing ground levels could be retained but this does not correlate with the engineering solutions set out within the applicants engineering appraisal.

- 5.19 It is considered that in most cases a series of conditions could help mitigate the possible impacts – specifically those relating to the tree replacement, provision landscape drawings and design for the settlement edge as outlined under the previous section on landscape – but the fundamental issue of the loss of mature trees, and the long term risk to others that are cited to remain, is something that cannot be overcome effectively through any mitigation.
- 5.20 As a result of the issues set out above the arboricultural officer remains in objection to the scheme in line with guidance in Local Plan policy NE 2. This will have to be effectively assessed as part of the overall planning balance in line with paragraph 180 of the Framework. The applicant has advanced that the management of the remaining trees and tree replacement at a ratio of two new trees for every one tree lost will mitigate some of these matters.

#### Ecology and biodiversity

- 5.21 The application has been the subject of detail 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.
- 5.22 Turning to the site itself, it is considered that there is no impact on any designed biodiversity site. The site has been assessed to determine whether it is a Local Wildlife Site and does not meet the criteria. However, it is noted that the proposed development would result in the loss of some 'wet woodland' and marshy ground, as well as the loss of the grass paddocks on the upper site. The habitats lost are of lesser quality, and the space within the site boundary that is not developed upon is considered to be able to accommodate mitigation and enhancement. However it is recommended that the DEFRA metric is applied to understand and quantify this loss and the mitigation required.
- 5.23 The Wildlife Trust have been critical of the drainage solution proposed (Pipes and ponds), and whilst this is recognised and a more naturalistic approach would indeed be preferable, the unique drainage requirements of this site mean that this would be difficult to achieve. The flood authority has worked carefully with the applicant to arrive at the best possible solution (see comments below) and whilst not ideal, is an appropriate response.
- 5.24 Turning finally to protected species, there is considered to be limited impact from the proposed development on either bat roosts, amphibians or other mammals. This is as a result of the distance of the proposed dwellings from the main habitat areas. Conditions can be imposed to ensure that protection for these is applied during the construction phases. A bat-friendly lighting strategy is also suggested to ensure night foraging is not impacted.
- 5.25 As a result, and subject to conditions the scheme complies with the provisions of the development plan and the relevant sections of the Framework.

#### Design and layout

- 5.26 The Framework is very clear that design is an important part of good planning. It also makes it very clear that development that is not well designed should be refused (Paragraph 134). It goes on to set out that significant weight should be given to local

design policies and guidance, which in this case comprise policies DC 1 of the Local Plan and the Staffordshire Moorlands Residential Design Guide SPD. As noted by the comments from the design officer, the original layout scheme submitted within this application was considered by officers to be unacceptable and failed to deliver good design when measured against the policies and the SPD.

- 5.27 As a result, details and specific feedback was given to the applicant over several months. The applicant has made some attempt to address these concerns and the scheme, as now presented (Revision N) is much improved over that which was submitted. This has included better enclosure to the streets and spaces allowing for better surveillance and security (in line with feedback from the Police), and improved hierarchy of streets and spaces, better quality pedestrian connections throughout the site, and a reinforcing of the four distinct character areas across the site. The versions of the layout (post-January 2023) have focused on mitigating impacts on trees (shading, crowding) and providing a better relationship with the landscaped edge.
- 5.28 The layout now makes use of perimeter blocks, where houses have a clear front and a private and more secluded rear garden, all which retain sensible separation distances – the tightest back-to-back distance being just in excess of 20 metres. However in most case the distances are far more generous. A range of different parking options and appropriate opportunities for improve pedestrian connections through the alignment of the public footpath and the new footpath running inside of the hedgerow along Cheadle Road so as to not be dominated by traffic. Some indicative sections have been provided showing how the site will be terraced into the hillside, stepping down the hill. This means that properties fronting Cheadle Road will be almost 1.5m lower than the road, but behind a landscape strip – including the retained hedgerow.
- 5.29 *Neighbouring Amenity:* It is important to consider the comments raised by members of the public and neighbours who remain concerned about impact on amenity from the proposed scheme. I will deal with the three noted receptors identified in paragraph 4.5 in turn below.
- The relationship between the properties currently fronting Cheadle Road is acceptable. The front-to-front distances between the existing and proposed measures more than 35 metres, as well as new properties being set lower. It is considered that there are no impacts on amenity.
  - The relationship between the proposed access and existing properties has been the subject of discussions with the LHA and it is considered appropriate. It is not considered that this will impact negatively on residential amenity.
  - Turning lastly to the impacts on the property to the immediate south of the site. There will be two properties that ‘side onto’ the property. Neither of these properties are designed to have windows that will overlook the boundary. The application site is also to the north of the residential property so it is unlikely that there would be significant overshadowing of the house or its garden area. The property nearest to the road (plot 8) is broadly in line with the established building line along Cheadle Road and therefore is unlikely to have any amenity impact. Turning to the rearmost plot (Plot 13), it is considered that there is no amenity to the rear garden of the adjacent property.

Contamination, noise and air quality

- 5.30 Policy SD4 requires that all new development is assessed to ensure that there is no impact on human health and wellbeing as a result of noise, air, ground, light or other pollutants, and where possible effective mitigation is put in place to minimise any potential impacts. This approach is entirely in accordance with paragraphs 174 and 183 of the Framework. As a result, these matters have been assessed in detail by the authority's environmental protection team and where relevant, using the submissions made by the applicant.
- 5.31 *Noise:* A noise impact assessment has been undertaken by the applicant and recommends a series of measures to mitigate some elevated noise levels within some of the proposed houses. Conditions are suggested to ensure that the mitigation is implemented and effectively tested before the properties are occupied. There is also some concern over pump noise from the new pumping station to be installed and therefore conditions are imposed to ensure that this is effectively mitigated.
- 5.32 *Ground contamination:* No contaminated land assessment has been submitted with this application. Based on previous knowledge of the site (previous applications and geo-technical data) officers have concluded that a Phase II intrusive ground survey and risk assessment should be undertaken prior to commencement of development to identify and then mitigate any risks to the site. They have recommended a series of conditions to ensure that the risks of ground contamination are understood and where relevant effectively mitigated.
- 5.33 *Air Quality:* Given that the scheme is unlikely to generate in excess of 500 vehicle trips per day, there is no requirement for an air quality assessment to be undertaken. The EHO have no objection subject to this being confirmed by the LHA, a response on which is still awaited. An update on this matter will be provided.
- 5.34 *Site construction nuisance:* Given the proximity of nearby residential properties it has been recommended by environmental health officers that a construction environmental management plan (CEMP) is produced to limit any nuisance during the construction phase of the development from noise, dust or other adverse effects. The CEMP should deal with matters of hours of work, details of any piling necessary, dust suppression and management of waste.
- 5.35 It is therefore considered that, subject to the mitigation and methods that are to be conditioned, this application meets the requirements of policies SD 4 and the relevant sections of the Framework.

#### **Highways, access and PRoW:**

- 5.36 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. Each of these elements is considered in turn below. In addition, this section also considers the diversion of the public footpath – a Public Right of Way (PRoW). The applicant has submitted a transport assessment (TA) and a draft outline travel plan with the application. As part of more detailed submissions in January 2023, in response to comments by the LHA, they have also submitted detailed visibility splays for the access.
- 5.37 *Highways and traffic:* On an average day the TA suggests that there would be somewhere in the region of 280 vehicle movements, which are predominantly between 7am and 8pm. This is on average about 20 per hour – one every three

minutes. Most of these would be private cars. The TA sets out peak vehicle rates in the morning and evening as being 33 and 31 vehicles per hour respectively. This equates to around one additional vehicle every two minutes leaving the site to enter Cheadle Road during the busiest periods. This is based on a study of flow rates from similar schemes using the modelling software TRICS. Further detailed modelling has been provided for turning movements in and out of the site and at nearby junctions which set out that there is no detrimental impact on the surrounding network. The LHA have confirmed that this is the case and is no worse than the previous scheme approved in 2015 and in any event the flows from the site are considered acceptable and will not unduly affect the local highway network.

- 5.38 The applicant's highways team and the LHA have been in detailed discussions over the access point onto Cheadle Road. Whilst the LHA remain of the opinion that the position is sensible and commensurate with the scheme approved in 2015 (for which access was approved and not a reserved matter), they were originally concerned over the visibility splay given the average traffic speeds along the Cheadle Road in that location. Further details have been submitted to the LHA to demonstrate that a 2.4m by 120m splay can be accommodated. Final confirmation of the acceptability of this is awaited from the LHA and an update on this matter will be provided for members.
- 5.39 Turning to the parking arrangement, the LHA have reviewed this against the parking standards within the Local Plan which seek 2 spaces for dwellings with up to three bedrooms and 3 spaces for larger properties. Original concerns about the provision of parking for the larger dwellings and the size of the garaging have been addressed by the application and appear to have been addressed effectively. However final confirmation on the acceptability of this solution is awaited from the LHA and again an update will be provided prior to the Committee meeting.
- 5.40 Information has been submitted with the application (within the TA) that demonstrates that larger vehicles and HGVs can enter and manoeuvre within the site. This is based on a large refuse vehicle. Feedback from the Council's waste collection team has confirmed that this is the case and that they are satisfied with the accessibility for waste collection.
- 5.41 In this respect, it is considered that the impact on the surrounding highways network, the safety of vehicles entering and leaving the site, as well as provision for parking and servicing of the proposed development all appear to have been effectively addressed in accordance with policies DC1 and T1 of the Local Plan. A further update will be provided to the committee regarding any final comments from the LHA in this regard. It is considered that the public and Parish Council concerns regarding highways safety and impacts have effectively been considered by the LHA's thorough assessment.
- 5.42 *Access via sustainable modes:* The LHA and the Council's design officer have spent considerable time considering how to ensure that the site has good quality pedestrian accessibility. There are a number of well overlooked routes and spaces which allow for walking through the site. The public footpath also crosses the site and provides an improved connection between the existing properties on Breach Lane, the proposed development and Cheadle Road. The encouragement of walking through the provision of these new routes and environments is considered to help meet Local Plan policy T1 and DC1.



- 5.43 The applicant has submitted a travel plan which is designed to reduce the need to travel by private cars. The travel plan envisages a 10% reduction in the use of single occupancy private car trips over a five year period. This will be through several measures which will increase the use of the local bus route and encourage walking and cycling. Some of this is achieved through the design of the scheme, others through information dissemination raising the profile of other travel modes, including through a notice board. The content and aspiration of the travel plan are laudable and would help the development to meet the objectives of local policy and the provisions of policy T1. As a result, the travel plan, and the measures outlined within it will be secured by condition.
- 5.44 *Public Footpath Checkley 44:* As noted a public footpath crosses this site and this will require diversion. It should be noted that there is general agreement between officers and the applicant that the diversion and reorientation of the public footpath (Checkley 44) is sensible and appropriate providing an improved connection between Breach Lane and Cheadle Road (and the bus stops) and meets with the recommendations as set out in paragraph 100 of the Framework. The route is well overlooked and runs through an area that is subject to appropriate landscape treatment, details of which would need to be included as part of any discharge of landscape conditions. The route will need to ensure that it is well surfaced and a minimum of 2m wide along its entire length. It therefore is considered to effectively address the concerns raised by the PRow officers at SCC and the local walking and Ramblers Groups.
- 5.45 The PRow officers have acknowledged that the formal diversion will require an application under section 257 of the Town and County Planning Act and this planning permission does not confer any approval for the diversion. An informative to any permission can be added to this effect.
- 5.46 It should be noted that the condition requiring the CEMP suggested by environmental health also protects the use and amenity of members of the public using the footpath during the construction phase, as well as the parking for construction workers, arrangements for deliveries and the loading and unloading of plant and machinery. This will further reduce any impact on the local highways network during the construction phase.

#### Drainage and flood risk

- 5.47 As noted previously, part of the site is within the flood risk zone associated with the River Tean. This has been raised as a concern by both Parish Councils and by a number of public objectors. In accordance with guidance set out within chapter 14 of the Framework, this area would be considered undevelopable – especially for water sensitive uses like housing. The layout of the proposed development avoids all development within this flood plain area. The Environment Agency (EA), who have the riparian responsibilities over the River Tean (as a main river) have raised no objection on this basis, subject to a condition being imposed that restricts structures within the flood plain.
- 5.48 Policy SD 5 of the Local Plan requires that new development carefully considers the potential it may have in increasingly the risk of flooding – specifically from surface water. The matter of surface water flood and drainage is a matter for the Lead Local Flood Authority (LLFA) at the County Council, who have been heavily involved in reviewing proposals for this site. A series of sustainable urban drainage systems (SUDS) have been designed as a mixture of open attenuation ponds, permeable

paving in parking courts and harder engineered solutions using pipes and tanks underground. The use of SUDS is supported by policies within the development plan – specifically Local Plan policy SD 5.

- 5.49 Having studied the material submitted with the application, the LLFA originally raised concerns. The applicant and the technical flood officer have worked to address the outstanding matters. The LLFA have confirmed that they are now satisfied that the application can be effectively delivered without concern. However, they have recommended a number of conditions to ensure that the drainage proposals, including the SUDS scheme is installed and maintained in perpetuity. They have also suggested a condition to ensure that temporary works during the construction phase do not increase risks of flooding.
- 5.50 Subject to conditions suggested by the EA and the LLFA this development is considered to meet the tests set out by policies SD 5 of the Local Plan and guidance contained in chapter 14 of the Framework.

#### Impact on heritage assets

- 5.51 *The listed building:* The site is adjacent to a grade II listed building – the Anchor Inn. Whilst the building itself will not be affected, the proposed development is within the setting of the listed building. In accordance with policy and best practice the application is supported by a heritage statement. This concludes that the proposed development would have no impact on the significance of the heritage asset. The conservation officer has not raised any concerns and does not object to this proposal. The heritage statement sets out that previous application on this site was also considered acceptable in heritage terms and the relationship with the site is not substantially different from that which currently exists.
- 5.52 The listed building is somewhat separate from the site sitting at the junction of Cheadle Road and Breach Lane and whilst views from its frontage are across the application site, and will undoubtedly change, these views are not noted as being important to the asset's reason for listing. The asset's wider context will change from a relationship with open paddocks to houses. However this is not considered to be a notable change when considering how the asset is viewed from current public vantages. The views of the listed building along Cheadle Road and from the public footpath that cross the site have both been considered by the case officer and the landscape officer. It is considered that these are unlikely to be affected by the development on this site – in both cases the proposed development will not impinge on these views in any notable manner.
- 5.53 *Below ground archaeology:* The application is supported by an archaeological desk-based assessment. It has identified that this site has the potential for some post-medieval remains within the eastern half of the site (the upper portion of the site). The report concludes that further study should be undertaken in the development area. Discussions with the County Council archaeologist are ongoing to determine a final condition to safeguard the possible below ground archaeology as a result of construction.
- 5.54 It is therefore concluded that there cannot be any harm to significance of the heritage assets, namely the adjacent grade II listed building (The Anchor Inn) as a result of this development. Whilst there is the possibility of some impact on below ground archaeology, it is considered that an appropriate condition can ensure that any risks are mitigated. As a result, the application is considered acceptable when measured

against policies SS1, DC1 and DC2 of the Local Plan and the relevant paragraph of chapter 16 of the Framework.

### Viability

- 5.55 The applicant has stated that due to the abnormal costs associated with the development of this site there are insufficient funds available to allow for the delivery of affordable housing or other financial contributions. National policy guidance, as set out in the Planning Practice Guidance (Ref: 10-007-20190509 and 10-008-20190509) allows for viability testing on sites where there are abnormal costs. In accordance with the guidance this has been undertaken using a standardised methodology and reviewed by the Council's viability advisors Bruton Knowles.
- 5.56 For clarity and in the avoidance of doubt, Policy H3 of the Local Plan requires that affordable housing be provided at a level of 33% for all new developments in Upper Tean. This would equate to 22 units for a scheme of this size. Further requests have been made by consultees for contributions in line with Local Plan policies (C1 and C2) as follows:
- £43,549.00 by the NHS ICE for investment into localised Moorlands and Rural Primary Care Network
  - £244,300.00 by the SCC Schools team for provision of 14 additional primary school places at Great Wood Primary School
  - £72,400.00 by the public open space team for the provision of new / improvements to playing fields, which could be invested locally
- 5.57 Without these payments, and the delivery of affordable housing, the application is not able to meet the provision of the development plan and does not fulfil the aspirations of paragraph 93 of the Framework. As a result, it is anticipated that there would be a negative impact on community facilities as a result of the approval of this application.
- 5.58 It is agreed between all parties that due to abnormal engineering and retraining structures required, the necessity of burying the electricity cables and the associated drainage works (all of which are specific to this site and would not normally affect a 'standard' greenfield development) there would be insufficient developer profit in the scheme to provide both affordable housing and the commuted sum. Negotiations are ongoing with the applicant as to whether any commuted sum can be provided and the outcomes of this will be provided to the Committee as part of an update, but preliminary findings from Bruton Knowles reflect the applicants assertions and concluded that there is very little funds available for any contributions.
- 5.59. The Planning Practice Guidance also goes on to set out that the weight that should be given to viability as part of the determination of any planning application is a matter for the decision maker – in this case the local planning authority. This will need to be assessed in the round as part of the planning balance when considered against other material considerations – specifically the strong presumption in favour of the development as a result of the application of the tilted balance in line with paragraph 11 of the Framework. It should be noted that by far the most common concerns raised by residents in objection to this scheme were the lack of capacity of the local community infrastructure (schools, healthcare etc) and the fact that the properties are unlikely to be affordable to local people.

## **6. PLANNING BALANCE & CONCLUSION**

- 6.1 It should be noted that there is a risk of assessing this scheme, and the planning balance, against the previously approved outline scheme (SMD/2015/0424). This should be avoided wherever possible given that this approval no longer able to be implemented, having lapsed, and it being only an outline permission. Whilst there are some comparisons that can be made on matters of highway and access (since details were provided in that regard), all other matters were reserved and thus cannot be considered comparable. As a result, this application has been assessed on its own merits. The approval of the previous scheme on the site is only a material consideration supporting the principle of development on this site.
- 6.2 There are several matters that are considered to support the proposed development on this site. Of prime importance is that the principle of development is considered acceptable given that the site is within the settlement boundary and therefore is considered a windfall housing site. This position is reinforced by the fact that the authority lacks a five-year housing land supply which would add further support to such a housing scheme coming forward. As noted previously the 'tilted balance' as outlined in paragraph 11 of the Framework is enacted which means that decision takers should grant permission unless *"the adverse effects of doing so would significantly and demonstrable outweigh the benefits when assessed against the policies in this Framework as a whole."*
- 6.3 With paragraph 11 enacted, any decision to refuse the application needs to be evidenced by a 'significant' shortcoming in the proposed development when measured against the Frameworks policies. As already mentioned, there is a strong relationship between the Local Plan policies and the Framework's policy aspirations meaning that notwithstanding the language of the Framework the Local Plan is still relevant.
- 6.4 Counting against the development proposal is the fact that applicant states they are unable to make any contributions to affordable housing or local services and facilities through the provision of planning obligations. This is in addition to the impact on the mature trees / landscape setting on the site and the outstanding objections from air quality and highways. As previously noted, it is considered that the air quality and highways matters are easily resolvable, and officers will continue to work with the applicant and key consultees to address these outstanding matters. A later update will be provided and these are matters that would also be addressed in detailed conditions.
- 6.5 Whilst disappointing and regrettable, the lack of affordable housing on this scheme can be outweighed by the approach to viability and the need to apply the 'tilted balance' in favour of the delivery of housing. As a result, it is not considered that the lack of affordable housing could be cited as a reason for refusal in this case. Turning to the impact on community facilities, this too (based on the approach within the Planning Practice Guidance) is outweighed by the lack of housing land supply.
- 6.6 This leaves the impacts on the landscape and the trees which are unlikely to be able to be overcome unless a different approach to the design and layout was taken which further avoided the trees and the landscape edge. This would almost certainly reduce the number of new dwellings delivered and may impact negatively on whether the applicant was able to deliver a financial viable scheme. The Framework requires us to consider whether these impacts would cause significant and demonstrable adverse effects.

- 6.7 Given that this site is within the settlement boundary, is not a protected landscape and that the trees, whilst high quality, are not the subject of any Tree Preservation Order, then it is not considered that these impacts could be classed as significant. As a result, it not considered that a refusal on these grounds could be sustained. To mitigate the risks and impacts to the trees and landscape edge a series of conditions, as set out previously, will be recommended.
- 6.8 Subject to these conditions, and having due regard to all other matters raised it is recommended that planning permission is granted.

## **7. RECOMMENDATION**

### **A. That planning permission is approved subject to the following conditions:-**

#### **General matters:**

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:**
  - a. **Cheadle Road – Planning Housetypes (B&W)**
  - b. **Double garages PDF document**
  - c. **Planning Layout, Drawing No. A1013 Drawing 01 Rev N**
  - d. **Proposed access arrangement (drawing P21-1771 SK04)**
  - e. **Cheadle Road – Coloured Street scene**
  - f. **Swept path analysis of a refuse vehicle (P21-1771 SK02 Rev A**
  - g. **Engineering appraisal Sheet 1 of 2 Rev E**
  - h. **Engineering appraisal Sheet 1 of 2 Rev F**

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

3. **Notwithstanding any details shown on the approved plans, no above ground works are to be carried out until full details and samples of all external materials and finishes and hard surfacing to be used in the construction of the development, including the attraction building, theming envelopes, entrance portal, fencing, acoustic screens, boardwalks and plaza surfacing have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To ensure a high-quality external appearance of the development and to protect the character and appearance of the Conservation Area, the setting of listed buildings and the wider landscape character.**

#### **Highways and access:**

4. **No part of the development hereby approved shall be occupied until the draft travel plan (Prepared by Pegasus Planning Ref: P21-1771 and dated 29 April 2022)**

has been implemented in accordance with chapter 7 of that report. The Travel Plan (or any subsequent replacement document) should remain in force for a period of five years after the occupation of the last dwelling hereby approved.

**Reason:** To ensure that the impact of private vehicle travel to and from the site is managed effectively in the interest of minimising traffic flows, especially during peak hours.

**Landscape and trees:**

5. Prior to the commencement of the development hereby approved full details of the proposed landscape and external works details shall be submitted to and approved by the local planning authority. These plans should demonstrate how they have met the principles set out in the Illustrative Landscape Masterplan (Ref: PL21-1771-EN=06-E-0001 – as updated 28 Feb 2023). These details should include:
  - A. Full planting plans, to include native and native hybrid species wherever possible, to include a full plant schedule and specification (number, size, whether bare root or container grown and density of planting (plants per m<sup>2</sup>).
  - B. Full details of external works including surfacing materials, finishes and trims for the adopted highway, private drives, public realms (including the public footpath) and private garden areas.
  - C. Details of all replacement planting for the loss of trees at a ratio of 2 new trees for every 1 lost

Thereafter the landscape and external works shall be implemented in accordance with the approved plans. 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:** To ensure an appropriate landscape solution is delivered and that the replacement trees and planting are delivered and maintained.

6. Prior to any ground works or excavation associated with the development hereby approved, a Soils Management Plan should be submitted that provides due regard to stripping and reserving existing soils or other material from the existing areas prior to spreading at agreed locations within the development. The submitted soils plan require information regarding the reservation and storage of the existing soils on the proposed spreading areas. Spreading areas will require their existing topsoil cover to be stripped, reserved, temporarily stored and re-laid in accordance with the DEFRA Construction Code of Practice for Sustainable Use of Soils on Construction Sites.

**Reason:** In order to control the spreading of soils throughout the development approved to ensure that existing planted and ecological areas are effectively protected from inappropriately located spreading of spoil.

7. **Prior to the use of any boundary treatment or other means of enclosure as part of the development hereby approved, full details including the materials, height and finish shall be submitted to, and approved in writing by the local planning authority.**

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

8. **Notwithstanding the provisions of the General Permitted Development Order 2015 (or subsequent replacement document) the rear and side boundaries to plots 16-21, 26-33 and 60 - 67 shall not include any wall, fence or other hard boundary unless otherwise agreed in writing with the local planning authority.**

**Reason: In order to ensure that the interface between the new dwellings and the settlement edge retains an appropriate landscape and visual character in line with C3 of the Local Plan.**

9. **Prior to the commencement of the development hereby approved further details of the engineering and landscape design for the edge of the developed area shall be submitted and approved by the local planning authority. As a minimum the submitted design should consider the following locations as detailed on the approved (Ref: A1013-01-N):**

- A. **The rear boundaries of plots 16-21, 26-33 and 60-67**
- B. **The private drive that serves properties 33 - 37.**
- C. **The tertiary street that runs to the west of plots 51 – 56.**
- D. **The pumping station.**

**The design shall be accompanied by a comprehensive update / review of the arboricultural impact assessment (AIA) and detail any impacts and mitigation on trees within this area. Notwithstanding any details approved as part of the engineer appraisal drawings covering this area (see condition 2), the work shall be implemented in accordance with the above approved design and updated AIA.**

**Reason: To ensure that effective consideration is given to the development edge and its impact on the landscape setting and mature trees given that full engineering details are to be finalised, and full landscape design elements are reserved for approval by condition.**

**Biodiversity and ecology:**

10. **Prior to the commencement of the development hereby approved a full Biodiversity Net Gain (BNG) Assessment shall be prepared and submitted for approval to the local planning authority. Where appropriate this assessment should include details and specifications for appropriate habitat compensation to mitigate any loss.**

**Reason:** To ensure that that the development meets the requirements of the local plan and the NPPF in ensuring that new development should contribute to the enhancement of the natural environment.

11. **Prior the commencement of the development hereby approved a detailed Landscape, Environmental Management Plan (LEMP) shall be submitted to, and approved in writing by the Local Planning Authority. The LEMP should include the following:**
  - A. **Details of any habitat creation or compensation as required by the BNG assessment.**
  - B. **A detailed tree protection and tree removal plan, showing how the retained trees will be protected during the construction phases.**
  - C. **Details of the long-term management plan which considers of all trees, habitats and open spaces not within private gardens for a period of 30 years.**

**Reason:** To ensure that that the development is able to effectively protect and manage trees, the landscape setting and the local ecology in the long term in line with policies NE1 and NE2 of the Local Plan

12. **No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development, or as otherwise detailed on the plans hereby approved, unless otherwise approved by the LPA. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), unless otherwise agreed by the LPA and in this case only following careful inspection by a competent person immediately prior to removal in order to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds.**

**Reason:** In order to retain the landscape of the site and in the interest of protecting local ecology and biodiversity.

**Ground contamination and soils:**

13. **No development approved by this planning permission shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme must include:**
  - A. **A site investigation scheme, based on the information already provided to support a detailed assessment of risks to all receptors that may be affected, including those off site.**
  - B. **The results of the site investigation and the detailed risk assessment referred to in (A) and, based on these, an options appraisal and A remediation strategy giving full details of remediation objectives and remediation criteria**
  - C. **A validation plan providing details of the data that will be collected in order to demonstrate that the all works set out in (A) are complete and identifying**



**any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

**The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.**

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

- 14. Prior to occupation of any of the dwellings hereby approved, a validation report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved validation plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the validation plan, and for the reporting of this to the local planning authority.**

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

- 15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the contamination validation (as detailed in condition 14), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, which is subject to the approval in writing of the Local Planning Authority.**

**Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, 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.**

- 16. No top soil or fill material 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.

**Amenity:**

17. 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:-
  - A. 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;
  - B. the method and duration of any pile driving operations (including expected starting date and completion date);
  - C. 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;
  - D. the arrangements for prior notification to the occupiers of potentially affected properties;
  - E. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
  - F. a scheme to minimise dust emissions arising from construction activities on the site.
  - G. a scheme for recycling/disposal of waste resulting from the construction works;
  - H. the parking of vehicles of site operatives and visitors;
  - I. the loading and unloading of plant and materials;
  - J. the storage of plant and materials used in constructing the development;
  - K. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - L. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works,
  - M. 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,
  - N. 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,
  - O. during construction/demolition phases amplified music and/or radios shall

not be audible beyond the site boundary.

- P. Details of how protected species, including bats, breeding birds and amphibians will be protected during the construction works.

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 amenity of local residents and that of the surrounding area from noise and other disturbance and to ensure that the requirements of protected species are effectively considered during the construction stage.

18. Details of all external artificial lighting to be installed under this permission should be submitted to and approved by the Local Planning Authority prior to its use on site. The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations, including areas which are used for foraging by bats and other protected species, when the light (s) is (are) in operation.

Reason: To protect the local amenities of the local residents and other sensitive receptors, including protected species, by reason of excess of illuminance.

19. Prior to any part of the development first being occupied pre-completion tests shall be carried out to verify compliance with the submitted and approved Noise Assessment prepared by Hydrock dated 9/1/2023 (ref.18620-HYD-XX-XX-RP-Y-0001). A report containing all raw data and showing how calculations have been made, shall be submitted to the Local Planning Authority for approval. No dwelling within the development hereby permitted shall be occupied until that report has been approved.

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

20. The rating level of sound emitted from the pumping station associated with the development shall not exceed background sound levels by more than 5 dB(A) between the hours of 07.00–23.00 (taken as a 15 minute LA90 at the nearest sound-sensitive premises) and shall not exceed the background sound level between 23.00–07.00 (taken as a 15 minute LA90 at the nearest/any sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed upon in writing with the local planning authority.

**Reason:- To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.**

**Flood risk and drainage:**

21. The development hereby permitted shall not be brought into use until the approved drainage scheme shown in the reports below have been implemented:
- Cheadle Road, Upper Tean - Flood Risk Assessment, HLEF81065, 27th May 2022; and
  - Cheadle Road, Upper Tean – Sustainable Drainage Statement, 22032/SDS/01e, 16th February 2023.

Thereafter the drainage scheme shall be retained and maintained in accordance with the SuDS Management and Maintenance Plan and by the named body contained within Section 3 and 4 of the aforementioned Sustainable Drainage Statement.

**Reason: To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development.**

22. During the construction of the development hereby approved, the developer / contractors are to ensure that satisfactory arrangements for the control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy.

**Reason: To reduce the risk of surface water flooding to the development and surrounding properties during construction.**

23. There shall be no new structures (including gates, walls and fences) or raising of ground levels within the 1 in 100 year with 31% climate change floodplain, as indicated in the Flood Risk Assessment, (Ref: HLEF81065 dated 27th May 2022); or within 8 metres of the top of bank of the Main River Tean, inside or along the boundary of the site, unless otherwise agreed in writing by the Local Planning Authority.

**Reason: To prevent any impact on flood flows and flood risk elsewhere.**

**Other matters:**

24. Prior to the occupation of 50% of the dwellings hereby approved a new local area of play will be designed and installed within the area of open space. The design, location and long term management are to be agreed with the local planning authority prior to its installation.

**Reason: To comply with the provisions of policies related to provision of children play facilities.**

25. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority, and subject to the following provisions:

- A. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication.
- B. The archaeological site work shall thereafter be implemented in full in accordance with the Scheme.
- C. The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the Scheme approved under this condition and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

**Reason:** In order to comply with the recommendations of the archaeology desk-based assessment submitted with the application to ensure the protection of below ground archaeology.

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.

