

# ADDENDUM REPORT

## STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL PLANNING APPLICATIONS COMMITTEE

20<sup>TH</sup> April 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@staffsmoorlands.gov.uk">planning@staffsmoorlands.gov.uk</a> Tel 01538 395400		

### REFERRAL

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

The Application was deferred at the previous meeting on 9<sup>th</sup> March

This report is an **addendum report** and should be read in conjunction with the previous report to committee (published 01 March 2023) and late letters update (08 March 2023) (Appended for ease of reference). The applicant has also prepared a short statement on financial viability which whilst summarised as part of this report, provides further details as to the applicants position.

### 1. SUMMARY OF RECOMMENDATION

**APPROVE with conditions.**

#### 1. BACKGROUND AND CONTEXT

- 1.1 This planning application was brought before the Planning Applications Committee on 09 March 2023. Members undertook a site visit, and the scheme was the subject of debate by the Committee, with the members eventually deferring the decision pending further information regarding viability and the content of a planning obligation. The original report to committee set out in detail how the scheme was able to comply with development plan policies on a range of land use planning and technical issues including those relating to design, flood risk and highways. There

were still concerns over the impact on a stand of mature trees in the centre of the site. there was some discussion and debate over some of these technical matters, there were no outstanding questions or issues raised on these matters.

- 1.2 It was reported by officers in the late letters update to committee that on 08 March 2023 (less than 48 hours prior to the committee) that the applicant had changed their stance regarding the viability of the site. Until that time the applicant had advanced that the abnormal costs associated with the scheme did not allow for any contributions to be made. This position was disputed by the Council's own viability and cost advisors Bruton Knowles who had been working with the applicant's cost team to understand and corroborate their position. Officers welcomed the recognition by the applicant that a contribution could, and should be made, in line with the provisions of the development plan and was more reflective of the situation outlined by Bruton Knowles. However, it was acknowledged by officers that there had been insufficient time to fully test this offer.
- 1.3 The planning application was therefore deferred by members to allow officers time to engage with the applicant and fully understand and test the reasonableness and robustness of the offer made, and to allow time for further consultation with the Parish Council to understand their priorities now that a planning contribution could be made. This report details the findings and discussions undertaken since the committee met on 09 March 2023. Officers can now confirm, having examined the detail of the offer, and having confirmed the details of the applicant's cost models that the planning contributions package is both justified and reasonable. Full details of this are provided on subsequent pages.

## 2. **PLANNING OBLIGATION 'HEADS OF TERMS'**

- 2.1 A statement was received from the applicant's agent on 11 April 2023, setting out their methodological approach and the specifics of this site. It confirms the details about the sites constraints and the resultant abnormal costs. In this case they state that the abnormal costs are substantial at approximately £1.8M which hinder their ability to deliver a fully policy compliant planning obligation and is considered not to meet the expected profit margin for a developer of 20%. However, the applicant (Keepmoat) *'recognise the importance to the community of making a contribution and therefore made a commercially pragmatic offer at our discretion to bring this site forward for development.'*
- 2.2 The applicant's agent has formally confirmed to officers (by email on 05 April 2023) that the following 'heads of terms' were now acceptable and that they agreed to enter into a section 106 agreement totalling £383,500, which comprises:
  - £244,300 contribution to the Education Authority (SCC) for provision of 14 additional Primary School places at Great Wood Community Primary School
  - £43,549.00 to the NHS ICB (Staffordshire & Stoke) for investment into localised Moorlands & Rural Primary Care Network for additional capacity provision
  - £72,400.00 to SMDC for the provision or improvements of off-site to playing fields
  - £23,251.00 to SMDC for a contribution towards affordable housing

- 2.3 For clarity and in the avoidance of doubt, the Local Plan policies are relevant to this matter include C1 (Creating sustainable communities), C2 (Sport, recreation and open space) and H3 (Affordable housing).

### 3. **UNDERSTANDING THE COSTS AND VIABILITY**

- 3.1 As noted previously, the applicant had previously advanced that the scheme would not have been viable with any contributions (affordable housing or community facilities), with a last-minute offer being provided by the applicant days before the committee. Viability has been assessed using the residual method, which sets out the residual value of the site based on the likely value of the sites (sales) against the costs (land purchase, build costs, abnormal etc), but does include developer profit. This approach is entirely in accordance with government guidance contained in the planning practice guidance. It should be noted that officers and Bruton Knowles have identified that this site is unique amongst many of the others in Upper Tean and more generally in Staffordshire Moorlands and so direct comparisons between it and other sites is difficult.
- 3.2 At the time of the last committee (9 March 2023) there were still several areas of disagreement between the applicant's viability team and the Council's independent viability specialist Bruton Knowles when it came to the residual assessment. These were over matters of the benchmark land value (the price, or worth, of the land that was purchased) and the abnormal costs – the latter which included addressing the sloping site, additional drainage consideration and the putting of some high voltage electric lines underground. Since then, Bruton Knowles have continued to discuss these matters with applicant and the process, key issues and conclusions are detailed below. They have developed a parallel costs appraisal, including information and evidence received from the applicant, but also based on costs from the Building Cost Information Service (BCIS), local land sales and a review of other planning application in the area.
- 3.3 The applicant has since the beginning of March completely revised their cost model and submitted a new financial appraisal to Bruton Knowles, who have subsequently updated and assessed this against their own model. As part of this additional details have been provided from the applicant, including a detailed quote from Western Power Distribution to divert / put the electricity cables underground. As general point both the client and Bruton Knowles have identified that costs have increased between the first appraisal developed in April 2022 (to support the original submission of this application) and the most recent March 2023 figures. This is to be expected and is a matter that is affecting the whole building industry. Bruton Knowles have confirmed that these figures show the base build costs have increased, but the abnormal costs have decreased.
- 3.4 At the end of February 2023 Bruton Knowles considered that whilst there were some viability issues that would preclude full delivery of affordable housing and community facilities contributions there remained a residual land value (the difference between the values of sales and the build costs, abnormal and base land value) on the site of £657,500 and hence they believed a contribution(s) should be sought from the applicant. At the point of writing the applicant still considers that the position shown in the Bruton Knowles appraisal regarding the base land value and the costs of consultants is too low. No evidence has been provided by the applicant to support their position. However, increasing these would further erode the residual land value

(surplus). It should be noted that with so many variables it is unlikely that complete agreement on these matters would be reached.

- 3.5 In conclusion, and having examined the applicant's revised cost model, the increased costs and the list of abnormal as submitted in March 2023, Bruton Knowles are now of the opinion that the residual land value will no longer show at a surplus based on their appraisal (this is a position that is broadly in line with the statement received from the applicant on 11 April – see paragraph 2.1 above). The Bruton Knowles appraisal does include provision for a contribution for education £244,300, but not for any other contributions.
- 3.6 With this in mind, the applicant's Head of Terms (which provide a total value of contributions of £383,500) is both reasonable and broadly in line with the appraisal Brunton Knowles have independently undertaken. It is the final advice of Bruton Knowles that the pragmatic approach would be for the local planning authority to accept the Heads of Terms currently offered by the applicant and on that basis enter into a section 106 agreement. This commercially pragmatic approach is reflected in the applicants submissions.

#### 4. THE PARISH COUNCIL'S PRIORITIES

- 4.1 The Planning Applications Committee (09 March 2023) specifically asked that in negotiating the terms of any planning obligation that the views of the Checkley Parish Council should be the starting point. The Parish Council responded following their meeting on 21<sup>st</sup> March 2023, by providing a comprehensive report into their community priorities. The Parish Council have stated that any contribution to community facilities or affordable housing below the levels set out in the development plan will be detrimental to their community. Within their report they identify that there are several 'red lines' that they consider will adversely affect the community if not effectively delivered. In summary their report sets out that these red lines are as follows:
- Contributions to education, healthcare and public open space in line with the requests from the service providers (as outlined in the previous report to committee)
  - A Local Area of Play (LAP) delivered on site (conditioned as part of the original report to committee)
  - A new crossing point of Cheadle Road
- 4.2 The report also includes a consideration of affordable housing provision which is acknowledged as being an important matter to the local community. However it is recognised as being '*unequivocally a matter for the district Council to decide*' (paragraph 4.3 of their statement). This is a result of its strategic nature. It is therefore not identified as a 'red line' for the Parish Council.
- 4.3 The 'Heads of Terms' set out earlier clearly deliver the contributions to education, healthcare, and public open space. These are in line with the requests made from the statutory consultees. It should be noted that there has been no request from the local highway's authority, as part of their assessment and review of the development proposals, for a new pedestrian crossing point of Cheadle Road.

- 4.4 Pedestrian and vehicle access to the site (in the wider context of Cheadle Road and its current use) have been the subject of very detailed consideration. Currently it is considered that the development is acceptable in highways and access terms without the requirement for a new crossing. Furthermore, without this request, there has been no detailed highways assessment of the provision of a new crossing point in this location (including no safety audit). As a result, any request for a new crossing point would be contrary to the guidance contained in paragraph 57 of the Framework and Regulation 122 of The Community Infrastructure Levy Regulations 2010. As a result, officers have not included this in the negotiated Head of Terms.
- 4.5 Therefore, with the exception of the crossing point of Cheadle Road it is considered that all of the remaining 'red lines' that were highlighted by the Parish Council have been achieved. The matter of the affordable housing provision is a matter that they defer to the District Council over and will be considered latterly in this report.

## 5. **ASSESSMENT AGAINST DEVELOPMENT PLAN POLICIES**

- 5.1 Policy C1 sets out that new development will only be permitted where community facilities and services are available to serve it. Sub-paragraph 4 goes on to set out that planning obligations and conditions should be used to ensure that provision is provided to meet the needs. Under the provisions of this policy requests for contributions have been sought from the education authority (Staffordshire County Council) and the NHS Integrated Care Board in order to meet the increased demand for their services as a result of the proposed development. Their requests are in line with that which is outlined in the Developer Contributions SPD. The 'Heads of Terms' meets both these requests in full. As a result, the provisions of policy C1 are considered by officers to have been met.
- 5.2 Policy C2 sets out that new development (over 10 dwellings) will be expected to make provision for, or a contribution to, open space in line with the Developer Contributions SPD. This development, by virtue of the scheme's design delivers a substantial amount of amenity open space and semi-natural green space within the lower portion of the site. A small local area of play (children play) facility is also provided on site which will be secured by condition. Whilst the scheme, as a result of the site specific characteristics cannot deliver the open space requirements exactly in line with the SPD guidance, it is considered that there is a shortfall of provision for playing field provision, the policy allows for this to be provided through a planning obligation for investment in playing pitches elsewhere in the village. The 'Heads of Terms' meets this requirement in full. As a result, the provisions of policy C2 are considered by officers to have been met.
- 5.3 Policy H3 sets out that new developments of 10 dwelling or more should provide 33% affordable housing. For this development, the policy would require the provision of 22 new affordable dwellings. However, the policy sets out that a lower level could be provided subject to up-to-date viability evidence, and mindful of other contributions to be made. As previously noted, the abnormal costs associated with the delivery of this site has been evidenced (and reviewed) to set out that the full provision of the affordable housing on this site cannot be achieved. The Heads of Terms sets out that a modest financial contribution to the strategic affordable housing is to be made as part of this scheme. This contribution is far short of the equivalent of 33% on site provision, however, given the viability considerations (see above) it is considered to be reasonable and in line with the policy approach.

5.4 As a result, it is considered that the scheme as presented, and based on the viability assessment undertaken, meets the requirements of development plan policies.

## 6. UPDATED PLANNING BALANCE

6.1 The previous report to committee recommended that this scheme be approved for several reasons that can be summarised as follows:

- the site was considered, in principle, to be an appropriate location for housing, being inside of the settlement boundary as defined by both the local plan and the neighbourhood plan - essentially it was a large 'windfall' site.
- That the scheme, having been rigorously tested by the appropriate internal and external consultees, was acceptable in terms of flood risk, highways, built heritage, ecology and archaeology and was able to meet the requirements of the relevant development plan policies.
- That the scheme, after much work between the applicant and the officers now was an appropriately designed scheme, with a mix of houses based around different character areas and an appropriate frontage to Cheadle Road
- That there were still some concerns and objections from officers on the impact of the development some of the mature trees on the site (not subject to a TPO) and the landscape qualities of the settlement edge that was to be created.
- The impact on the trees and landscape edge was considered by officers to be able to be mitigated in part, by a series of strongly worded conditions, and any residual impacts were outweighed given the Council's lack of housing land supply.

6.2 As noted, the Planning Applications Committee sought further discussion and clarification on matters of planning obligations (section 106) associated with the application. The paragraphs above have demonstrated that given the viability of the delivery of new homes on this site that the planning obligation that is now outlined as part of section 2 of this report is considered to be both reasonable and in line with the policy approach as set out in the development plan and the Framework.

6.3 As a result, and subject to the conditions which are outlined below, it is considered that this planning application meets the requirements of the development plan policies and when considered as a whole constitutes sustainable development as outlined within the National Planning Policy Framework. As a result, and in accordance with section 38(6) of the Act, permission should be granted.

## 7. RECOMMENDATION

7.1 **APPROVE** subject to the signing of a planning obligation for the 'Heads of Terms' outlined in this report, and subject to the conditions set out below:

### 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, 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 local area, the setting of listed buildings and the wider landscape character.

#### Highways and access:

4. The development hereby permitted shall not be brought into use until the visibility splays (maximum achievable and to DMRB) shown on plan P21-1771 SK04 have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason: To comply with NPPF Paragraph 111 and SMDC Local Plan Policy DC1 in the interests of highway safety.

5. The development hereby permitted shall not be brought into use until details of the following highway works have been submitted to and approved in writing by the Local Planning Authority
  - access construction;
  - footway, including linkages to existing;
  - relocation of street name plate (if necessary);
  - relocation of telegraph pole (if necessary);
  - relocation of lighting column (if necessary);

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

Reason: To comply with NPPF Paragraph 111 and SMDC Local Plan Policy DC1 in the interests of highway safety.

6. The development hereby permitted shall not be brought into use until details of the reinstatement of the existing site accesses to verge with full height kerb, which shall include the access crossing between the site and carriageway edge and field gates made redundant as a consequence of the development have been first submitted to and approved in writing by the local planning authority. The existing site access made redundant as a consequence of the development hereby approved shall thereafter be reinstated as verge with full height kerb in accordance with the approved plans.

Reason: To avoid a proliferation of redundant access crossings and disused field access points in the interests of highways safety.

7. The submitted and hereby approved Travel Plan (Prepared by Pegasus Planning Ref: P21-1771 and dated 29 April 2022) shall be implemented in accordance with the timetable set out in the plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date planning consent to the Local Planning Authority for approval for a period of 5 years from first occupation of the development permitted by this consent. Details of Travel Plan Coordinator and monitoring reports to be sent to [smarter.travel@staffordshire.gov.uk](mailto:smarter.travel@staffordshire.gov.uk)

Reason: To comply with NPPF Paragraph 111 and SMDC Local Plan Policy DC1 to promote alternative sustainable modes of transport.

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

Reason: To comply with NPPF Paragraph 111 and SMDC Local Plan Policy DC1 in the interests of highway safety.

#### Landscape and trees:

9. 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-F-0001 – as received 31 March 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 m2).
  - 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.

10. 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.

11. 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

12. 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.

13. 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:**

- 14. 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.

- 15. 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 can 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

- 16. 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:**

17. **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 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.

18. **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.

19. 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.

20. 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:**

21. 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. of the location and nature of the site compound and associated temporary buildings,
  - I. of the storage of plant and materials used in constructing the development and the parking of vehicles of site operatives and visitors and the loading and unloading of plant and materials;
  - J. of wheel wash facilities (including means of dealing with water runoff) and the provision for a mechanical road sweeper for existing carriageway
  - 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.

- 22. 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.

- 23. 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.

24. 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:**

25. 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.

26. 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.

27. 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:**

28. 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 (as indicated on the Illustrative Landscape Masterplan P21-1771\_EN-06\_F-0001). 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.

29. 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.

