

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

PLANNING APPLICATIONS COMMITTEE

19th October 2023

Application No.:	SMD/2022/0592	
Location	Land At, Oakamoor Road, Cheadle, Staffordshire	
Proposal	Application for outline planning permission with some matters reserved for the erection of up to 48 no. dwellings	
Applicant	Mr CR Muller, Muller Property Group	
Agent	Mr Rob Duncan, Hewitt & Carr Architects	
Parish/ward	Cheadle	Date registered 01/11/2022
If you have a question about this report please contact: Jo Gregory Email: planning@staffsmoorlands.gov.uk		

REFERRAL

This is a major application and is locally contentious.

1. SUMMARY OF RECOMENDATION

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

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 1.1 The application site is located to the north east of Cheadle on Oakamoor Road. The site adjoins the Development Boundary (Policy SS2) of Cheadle to the west and Local Nature Reserve, Hales Hall Pool, to the north. Hales Hall Pool is a designated Site of Biological Importance (SBI). There is public access to Hales Hall Pool offering a level circular route that appears to be well used. To the south is Oakamoor Road and beyond lies agricultural land.
- 1.2 The site is broadly rectangular in shape and widens to the east. It is varied in terms of topography, it rises to the north and east and is uneven in parts. On the eastern third of the site is located an area of existing woodland and a pond. This area is included within the Nature Reserve and SBI.
- 1.3 To the west of the site are the rear gardens of properties on Rudyard Way. To the immediate east is located a small car park that serves Hales Hall Pool. The application site is located in the Countryside (Policy SS9, SS10, H1, DC3) and Flood Zone 1.

2. DESCRIPTION OF THE PROPOSAL

- 2.1 The application seeks outline planning permission for the erection of up to 48 dwellings, with all matters reserved apart from access. Matters of scale,

layout, appearance and landscape are reserved for subsequent approval. The originally submitted application was for up to 53 new dwellings. Following feedback received during the consultation period and from technical officers and planning officers, the proposal has been revised to the lower number of 48 dwellings.

- 2.2 As the application is for outline permission it does not include a proposed site layout and plans and elevations. These elements will not be agreed until the reserved matters stage if outline permission is granted. However, an illustrative layout is provided in order to demonstrate that the number of houses proposed can be accommodated on the site whilst sufficiently considering key constraints such as trees, ecology and highways matters. A Parameters Plan is provided that sets out key design principles that should be taken forward to a Reserved Matters application if approved.
- 2.3 Following the first period of consultation it became apparent that there were technical matters that were not sufficiently addressed within the Illustrative Layout. In August 2023, a revised Illustrative Layout was submitted accompanied by a package of information addressing comments raised by the Authority's officers relating to ecology, flood risk, impact on trees, air quality and general design comments.
- 2.4 The following revisions were made to the proposal:
 - i. Reduction of the number of units from 'up to 53' to 'up to 48'
 - ii. Removal of units located to the north east in order to relieve pressure on the pond that forms part of the SBI
 - iii. Introduction of an ecological corridor along the northern boundary
 - iv. Rearrangement of layout to give additional space to protect and maintain the existing hedgerow along the southern boundary of the site
 - v. Revised surface water drainage scheme and inclusion of an attenuation pond
 - vi. Revised layout to ensure no incursion of buildings or roads into root protection areas of existing trees both on and off site
- 2.5 The Illustrative Layout presents a way in which up to 48 dwellings could be delivered on the site. It seeks to demonstrate that the number of units proposed is achievable without adverse impact on key constraints and considerations. The Illustrative Layout takes access off Oakamoor Road to the south west of the site. This access serves the whole site. On entering the site an attenuation pond is located to the far south west of the site. Units 1 – 12 are located off the main access road and comprise a mixture of semi-detached, terrace and maisonettes.

- 2.6 The site contains two mineshafts, one located to the western end of the site and the second located in the middle of the site near the southern boundary. A 20m buffer, as required, is proposed around each shaft and these areas are utilised for parking, public open space and the children's play facility. No buildings are to be erected within these zones.
- 2.7 The internal access route runs parallel to Oakamoor Road and serves units directly and via private drives. To the eastern end of the site units 28-32 sit adjacent to Oakamoor Road. However, the majority of this final portion of the site is retained as existing pond and woodland with an 'ecological enhancement area' proposed within the north eastern corner of the site.
- 2.8 A key element of the site's existing character is the mature trees and hedgerows located primarily within its boundaries. Their retention and enhancement is proposed through this application, the details of which would need to be secured as part of a reserved matters application.
- 2.9 The proposal includes a commitment to provide affordable housing in line with the development plan at 33% and contributions to local services and facilities.
- 2.10 The application and all comments and other documentation can be viewed at <http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=166046>

3. RELEVANT PLANNING HISTORY

SMD/1983/0517 - Site for residential development, refused in April 1986

4. PLANNING POLICIES RELEVANT TO THE DECISION

- 4.1 For the purposes of this planning application, the development plan comprises of the Staffordshire Moorlands Local Plan (2020). There is no 'made' Neighbourhood Plan.
- 4.2 The following Local Plan policies are relevant to this application:
- SS 1 – Development Principles
 - SS 3 - Future Provision and Distribution of Development
 - SS 7 – Cheadle Area Strategy
 - SS 10 – Other Rural Areas Strategy
 - SS 12 - Planning Obligations and Community Infrastructure Levy
 - SD 1 - Sustainable Use of Resources
 - SD 4 - Pollution and Water Quality
 - SD 5 – Flood Risk
 - H 1 – New Housing Development
 - H 3 – Affordable Housing
 - C 1 – Creating Sustainable Communities
 - C 2 – Sport, Recreation and Open Space
 - C 3 - Green Infrastructure

- DC 1 – Design Considerations
- DC 2 – The Historic Environment
- DC 3 - Landscape and Settlement Setting
- NE 1 - Biodiversity and Geological Resources
- NE 2 - Trees, Woodland and Hedgerows
- T 1 - Development and Sustainable Transport

4.3 The following documents are also strong material considerations:

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

5. CONSULTATIONS CARRIED OUT

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

5.2 Such was the extent of amendments proposed whilst the application has been under assessment, a second period of public consultation was undertaken for three weeks between the 9th and 30th August 2023. This followed the standard period of public consultation at the time of the application's first registration on 24th November 2022.

Public comments

5.3 57 letters of objection have been received across two periods of public consultation raising the following general matters:

- Objection due to additional traffic which is already bad;
- Concern over the sensitive wildlife and nature site nearby;
- This application will create added pressure and burden on local services and there is not enough infrastructure in place to support the application;
- There is already too much housing in this area for such a small town;
- The proposed development would destroy the beautiful area at Hales Hall nearby, and will endanger success of business at this site. Hales Hall is a vital area to the community for leisure activities such as walking and fishing;
- Overdevelopment of the site;
- The current road infrastructure cannot cope with this development;
- Loss of countryside in a historic market town;
- Concerns with extra traffic coming from Alton Towers;
- Concerns with extra traffic from the nearby caravan site;

- Access is located near a busy blind bend;
- There have been numerous accidents very close to the proposed access;
- Development can only take place if investment on infrastructure and services takes place;
- The road is not particularly wide and gets very busy, the development would exacerbate these problems;
- There's a shortage of 1-2 bedroom houses, particularly bungalows, and there's also a need for affordable housing;
- Loss of green space;
- Concerns over the loss of privacy and impact of value for neighbouring properties
- The development will alter views from neighbouring properties;
- An earlier application on this site for just 2 houses was refused;
- This area of land is not in the local plan and has not been previously considered as a suitable site for development;
- The field that the site is on helps provide drainage to the local environment which could impact houses on Ness Grove estate. Also has the possibility of contamination of the water;
- Land provides a valuable corridor for foraging bats;
- Concerns for the historic Yew Trees that are on the site boundary;
- 100 new homes are being built on the Cecilly site and are not selling well;
- Concerns relating to increased demand on sewage system;
- These three storey houses are out of character;
- There is only two parking spaces per house - houses will most likely have more than two vehicles;
- Cars often speed along this road;
- Increased flooding, traffic, air pollution, light pollution & noise issues;
- Just because development can take place here doesn't mean that it should;
- The house plots close to the rear of 4 & 6 Rudyard way will have to be raised to get the water to flow to the main drain up the field;
- Could prevent emergency services from being able to use the access route;
- Will damage the health and wellbeing of the local and wider community for people who use Hales Hall;
- Public notices have not been displayed which is a requirement;
- There is no mention of maintenance to the attenuation pond;
- Highways have raised issues with access;

5.4 It is important to note that many of the public comments received relate to matters for which permission is not being applied for at this stage. The application is in outline only (excluding access).

Technical consultees

5.5 The following table provides a summary of technical consultee responses. Please note this table provides a summary of the most recent comments from consultees and represents their final comments on the proposal.

Consultee	Comment
Police Liaison Crime Reduction Unit	No objection - suggests minor design features and layout changes which can be incorporated at Reserved Matters stage. It is requested that a dedicated section of the Design and Access Statement at Reserved Matters stage considers crime prevention and community safety.
Staffordshire Wildlife Trust	Awaiting final comment following amendments to application relating to Biodiversity metric.
Nature Space (Newts)	No objection – amends to RAMMS confirmed as acceptable.
Staff and Stokes CCG / Integrated Care Board (ICB)	Committed sum of £31,200 proposed to cover increase in use and coverage of local care facilities. This figure was adjusted when the total number of units was reduced from 53 to 48.
Lead Local Flood Authority (LLFA)	No objection subject to conditions requiring drainage strategy and developer compliance.
Severn Trent Water	No objection - request conditions related to drainage matters (these are in line with those requested by the LLFA above).
Arboricultural Officer	Acknowledges notable improvements over the original masterplan layout. For the most part, direct impact on existing trees and hedges would be acceptable subject to normal temporary tree protection conditions/measures. Concerns about impact on/relationship with the on-site woodland at the eastern end of the site and on its associated marshy grassland habitat. Some concerns remain over visual impact and the effectiveness of indicative new landscaping.
SCC School Organisation Team	Committed sum of £350,940.72 requested. This figure is based on the information contained within the revised planning application which details 48 dwellings. Should the number and/or mix of dwellings a revised contribution will need to be calculated.
Environmental Health	No objection
SCC Highways	Site Visit Conducted on: 14-Dec-2022 Awaiting final comment following revisions to access and Air Quality Assessment in line with

	initial consultation response.
SMDC Regeneration Economic Development (Affordable Housing)	Affordable housing provision as proposed is in line with policy requirements.
Coal Authority	No objection - site falls within defined development high risk area, two mine entries within the site, building over, on top of or near should be avoided for public safety. Intrusive site investigations to be required via planning condition prior to reserved matters stage.
SCC Planning (Waste and Minerals)	No objection to the development from a minerals and waste planning perspective.
Waste operational services	No objection to the proposal. No issues regarding waste collection.
Conservation Officer	Identifies proximity of listed buildings nearby, particularly that of Hales Hall (II*) and its setting which includes Hales Hall Pool. Views across the site from Oakamoor Road contribute to the sense of place and rural setting of the town as well as the setting of the hall which will need to be addressed.
Archaeology	No objection - there is potential for development within the application site to impact upon features of archaeological interest. Pre-commencement conditions suggested.
Cheadle Town Council	No response received.

6. OFFICER COMMENT AND PLANNING BALANCE

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

Principle of development

6.2 Policy SS 2 of the adopted development plan directs development to those locations or settlements where it is deemed most sustainable, largely based on the availability and provision of various services. As part of this, the adopted development boundaries define towns, rural area larger villages, rural area smaller villages and other rural areas and are the spatial representation of the District's over-arching development strategy.

- 6.3 The location of the proposed development is a greenfield site which lies outside of (although adjacent to) the defined development boundary of Cheadle, within the open countryside. In such locations, Policy SS 10 sets out the parameters against which applications for development are considered in order to establish their acceptability in principle. In respect of development for housing, new-build housing on greenfield land within the countryside will only be supported where it has 'an essential need to be located within the countryside in accordance with policy H 1'. There is no indication that this development has an essential need to be located in the countryside and the proposed development does not satisfy any of the criterion contained within policy H 1 relating to residential development outside of defined development boundaries.
- 6.4 On this basis the application proposes development for housing at a location in conflict with the Council's adopted spatial strategy without the benefit of any supporting exception criteria, contrary to policies H1, SS 2 and SS 10 of the Staffordshire Moorlands Local Plan.
- 6.5 Notwithstanding this, paragraph 47 of the National Planning Policy Framework (NPPF) requires LPA's to maintain a 5 year rolling supply of housing and it is acknowledged that the Council is not currently able to demonstrate a 5 year supply of deliverable housing land. The most recently published 5-year housing land supply statement for the LPA (as of 1st April 2022) confirms that the District has a deliverable supply of 3.71 years.
- 6.6 Paragraph 11 of the NPPF states that plans decisions should apply a presumption in favour of sustainable development. For decision-taking this means:
- 'c) Approving development proposals that accord with an up to date development plan without delay or:*
- d) where there are no development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless:*
- i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposals; or*
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole;'*
- 6.7 Importantly, Footnote 8 to Paragraph 11 confirms that 'out of date policies' includes, for applications involving the provision of housing, situations where the LPA cannot demonstrate a 5 year supply of deliverable housing sites. Bullet ii to the same paragraph contains Footnote 7 which adds that where irreplaceable habitats or designated heritage assets are impacted, permission

may not be granted. This report explores the impact on these two forms of asset in detail.

- 6.8 On this basis, in addition to the fact that there are no policies within the NPPF which provide a clear reason for refusing permission, as per para 11 d(i), paragraph 11d(ii) of the NPPF is triggered, which affirms that permission should be granted in this case unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. This is known as the 'tilted balance'. Matters of the tilted balance and weight afforded to material considerations present in determining the application are discussed in the final planning balance section.
- 6.9 The following impacts will be assessed, all of which are clearly linked to development plan policies and specific requirements within the Framework:
- Ecology and biodiversity
 - Trees
 - Landscape and visual impact
 - Design and layout (inc. amenity)
 - Impact on heritage assets
 - Highways and access
 - Drainage and flood risk
 - Air quality, contamination and noise
 - Affordable housing and contributions

Ecology and biodiversity

- 6.10 The NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value, paragraph 174. Paragraphs 174 and 179 require Local Authorities to secure measurable net gains for biodiversity. The Local Plan (2020) reinforces this national requirement through Policy NE 1 - Biodiversity and Geological Resources. The application site is located beside a Local Nature Reserve and Site of Biological Importance, a non-statutory designation given to Local Wildlife Sites. A portion of the application site falls within this designation – the pond and woodland located within the eastern third of the site.
- 6.11 Given the location of the application site adjacent to a Local Nature Reserve and Site of Biological Importance (SBI) and the extension of those elements into the site itself, ecological and biodiversity impact is central to the determination of this outline application. The application is accompanied by a Preliminary Ecological Appraisal (PEA), Reptile and Amphibians Statement (RAMMS) and following requests from consultees a Biodiversity Net Gain (BNG) Report and metric have been provided.

- 6.12 The Staffordshire Wildlife Trust raised multiple reasons for objection following submission of this application. The justification for this objection related primarily to the loss of a portion of the SBI on site through the removal of woodland around the pond. The officer requested that none of the SBI designated woodland be removed and a buffer of 20m from the pond be established as a minimum due to the significance of the wetland habitat. The drainage strategy for the site was questioned due to the existing wetlands and ponds that exist on the site and resultant changes to its hydrology. An alternative strategy for the site that avoided surface water being discharged into Cecilly Brook was requested.
- 6.13 Further concerns related to negative impacts on the Local Nature Reserve through loss of land that currently acts as a buffer in addition to an increased pressure on the LNR from additional residents and use. Work to assess the biodiversity impact of the proposal was requested in addition to a demonstration that biodiversity net gain could be achieved on the site.
- 6.14 Finally, the application package failed to contribute to the aims of the Staffordshire Moorlands Green Infrastructure Strategy (2018) which identifies the area that the site as within a strategic ecological corridor.
- 6.15 Some elements of the requests made were considered to be more relevant to a reserved matters application and are matters of detail unsuitable for agreement at the outline application stage.
- 6.16 The Staffordshire Newt Officer also reviewed the proposals and requested amendments to the submitted RAMMS work. These amends were completed by the applicant. Planning conditions relating to GCN have been requested.
- 6.17 Following the comments above, the applicant has provided a revised Illustrative layout showing removal of the majority of dwellings located in the eastern portion of the site, better preserving the existing woodland and pond. An Ecology Technical Note and updated Flood Risk Assessment and Drainage Management Strategy were provided.
- 6.18 Staffordshire Wildlife Trust are now content that the Illustrative layout and supporting documents represent an improvement over the original design and allow more habitat to be retained in addition to a higher amount of new open space on site. Impact on the nature reserve is reduced and retention of existing hedgerows is welcomed, though their long term enhancement and management queried.
- 6.19 The Biodiversity Net Gain work was subject to further amends following further feedback from Staffordshire Wildlife Trust. However, the nature conservation officer has concluded that since a net gain of over 10% is proposed the details of the achievement of these figures on site can be worked out at the Reserved Matters stage. The objection on ecological ground has thus been removed.

- 6.20 Following a series of amendments and provision of additional detail by the applicant, it is concluded that the proposal complies with the relevant policies due to the retention of the SBI on site, limited impact on the LNR and biodiversity net gain measures that can demonstrably be achieved. These amends include creation of an 'ecological enhancement area' within the north eastern portion of the site and an 'ecological corridor' resulting in enhancement to the existing northern boundary to the site. These are detailed on the Parameters Plan and ensure compliance of the proposal with Policy NE 1.
- 6.21 Policy NE 1 states that significant harm to locally designated sites will not be permitted unless *'the need for, and benefit of, the development is demonstrated to clearly outweigh the need to safeguard the intrinsic nature conservation value of the site and compensatory measures are implemented'*. Given the feedback from Staffordshire Wildlife Trust following amendments to the proposal it is not considered that significant harm is being caused and therefore the development is policy compliant without compensatory measures.

Trees

- 6.22 National policy places great importance on the retention of existing trees and the planting of new trees, within the street, in new development, paragraph 131. Local Plan policy NE 2 - Trees, Woodland and Hedgerows requires that existing woodlands, healthy trees and hedgerows are retained and integrated into new development. The submitted Parameters Plan demonstrates how the retention, enhancement and integration of existing trees on site is to be achieved.
- 6.23 During the determination period there have been several rounds of discussions and requests for additional information regarding the impact of the proposal on the existing trees on and adjacent to the application site. This outline application is supported by an Arboricultural Impact Assessment (AIA/ORC/08/22) and Arboricultural Impact Assessment Technical Note (AIA/KRN/08/22/TN).
- 6.24 The arboricultural officer states that there are three broad groups of existing hedges and trees. It is these three groups that are key considerations in assessing the impact of the proposal. Whilst this is an outline application and the Illustrative Layout provided will not be secured if outline permission is given, the purpose of the submitted Layout is to demonstrate that the number of units can be provided without negative impacts. Impact on trees is therefore a key consideration even at this outline stage.
- 6.25 The first of the groups to be considered is the off-site mature trees and hedgerow along the northern boundary of the site. These lie between the application site and Hales Hall Pool, an SBI. These trees make a significant contribution in terms of visual amenity, landscape setting and biodiversity. Some of the trees within this area are Yews that were planted beside Hales

Hall Pool when it formed part of the Hales Hall estate, they are estimated to have been planted when the pool was constructed in 1712. The yews are not the only mature trees of value in this group. The Root Protection Areas (RPAs) of the trees within this group extend into the application site and thus have been considered within the submitted Arboricultural Impact Assessment (AIA). This work has been reviewed and commented on by the Arboricultural Officer multiple times. Initial comments from the Arboricultural Officer highlighted a concern regarding the encroachment of the internal access route and some private drives into RPAs of these trees. A series of specific proposed units were considered to have a poor relationship with some of the trees within this group which would result in pressure on the trees over the longer term from pruning or felling. The Arboricultural Officer concluded that these impacts could be avoided through a redesign of the Illustrative layout and therefore the impact could be avoided.

- 6.26 The second group considered to be impacted by the proposal is the mature hedgerow and trees located along Oakamoor Road at the southern boundary of the site. The retention of the existing hedgerow was welcomed and the proposed access, a matter that is the concern of this outline application is not considered to adversely impact this group of trees and hedgerows.
- 6.27 The third group of trees considered in detail is the area of woodland situated around the pond located in the eastern part of the site. This pond and woodland form part of the Cheadle Fish Ponds SBI and is considered to be important in the setting of the Hales Hall Pool Local Nature Reserve. The Arboricultural Officer raised concerns relating to the proximity of the internal route and proposed dwellings to this group and the resultant loss of trees that currently form part of the woodland and SBI. This third group has a wider benefit to the landscape setting of the site and contributes to the character of Oakamoor Road as it enters Cheadle from the east. This woodland therefore has landscape significance in addition to biodiversity and arboricultural value.
- 6.28 Due to the impact of the Illustrative Layout on the first and third groups as set out above, the Arboricultural Officer objected to the proposal requesting a redesign to demonstrate that the number of units proposed could be accommodated without the harm identified.
- 6.29 Addressing these comments was one of the motivations for the applicant's provision of a revised Illustrative Layout, accompanied by an Arboricultural Impact Assessment Technical Note (AIA/KRN/08/22/TN) in September 2023. Following receipt of this additional work, the Arboricultural Officer welcomes the redesigned Illustrative layout yet retains some concerns particularly relating to the third group, the woodland around the pond. Given the application is outline, he agrees to the principle of the proposal, that 48 dwellings can be accommodated on the site, but wishes it to be clear that the positioning and impact of the internal route layout will require further work at the reserved matters stage to ensure the impact on trees is acceptable. This can be achieved as the only part of the layout to be secured by this outline

application if permitted, is the access to the site and not the internal road layout.

- 6.30 The Arboricultural Officer requests planning conditions that require further investigation into the engineering measures necessary for the layout proposed at the Reserved Matters stage. Concerns are raised regarding the proximity of this woodland to plots 28-32 and this element of the layout may require amendment as a result, Staffordshire Wildlife Trust have suggested a buffer around the woodland. An updated version of the submitted Parameters Plan is expected showing this buffer and will be referenced in the approved plans condition.
- 6.31 The implementation and detail of these elements and the protection of specific trees and enhancement of key parts of the site, is a matter for a subsequent Reserved Matters application. A comprehensive landscape strategy for the whole site and its relationship with the Hales Hall Pool Local Nature Reserve will be a crucial element of that submission, this will be required via Policy NE 2.
- 6.32 For the purposes of this outline planning application, the proposal is considered to comply with the relevant national and local policies subject to planning conditions set out above.

Landscape and visual impact

- 6.33 National planning policy requires that planning decisions ensure that new development is sympathetic to landscape setting and maintains a strong sense of place, paragraph 130 NPPF. Given the edge of settlement location of the site, the transition between the urban edge of Cheadle and the wider landscape in addition to the impact of the proposal on views are all matters for consideration in the determination of this outline application.
- 6.34 The landscape visual impact of the proposal is a matter that should be considered at the outline stage as it is linked to the principle of development. Comments on the visual impact of the proposal were received from the Council's Trees and Woodlands Officer. These comments identify key views through the site and the contribution it currently makes to the area as land with an undeveloped rural character. Views from the Hales Hall Pool car park and Hales Hall Pool circular walk of the site are referenced, as are longer distance views through the site to the local landmark of St Giles Church spire. The development of the application site would alter this character and result in an extension to the suburban character of Cheadle seen on Rudyard Way adjacent to the site's western boundary.
- 6.35 Initial comments from the officer raised concern regarding the dense and formal layout with insufficient space for structural planting, whilst recognising the illustrative nature of the proposed layout. The focus of this concern was the proposal to erect dwellings in between the LNR car park and the woodland and pond located on the site. This part of the site is the most visually prominent when approaching Cheadle and sits higher than the remainder of

the site. This is the part of the site that is most visible from the LNR also. The visual impact of the development of the site would be less pronounced from the north and south west of the pool due in part to the topography and the maturity of the existing boundary between the pool and the application site. The Trees and Woodlands Officer concluded that the proposal would lead to a significant adverse visual impact on views from Oakamoor Road and harm the setting of Hales Hall Pool.

- 6.36 Following receipt of the above comments, the applicant submitted a revised Illustrative Layout in September 2023. This sought to address comments from multiple consultees including those related to landscape impact. The most significant revision was the removal of plots 43-53 from the eastern end of the site to create an 'ecological enhancement area' and reduce the encroachment of the developable area into the existing woodland on site.
- 6.37 Commenting on the revised Illustrative Layout the Trees and Woodlands Officer remains concerned about the visual impact of the proposal, particularly from the eastern edge in relation to plots 28-32 which sit in the most visually prominent part of the site and will form the new gateway into Cheadle. Whilst illustrative, the revised layout does demonstrate space for an 'ecological corridor' along the northern boundary, gives more of a buffer around the hedgerow fronting Oakamoor Road and generally provides more opportunity for structural planting. These features could be secured via the Parameters Plan and detailed further within a Reserved Matters application.
- 6.38 Overall, whilst the layout is illustrative at this stage, it demonstrates that development of this site for up to 48 new dwellings will have an adverse landscape visual impact. The impact is less significant than would result from the original proposed number of 53 dwellings. If outline approval is to be granted it is recommended that a series of planning conditions are attached requiring detailed work specifying how the visual impact, particularly in the eastern corner of the site, is to be reduced. Specifications for the ecological corridor, site boundary enhancements and management of the 'ecological enhancement area' would be central to a reserved matters application.

Design and layout (inc. amenity)

- 6.39 The NPPF 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 Policy DC 1 of the Local Plan and the Staffordshire Moorlands Residential Design Guide SPD.
- 6.40 This application seeks outline planning permission with all matters reserved except access. Matters of detailed site layout and architectural design are therefore held in abeyance at this stage and are not considered as part of this application. Despite this, initial consideration has been given to the opportunities and constraints of the site, including the developable area which

is considered to be appropriate from both technical, visual and design perspectives.

- 6.41 Following negotiation with the applicant, a proposed Parameters Plan has been agreed which provides an understanding of the parcels of development to be delivered on site. This includes areas of residential development as well as parcels of public open space, ecological corridors, landscaping and an ecological enhancement area. This plan will form an approved drawing and will ensure that the delivery of these broad areas is secured as part of further applications relating to the reserved matters.

Impact on heritage assets

- 6.42 The site location lies directly south of Hales Hall Pool (formerly Hales Hall fishpond) which appears within the Staffordshire Historic Environment Record (HER 01626/MST1618) such is its historic association with the Grade II* listed Hales Hall which is located in excess of 300 metres east of the site. It is understood that the pond dates to the 18th century and forms part of the original landscape of Hales Hall, though the pool itself is not scheduled, listed or locally listed.
- 6.43 Such is the historic relationship between Hales Hall Pool and Hales Hall the heritage impact of the proposed development on the Pool has been assessed as part of the application and overall planning balance. This forms part of an overall assessment of the impact of the proposed development on the setting of the Grade II* listed Hales Hall according to the requirements and provisions of policy DC 2 of the Local Plan, chapter 16 of the NPPF and section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.44 A Heritage Statement and associated impact assessment has been submitted as part of the application. In respect of the pond, this identifies that there has been significant residential development to the north and west of Hales Hall Pool which have eroded the significance of the pool as an asset itself. This is acknowledged, and although the proposed development would add further development to the southern boundary of the pool, it is proposed that this is undertaken in a way which achieves a sympathetic relationship. An ecological corridor between the development and the pool is proposed, and a significant area of woodland is to be retained to the north-west of the site. An area of ecological enhancement is also proposed to the east of the site, and in combination with the other measures above, as well as existing trees, a soft boundary will be established to create a positive relationship between the pool, hall and proposed development.
- 6.45 It is accepted that there would be some resultant harm upon the setting of Hales Hall by virtue of the enclosing nature that the development would have on the associated pool as identified by the conservation officer. This pool traditionally forms part of the Hall's historic landscape and undoubtedly part of its tangible setting. However, the level of harm arising is assessed as very limited because of the substantial level of detachment that the proposed

development would have from the Hall and its setting. This conclusion is also due to the significant mature trees lining its northern boundary (to be protected through the introduction of an ecological corridor) and an existing car park and caravan park located to the east, closer in proximity to the heritage asset and still within its setting. This spatially detaches the site from the heritage asset and there is also a clear visual separation with no intervisibility between the site and the hall. This notwithstanding, proposed landscaping and ecological enhancement, which would be safeguarded as part of an approval of planning permission by condition, will further limit any harm inflicted upon the setting of Hales Hall.

- 6.46 As such, it is considered that the development proposal would lead to less than substantial harm to the significance of a designated heritage asset, outweighed by the public benefit of the development which will secure additional housing supply at a time when the Council cannot demonstrate an adequate 5 year deliverable supply of housing, in accordance with paragraph 202 of the NPPF.
- 6.47 Whilst it is acknowledged that the accompanying stables and coach house located alongside Hales Hall are Grade II listed, there is no identifiable impact upon the special historic or architectural interest and significance of these buildings. The buildings and their immediate setting will be unchanged.
- 6.48 As such, the impact of the proposed development on designated heritage assets is acceptable, in accordance with policy DC2 of the Local Plan, paragraph 202 of the NPPF and section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.49 Notwithstanding the above, the site's location within proximity to Hales Hall and its associated landscape means that it is advised that a staged archaeological evaluation be conducted in order to determine the significance of any surviving archaeological remains and to assess the need for and scope of further archaeological mitigation (such as excavation, watching brief etc.). Appropriate conditions have been provided by the relevant environmental specialist and are proposed as part of this recommendation to approve.

Highways and access

- 6.50 Policies DC1 and T1 both require that new developments are effectively assessed to understand the impacts they may have on the local highways network and highway safety, but also to ensure that they prioritise sustainable modes of transport such as walking, cycling and the use of public transport.
- 6.51 This outline application seeks permission for the principle of residential development on the site, including the number of units and a detailed access arrangement off Oakamoor Road. Therefore, a key consideration in the determination of this application is the design and functionality of the site access from a highways safety perspective. In terms of sustainability, the site is located directly adjacent to the Cheadle settlement boundary and half a mile from shops and services on Tape Street. A footpath already exists on the

northern side of Oakamoor Road providing safe pedestrian access into the town. At the Reserved Matters stage more detailed measures to encourage walking and cycling will be required.

- 6.52 Feedback received from the Highways Authority on the originally submitted Illustrative Layout amounted to an objection on the grounds of inadequate visibility splays at the access point, concerns regarding the proposed swept paths and a lack of consideration in the application of the impact of the proposal on Cheadle Town centre. Additionally, the highways officer stated that in order to change the speed limit near the proposed access point, a Traffic Regulation Order (TRO) would be required, of which there is no guarantee. Consideration of parking within the internal layout was given. However, it is relevant insofar as to check the Illustrative Layout can accommodate sufficient parking in line with standards further analysis of this element of the proposal is not required at outline stage.
- 6.53 Following the above feedback and submission of a revised Illustrative Layout and Highways Note, the Highways Officer confirmed that the new visibility splays and swept paths complied with standards and were acceptable. The revised layout is considered to be an improvement in highways terms although a Reserved Matters proposal would be subject to more detailed scrutiny. A request has been made for contributions towards footpath improvements between the site and Cheadle Town Centre, to provide tactile pavements at key crossings. Final comments were awaited from the Highway Officer at the time of report preparation and an update will be provided for Members.

Drainage and flood risk

- 6.54 Policy SD 5 of the Local Plan requires that new development carefully considers the potential it may have to increase the risk of flooding in line with the provisions and requirements of the NPPF.
- 6.55 The site location lies solely within Flood Zone 1 based on the Environment Agency's Flood Map for Planning. The nearest Main River to the site is Cecily Brook located approximately 280m west of the site. Due to the proximity of the river to site and the surrounding topography, the risk of flooding from Cecily Brook is considered to be 'very low'. A very small portion of the site to the south of the existing pond is deemed to be at a 'low' risk of surface water flooding, with the rest of the site considered to be at 'very low' risk according to data held for the site.
- 6.56 A comprehensive flood risk assessment and drainage strategy submitted as part of the application indicates that subject to matters of detailed design, excess surface water can be managed effectively as part of the development. This has been reviewed by the lead local flood authority who raise no objection subject to a pre-commencement condition requiring a fully detailed drainage design submitted for approval. This condition will also ensure that an appropriate management and maintenance plan is in place and that sufficient

measures will be put in place to ensure no increase in flood risk during the construction phase.

- 6.57 In light of the above, the application is judged to be in accordance with the adopted development plan and national policy in this regard.

Air Quality, Contamination and Noise

- 6.58 Other technical considerations have also been fully assessed in arriving at the officer recommendation to approve this application. There has been significant revision and amendments to an Air Quality Assessment submitted in support of the application due to issues regarding the acceptability and reliability of traffic and highways data used to inform potential impacts on air quality. The Council's Environmental Health Officer has confirmed that subject to the highways authority accepting the data used the Air Quality Assessment is acceptable, although the local highways authority are yet to confirm this. Should the highways authority require further revisions, a suitable condition can be prepared to ensure that this is undertaken following approval. An update will be provided on this matter.
- 6.59 A phase I desk study and Coal Mining Risk Assessment (CMRA) has been undertaken and submitted as part of the application. The study concludes that the site has a low risk of contamination but there are two disused mine shafts on site that require further investigation. In respect of contamination, the report recommends further intrusive works to confirm the low risk postulation and determine the site's ground gas regime for which suitable conditions have been agreed. Equally, a range of conditions at various stages of development as proposed by the coal authority will ensure further site investigations are undertaken to determine the exact implications of below ground conditions specifically relating to coal on the proposed development.
- 6.60 The proposed development is adjacent to a main road B5417 Oakamoor Road and approximately 100 metres from Hales Hall Caravan Park. As a result, a condition to ensure that a site specific scheme for protecting the proposed residential dwellings from noise impacts is submitted for approval by the local planning authority.
- 6.61 Finally, given the proximity of nearby residential properties it has also been agreed that a construction environmental management plan (CEMP) is produced following approval to limit any nuisance during the construction phase of the development from noise, dust or other adverse effects.

Affordable housing and contributions

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

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

- 6.64 The authority has an existing Developer / Landowner Contributions SPG (2004) that is in the process of being replaced. The document sets out how contributions will be sought from developers towards the provision of community facilities and infrastructure improvements that are directly related to the development or the use of the land and must be reasonable in terms of scale and kind.
- 6.65 Contributions towards education, in particular school places will be requested where new development exceeds capacity.
- 6.66 Transportation improvements to walking routes that enhance the attractiveness of walking and public safety may be requested. In this instance, the request from SCC for tactile paving falls into this category.
- 6.67 Provision of Affordable Housing is covered within Policy H3 where schemes of 10 dwellings or more (major) are to provide 33% Affordable Housing on site. Alternative percentages of provision or off site provision will only be permitted where viability justifications are presented and agreed by the authority. The applicant has not put forward a viability argument and has confirmed that they intend to agree to Affordable Housing provision in line with policy.
- 6.68 Policy C2 - Sport, Recreation and Open Space seeks to ensure that high quality recreational open space is provided by major development proposals. The provision should be necessary and reasonably related in form and scale to the proposal. In the Developer / Landowner Contributions SPG (2004), Cheadle is identified as an area with playing field shortages. The Sports and Recreation team have requested a contribution to off site playing pitches, in line with the Open Space Study and Playing Pitch Strategy.
- 6.69 The following heads of terms have been agreed with the applicant and these will form the basis of the legal agreement:
- £31,200 to cover increase in use and coverage of local healthcare facilities, linked to the Construction Tender Price Indices (TPI).
 - Trigger - 50% to be paid on commencement of the development and 50% on commencement of 50% of the dwellings.
 - £350,940.72 (index linked from August 2023) to mitigate the impact on education from the development.
 - Trigger - 50% to be paid on commencement of the development and 50% on commencement of 50% of the dwellings.

- £18,000 to provide tactile paving on dropped crossings located between the application site and Cheadle Town Centre (£3000 per tactile).
 - Trigger – prior to occupation of the first dwelling.
- 33% affordable housing contribution comprised of 60% affordable rent and 40% shared ownership. All properties are to meet NDSS standards.
- An off site contribution for playing pitches to be delivered within a 3km radius of the development consisting of a Sports Pitch contribution (total sum of the total number of bedrooms x £705.92). If no on-site play is provided at Reserved Matters stage then a Play contribution will be required (total sum of the total number of bedrooms x £565.73).
 - Trigger – prior to 10% occupancy

6.70 The above heads of terms are in line with expectations for developer contributions as set out within the development plan. The applicant has confirmed their willingness to enter into such an agreement if the planning committee resolve to approve the application, as per standard procedure. The proposal is thus policy compliant in this regard.

7.

8. **PLANNING BALANCE**

- 8.1 In accordance with the Town and Country Planning, Planning and Compulsory Purchase Act, 2004, planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development conflicts with policies in the development plan concerning strategic housing location (Policy SS 1) due to its position outside of the settlement boundary of Cheadle.
- 8.2 However, the NPPF is a strong material consideration in the determination of applications. It sets out a presumption in favour of sustainable development and places great emphasis on the delivery of new housing to ensure sufficient five year housing land supply. Where a Local Planning Authority cannot demonstrate a five year housing land supply, paragraph 11 of the NPPF applies. This states that in this situation development plan policies concerning housing are considered 'out of date' and the 'titled balance' applies which places the weight of decision making in favour of giving planning permission. In this instance the 'titled balance' applies as the LPA have a housing land supply of 3.71 years (2022).
- 8.3 The provision of housing and in particular the provision of 33% Affordable Housing must be given significant weight in the determination of this application. The site is located adjacent to the settlement boundary within walking distance of Cheadle Town Centre and on a bus route. It can be

considered to be sustainable located which also carries weight in favour of approval.

- 8.4 Key matters in the assessment of the proposal centred on the impact of the development on ecology and biodiversity and on nearby heritage assets. Following consultation feedback from Staffordshire Wildlife Trust and the conservation officer and amendments and additional documents provided by the applicant, it is considered that the proposal will result in limited harm to the Local Nature Reserve and less than substantial harm to the setting of the heritage assets of Hales Hall and the existing associated ponds. There is conflict with Policy DC2 and NE1 in this regard.
- 8.5 However, it has been demonstrated that the proposal will secure biodiversity net gain. Furthermore, the Parameters Plan identifies an enhanced 'ecological corridor' and 'ecological enhancement area' that in the original Illustrative Layout contained dwellings. Whilst the layout is illustrative at this stage, it demonstrates that development of this site for up to 48 new dwellings will have an adverse landscape visual impact. However, the impact is less significant than would result from the original proposed number of 53 dwellings, nevertheless, some conflict with Policy DC3 remains in this regard.
- 8.6 Overall, the public benefit offered by the proposal through these features in conjunction with the delivery of housing are considered to outweigh the conflicts with development plan policy identified. In accordance with paragraph 11 of the NPPF it is therefore recommended that the application be approved subject to the signing of a section 106 agreement and a series of planning conditions.

9. RECOMMENDATION

A. Delegate Authority to the Head of Development Services to APPROVE following expiry of the site notice subject to no new substantive issues being raised and the prior completion of a Section 106 Agreement to secure:

- £31,200 to cover increase in use and coverage of local healthcare facilities, linked to the Construction Tender Price Indices (TPI).
- £350,940.72 (index linked from August 2023) to mitigate the impact on education from the development.
- £18,000 to provide tactile paving on dropped crossings located between the application site and Cheadle Town Centre (£3000 per tactile).
- 33% affordable housing contribution comprised of 60% affordable rent and 40% shared ownership. All properties are to meet NDSS standards.
- An off site contribution for playing pitches to be delivered within a 3km radius of the development consisting of a Sports Pitch contribution (total sum of the total number of bedrooms x

£705.92). If no on-site play is provided at Reserved Matters stage then a Play contribution will be required (total sum of the total number of bedrooms x £565.73).

and subject to the following conditions and informatives:-

- 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. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and thereafter the development shall only be carried out in accordance with the details as approved.**

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3. Details of the Layout, Scale, Appearance and Landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced and thereafter the development shall only be carried out in accordance with the details as approved.**

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Articles 4 and 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 4. The development hereby permitted shall be carried out in accordance with the following approved plans:**
 - Location Plan (S3-A)**
 - Parameter Plan (S3-A)**
 - Highways Technical Note (TN03 v1.3)**

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

Details of Reserved Matters

- 5. The reserved matters application(s) shall be based on the Nationally Described Space Standards.**

Reason: To ensure dwellings of adequate size in line with national policy.

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

Reason: To ensure an appropriate mix of units.

- 7. Applications for the approval of reserved matters shall be accompanied by full details of all proposed play areas and associated play equipment. For the avoidance of doubt the submitted details shall include the specification and nature of all proposed surfacing, informal/formal play equipment and details of existing and proposed land levels and all associated landscaping and boundary treatments.**

The development shall be carried out in strict accordance with the approved details.

Reason: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality and allows for the provision of an acceptable and adequate form of usable public open space to serve residents of the development and wider community.

Trees and landscape / visual impact

- 8. The first reserved matters application shall be accompanied and informed by an updated tree protection plan and arboricultural method statement based on the submitted Arboricultural Impact Assessment and Method Statement dated September 2022 (Ref: AIA/ORC/08/22) and the submitted Arboricultural Impact Assessment Technical Note dated September 2023 (Ref: AIA/KRN/08/22/TN). The updated report will include details of engineering measures necessary for the layout proposed and the development shall subsequently be carried out strictly in accordance with the updated Report.**

Reason: To protect existing trees and hedgerows during construction in the interests of the character and appearance of the area.

- 9. No trees, shrubs or hedgerows shall be removed 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 to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds.**

Reason: To protect existing trees and hedgerows in the interests of the character and appearance of the area.

- 10. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until a scheme for the hard and soft landscaping of the site shall be submitted to and approved in writing by the local planning authority.**

For the avoidance of doubt the submitted details shall include the following: types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and specifications of all retaining structures (where applicable) and detailed timings and phasing for the carrying out of the submitted details.

The submitted details shall also identify a buffer zone measuring a minimum of 10 metres from all key habitats and provide details of amphibian-friendly road and drainage design.

Notwithstanding the above, the approved soft landscaping scheme shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 20 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted. For the avoidance of doubt all trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

Reason: To ensure the proposal is satisfactorily landscaped and trees/hedgerow of landscape/visual amenity value are retained as part of the development.

- 11. Applications for the approval of reserved matters shall be accompanied by full details of the proposed surface water attenuation ponds and all other water bodies on site.**

For the avoidance of doubt the submitted information shall include existing and proposed sections through each pond including relevant existing and proposed land levels and details of all associated landscaping and boundary treatments where applicable.

The development shall be carried out in strict accordance with the approved details and the attenuation ponds and/ or other water bodies shall be constructed and operational prior to any of the dwellings/ units hereby approved.

Reason: To ensure a satisfactory form of development in the interests of visual and residential amenities and to ensure the Local planning Authority can make an accurate assessment of the details relating to matters of flood risk and sustainable drainage.

Biodiversity and ecology

12. **The proposed development shall be implemented in accordance with the species protection and mitigation measures and recommendations as set out in the preliminary ecological appraisal dated September 2022, Ecology Technical Note dated 4 August 2023 and section 2 of the Reptile and Amphibian Reasonable Avoidance Measures Method Statement dated November 2022 in addition to any subsequent or updated surveys.**

For the avoidance of doubt, this shall include a full breeding bird survey which shall be submitted as part of an application for the approval of reserved matters, in addition to all other aforementioned reports and documents stated within this condition which shall also be updated and submitted.

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

13. **No development including site clearance shall take until a Construction Environmental Management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). This must include:**
- **Risk assessments of potentially damaging construction activities.**
 - **Identification of biodiversity protection zones.**
 - **Practical measures during construction to avoid or reduce impacts during construction (may be provided by method statements).**
 - **The location and timing of sensitive works to avoid harm to biodiversity.**
 - **Confirmation that there will be no clearance of trees, shrubs, tall ruderal or brambles between 31st March and 31st August inclusive unless a competent ecologist has undertaken a careful detailed check of vegetation for active birds nests, immediately before vegetation removal, and provided written confirmation that no birds will be harmed and/or appropriate methods are in place to protect nesting bird interest on sites. Any such written confirmation should be submitted to the LPA for its written approval before any clearance of trees, shrubs, tall ruderal or brambles.**
 - **Suitable methodology for the removal of Japanese Rose before any work is undertaken on the hedgerows.**
 - **Lighting used during construction to minimise impacts on wildlife.**
 - **Open excavations or pipes to be sealed at night. Ramps / planking to be installed to permit wildlife to escape being trapped in structures during construction.**
 - **The role and responsibilities of an ecological clerk of works or similar competent person.**
 - **Disposal of waste material on site.**
 - **Use of protective fences, exclusion barriers and warning signs.**

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

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

- 14. The first reserved matters application shall be accompanied by an Ecological Management and Monitoring Plan. The Plan should provide detail on proposed habitat creation, management and the intended monitoring of habitat and species gains, shall address mitigation and enhancement and should include the following (although this list should not be regarded as exhaustive):**
 - a) Purpose and conservation objectives of the proposed enhancements.**
 - b) Detailed designs and/or working methods to achieve stated objectives.**
 - c) Extent and location of proposed works on appropriate plans and scale maps.**
 - d) Type and source of material used where appropriate e.g. native species of local provenance.**
 - e) Creation and enhancements of semi natural habitats linked to Staffordshire and UK biodiversity Action Plan priorities prioritising the enhancement and creation of hedgerows and associated buffer strip (up to 2m from hedgerows).**
 - f) Provision for linear wildlife corridors and stepping stone habitats linked into the surrounding landscape and Local Wildlife Site (LWS) promoting habitat connectivity.**
 - g) Assess diverse and priority habitats against Local Wildlife Criteria for potential designation or addition to the existing site of biological importance, also known as 'Hales Hall Pool'.**
 - h) Timetable for the implementation of works demonstrating that works are aligned with the proposed phases of the development. This should include a ten year plan detailing implementation, monitoring and remediation and habitat maintenance measures.**
 - i) Creation of bird nesting features for bats, house martin and house sparrow within new buildings.**
 - j) Creation of grassland areas to include soil preparation, seeding or creation using green hay, initial and long term maintenance including cutting regimes and protection from disturbance.**
 - k) A lighting design plan and technical specifications to minimise light spill into surrounding hedgerows and the adjacent countryside. Lighting must demonstrate acceptable impacts on foraging or commuting bats that may use adjacent hedgerows and allow birds species to exhibit undisturbed behaviour patterns.**
 - l) Garden planting to benefit pollinating insects including climbing species to create green infrastructure**
 - m) Persons responsible for implementing the proposed works.**

The EMP shall be implemented in accordance with the approved details and all features shall be retained in that manor thereafter.

Reason: In order to secure a net gain in biodiversity and ensure that any impacts upon non-protected and protected species are adequately mitigated.

Highways

- 15. No dwelling shall be occupied until such time that a vehicular access onto Oakamoor Road (B5417) including new footways and visibility splays have been fully constructed, in accordance with the Highways Technical Note (TN03 v1.3) dated September 2023 submitted in support of the application**

Reason: In the interests of highway safety in accordance with the NPPF.

Flood risk

- 16. No development shall begin until the final detailed surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must be in accordance with the drainage strategy outlined in the approved Flood Risk Assessment and Drainage Management Strategy Document (HYD759_OAKAMOOD.ROAD _FRA&DMS, Revision 2, 4th August 2023) and shall further demonstrate:**

- Surface water drainage system(s) designed in accordance with the non-technical standards for sustainable drainage systems (DEFRA, March 2015).**
- Evidence of infiltration testing in accordance with BRE digest 365 to confirm whether full or partial discharges of surface water can be made to ground via infiltration methods.**
- Limiting all offsite discharges to a maximum rate of 5 l/s.**
- Provision of attenuation storage to achieve the limited discharge.**

The drainage strategy approved at outline stage includes recycling features (water butts) and source control features (rain gardens, bioretention areas, tree pits and permeable paving) to control runoff at source.

Attenuation is provided by means of an attenuation basin and additional storage tanks.

The final design shall ensure that all SuDS features are in public areas to allow access for management and maintenance. SuDS features shall not be located within private gardens.

- SuDS design to provide sufficient water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.**

- **Mitigation indices are to exceed pollution indices for all sources of runoff. All SuDS measures are to be demonstrated on the drainage plan.**
- **Detailed design (plans, network details and full hydraulic calculations) in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements.**
- **The design shall include a drawing showing the contributing impermeable areas of the development layout. The total impermeable area of the site shall be increased by a factor of 10% to model the impact of urban creep over the lifetime of the development.**
- **Calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations (15 minutes to 7 days), to include as a minimum the 1-year, 30-year and 100-year return periods including an allowance for climate change (40%). FEH Rainfall data shall be used in the hydraulic modelling.**
- **The drainage plan shall include the finished floor levels of properties which are to be set at 150mm above surrounding ground levels. As a minimum, and where level access is required, the LLFA require all ground levels to slope away from access and egress points to prevent surface water ingress.**
- **Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.**
- **Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.**
- **To include the name and contact details of the body(-ies) responsible.**
- **The development shall thereafter proceed in accordance with the approved details.**

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

17. **The developer is 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.

18. **The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.**

The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Environmental health

19. **No phase of the development hereby permitted shall take place except for works of site clearance and demolition until a Construction and Environmental Management Plan for that phase of the site has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-**
- I. **the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;**
 - II. **the method and duration of any pile driving operations (including expected starting date and completion date);**
 - III. **pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;**
 - IV. **the arrangements for prior notification to the occupiers of potentially affected properties;**
 - V. **the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;**
 - VI. **a scheme for the management and suppression of dust and mud from construction activities, incorporating a vehicle wheel washing facility as well as all of the mitigation measures outlined in table 19 of the Air Quality Assessment Oakamoor Road, Cheadle Reference: 6811r2 submitted in support of this application.**
 - VII. **a scheme for recycling/disposal of waste resulting from the construction works;**
Routing of HGV's and details relating to construction access
 - VIII. **the parking of vehicles of site operatives and visitors**
 - IX. **the loading and unloading of plant and materials;**
 - X. **the storage of plant and materials used in constructing the development;**

- XI. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- XII. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works,
- XIII. 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,
- XIV. 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,

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: In order to minimise the impact of construction activity on the surrounding environment in accordance with the National Planning Policy Framework.

20. **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 when the light (s) is (are) in operation. Details of all artificial lighting to be installed under this permission should be submitted to and approved by the Local Planning Authority prior to development commencing.**

Reason: To protect the local amenities of the local residents and limit impact on local habitats by reason of excess of illuminance.

21. **Development shall not commence until a site specific scheme for protecting the proposed residential units from noise, has been submitted to, and approved in writing by the Local Planning Authority.**

The submitted scheme shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and the ProPG - Planning and Noise: New Residential Development. It should be designed to achieve noise levels of less than 30dB LAeq in bedrooms (night time), 35dB LAeq in bedrooms (daytime), less than 40 dB LAeq in living areas and 50dB LAeq in outside living areas.

A report shall be produced containing all raw data and showing how calculations have been made. A copy of such report shall be submitted to the Local Planning Authority for its approval.

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

22. Development shall not commence until:

A) a site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, in accordance with a scheme to be agreed with the Local Planning Authority. Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority.

B) If the site risk assessment (a) indicates that potential risks exist, development shall not commence, until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared, and is subject to the approval in writing by the Local Planning Authority.

C) Following completion of measures identified in the approved remediation scheme (b) 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.

D) If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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.

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

evidence submitted to and approved in writing 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.

- 24. Prior to the commencement of the development an updated air quality assessment, including the calculation of pollution damage costs, shall be carried out to determine the air-quality impact in the vicinity of the proposed development and wider road network. The pollution damage costs shall be based upon the impact of the development following the adoption of mitigation measures agreed with the local planning authority.**

The methodology for the assessment and damage cost calculation shall have regard to Air quality appraisal: damage cost guidance published by defra and Good Practice Air Quality Planning Guidance and shall be agreed in writing with the local planning authority before commencement of the assessment.

Where necessary, a scheme for protecting future and existing residential occupiers in the vicinity from the effects of nitrogen dioxide and airborne particulate matter arising from the development and mitigation measures to alleviate the impact of the scheme equivalent to the calculated damage costs, shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed prior to the occupation of the building[s] hereby approved, and thereafter maintained for the lifetime of the development.

Reason: In order to safeguard the amenities of the occupiers of the proposed dwelling[s] and surrounding areas in respect of atmospheric pollution.

- 25. The undertaking of intrusive site investigations identified within Section 9 of the Phase I Desk Study and Coal Mining Risk Assessment (22214/1, August 2022) shall be carried out prior to the submission of the reserved matters application.**

Reason: In order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

- 26. As part of the reserved matters application a scheme of intrusive site investigations should be carried out on site to establish the risks posed to the development by past coal mining activity, and; any remediation works**

and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been identified in order to ensure that the site can be made safe and stable for the development proposed. This should include the submission of a layout plan which identifies the location of the two on-site mine entries together with the calculated zones of influence and the definition of suitable 'no-build' exclusion zone.

Reason: In order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

- 27. Prior to commencement of development any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, identified by site investigations, must have been implemented on site in full.**

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

Archaeology

- 28. A) 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. 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 written scheme of archaeological investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Any subsequent archaeological mitigation must be the focus of a separate WSI produced after the evaluation stage and following detailed discussions with the LPA's archaeological advisor.

Reason: To protect the historic environment including below ground archaeology.

Informatives

NOTE: we would strongly recommend the Developer/Applicant to make contact with STW and look to submit a Development Enquiry for this development site; this will discuss the drainage proposals for site, and if any issues, look to resolve them. It is best to visit our website: <https://www.stwater.co.uk/building-and-developing/new-site-developments/developer-enquiry/> and follow the application form guidance to begin this process.

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

- Air quality appraisal: damage cost guidance, published by defra is available here: <https://www.gov.uk/government/publications/assess-the-impact-of-air-quality/air-quality-appraisal-damage-cost-guidance>
- All lighting details should be provided with predicted LUX levels at the cartilage of the nearest residential receptors. This should be undertaken in line with the Institute of Lighting Engineers Guidance on intrusive lighting.
- A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>
- Any approved noise scheme and measurements should pay due regard to British Standard BS8233:2014 Sound insulation and noise reduction for buildings (Code of Practice), ProPG- Planning and Noise: New Residential Development and BS4142:2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound
- Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/document/s/statnuisance.pdf>
- During any demolition and construction activities (including landscaping) the contractor should take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
- The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils <http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>
- Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)

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

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence. Contact details: info@naturespaceuk.com

It is a policy requirement (as detailed in Policy 1.2 of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan, and as supported by paragraph 8 of the National Planning Policy for Waste) to make better use of waste associated with non-waste related development. In accordance with Policy 1.2, all 'major development' proposals (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, or any subsequent changes/revisions) should:

- i. Use / Address waste as a resource;
- ii. Minimise waste as far as possible;
- iii. Demonstrate the use of sustainable design and construction techniques, i.e.: resource-efficiency in terms of sourcing of materials, construction methods, and demolition;
- iv. Enable the building to be easily decommissioned or reused for a new purpose; and enable the future recycling of the building fabric to be used for its constituent material;
- v. Maximise on-site management of construction, demolition and excavation waste arising during construction;
- vi. Make provision for waste collection to facilitate, where practicable, separated waste collection systems; and,
- vii. Be supported by a site waste management / waste audit if the development is likely to generate significant volumes of waste - updated to take account of Planning Practice Guidance – Waste – Determining planning applications - paragraph 049 - Should significant developments include a waste audit?

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