

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

25th April 2024

Application No:	SMD/2024/0031	
Location	Land off Tenford Lane, Upper Tean	
Proposal	Variation of Conditions 1 and 10 of Reserved Matters approval SMD/2021/0491 for a residential development of up to 40 houses.	
Applicant	Markden Homes	
Agent	Emery Planning	
Parish/ward	Cheadle	Date registered: 19 th January 2024
If you have a question about this report please contact: Chris Johnston, tel: 01538 395400 ext. 4123, email: Christopher.johnston@staffsmoorlands.gov.uk		

REFERRAL

The application is before the committee because it involves a major development, the original outline and reserved matters applications for which were also decided at the committee.

1. SUMMARY OF RECOMMENDATION

APPROVE subject to Conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site comprises two adjoining fields on the north side of Tenford Lane, a road running along the north edge of the village with existing housing to the south, facing the road. The development boundary for Upper Tean runs along the road with the application site excluded and so the site is deemed as being within the “open countryside” but is not within the Green Belt. The land slopes upwards towards the north. A short distance to the north of the site there is a former quarry (Mobberley Quarry) much of which is wooded and within an SMDC Nature Conservation site and covered by a Tree Preservation Order (TPO). There is an adjoining open field to the east side of the site. To the west is a group of farm buildings, some of which were formerly used as a dog kennels. The south boundary of the site is marked by a long hedgerow and there are a number of mature trees on this boundary, six of which are protected by TPOs. There is a field access in the south-west corner of the site, off Tenford Lane. Although the site is on the edge of Upper Tean, it is within the Parish of Cheadle. The Parish boundary runs along Tenford Lane. Development had commenced on site in August/September of 2023 and a number of houses in the middle of the site had reached roof ridge height by the time this new application was submitted in January 2024.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 This is a Variation of Condition planning application which seeks to vary Condition 1 of the Reserved Matters approval (SMD/2021/0491) which sets out all the drawing numbers and details which the approved development must be carried out in accordance with. The applicant, Markden Homes, wants to make a number of changes to the development and therefore Condition 1 will need to be amended to refer to the new drawings numbers which show the changes to the approved development and which the development must be carried out in accordance with. The developer also wants to vary Condition 10 which relates to the drainage strategy for the development. The proposed changes involve some levels changes and therefore the surface water drainage strategy is proposed to be amended to deal effectively drain the site and prevent flooding problems. The new strategy removes one of the drainage basins from the previous approved scheme.

3.2 A Variation of Condition planning application seeking changes to the approved schemes was submitted last year (SMD/2023/0240) and was refused at Planning Applications Committee on 16th November for the following reason(s):

The application, as submitted for this variation of conditions, proposes substantial and fundamental amendments to the scheme, changing or altering the operative part of the permission concerning:

- Levels of;*
- types of;*
- drainage of (affecting condition 10);*
- and position of*

development in a manner that changes the description of the development to include

the provision of a mix of houses and bungalows, contrary to the outline (SMD/2016/0811) which is beyond the powers provided by section 73 of the 1990 Town and Country Planning Act (as amended). The levels, types and positions of proposed dwellings would result in harm to amenity, overlooking of existing and proposed dwellings, harm to the character of the area and would fail to protect and enhance the environment and the setting of the village contrary to policies DC1(2) & (5), DC3(2), and SS1 of the adopted Staffordshire Moorlands Local Plan (2020).

That refusal is currently the subject of an Appeal which is under consideration by the Planning Inspectorate.

3.3 As set out in a scheme submitted on 26.1.24 (which made alterations to the application as originally submitted on 19.1.24), this application proposes the following amendments to the refused scheme (SMD/2023/0240) to respond directly to the concerns raised with the refused application:

- The ground level of the single storey dwellings (bungalows) on plots 31-40 would be lowered to that of the previously approved scheme (except Plot 38 which will be 0.02m (2cm) higher).

- The raised timber decking on plots 32-40 has been removed from the scheme.
- The rear dormer windows for plots 32, 34 and 36 have been removed and replaced with two small adjacent rooflights.
- The ground level of plots 25 to 39 would be the same as the approved scheme (except Plot 38 which would be 2cm higher).
- Plot 38 would no longer be relocated.
- Plots 32 and 33 would become a pair of 2-bed semi-detached affordable properties (single storey). This would replace 1 x 3-bed detached and 1 x 2-bed detached on the row of frontage properties. The new 2-bed semi-detached bungalows become a new 'K' house type of which there are two. The new two affordable units are a swap for Plots 19 and 20 (semi-detached two-storey houses) which are removed from the affordable quota. The number of affordable units on offer overall therefore remains the same.

3.4 The changes made for the new application (26.1.24) in relation to the previously approved Reserved Matters application (SMD/2021/0491) are as follows:

- Introduction of two new house types (type F which is single storey with an additional storey served by rooflights and G which is a single storey properties) on plots 31-40 across the frontage of the site. These bungalows would replace previous type 1 which were 4-bedroom detached two storey dwellings, some type 2, detached 3 bedroom, 2 storey dwelling (with an additional storey served by dormer windows in the roofspace) and some type 3 detached two storey dwellings. There is no change in the finished floor level from the approved scheme.
- Changes to ground levels around the distributor road. The levels remain as approved where the distributor road meets the highway and for the first few metres to the rear of the highway. In broad terms, there is an increase in levels for plot 1 to 10 and a decrease in levels for plots 11-24.
- Removal of one of the three drainage basins to the north of the distributor road.
- Removal of detached garage and introduction of an attached garage on house type A.
- Removal of 1no. dormer on house type B.
- Rearrangement of plots 13, 14 and 17.
- Rearrangement of plots 18, 23 and 24.
- House types B & C have changed from 3 beds to 4 Beds
- Addition of an ensuite above the porch on House Type C.
- Driveway alterations on plots 2 - 5.
- The 2 roads to the north of the site have been made private.

3.5 The range of accommodation offered is set as follows:

PREVIOUSLY APPROVED

Type A (4 bed): 11no. units
 B (3 bed): 8
 C (3 bed): 9 (inc one affordable unit)

D (2 bed semi's): 8 (all affordable but two in shared ownership)
E (3 bed semi's): 4 (all affordable)

Total: 4-bed dwellings = 11no. 3-bed dwellings = 21no. 2- bed dwellings = 8

REFUSED SCHEME (SMD/2023/0240)

Type A (4 bed): 9no. units
B (4 bed): 4
C (4 bed): 5 (inc one affordable unit which is 3-bed)
D (2 bed semi's) 8 (all affordable with two in shared ownership)
E (3 bed semi's): 4 (all affordable with two in shared ownership)
F (3 bed dormer) 4
G (2 bed bungalow) 6

Total: 4-bed dwellings = 17 3 bed dwellings = 9 2 bed dwellings = 14

NOW PROPOSED (SMD/2024/0031)

Type A (4 bed): 9no. units
B (4 bed): 4
C (4 bed): 4
D (2 bed semi's) 8 (6 x affordable with two in shared ownership)
E (3 bed semi's): 4 (all affordable with two in shared ownership)
F (3 bed dormer) 3
G (2 bed bungalow) 5
C1 (3 bed detached). 1 (affordable unit)
K (2-bed semi-detached bungalows). 2 (both affordable)

Total: 4-bed dwellings = 17 3 bed dwellings = 8 2 bed dwellings = 15

3.6 In response to the first part of the Reason for Refusal of SMD/2023/0240, regarding the use of a Variation of Condition application for the changes to the approved Reserved Matters scheme (i.e. a "Section 73" application), rather than a resubmitted Reserved Matters or Full Application, the covering letter submitted with the new application, dated 26.1.24, also states the following:

An application under Section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and

not to the operative part of the planning permission (PPG reference ID: 17a-013 20230726). The PPG also clarifies that provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider whether the scale of nature of the change warrants consultation, in which case the authority can choose how to inform interested parties. Section 73A is the mechanism for amending a scheme where development has already commenced on site.

The reason for refusal for the previous application raised concern that the proposals are outside the scope of section 73. Counsel's opinion from Mr Jack Smyth of No. 5 Chambers is enclosed with the application to provide comfort to the local planning authority on this point. This concludes that a section 73 application was and is the appropriate application procedure for the amendments sought.

3.7 The above Counsel letter, dated 15.1.24 is available for inspection on the Council website.

3.8 The covering letter dated 26.1.24 finishes with the following paragraph:

In the interests of transparency, the applicant has submitted an appeal against the refusal of planning permission SMD/2023/0240 however, should planning permission be granted for this revised application in the meantime, it is currently the intention that the appeal would be withdrawn.

3.9 Further amendments were made to the levels and drainage strategy on 27.3.24 in response to consultation comments from SCC Flood Authority. In terms of the drainage strategy, this showed updated soakaway and drainage details for plots 38,39 and 40, clarification that plots 31 to 40 were draining to the basin and valleys added to front gardens as part of the exceedance strategy, additional French drains added, further clarification of levels and arrows to show drainage flows for some of the plots and revised calculations for Basin 1. The only alteration to the levels affected Plot 38, a ground level rise of 0.02m that this plot was not the required 1.2m above the groundwater table.

3.10 A further amended Drainage Strategy (Rev J) and Flood Exceedance Plan (Rev I) was received on 10.4.24 in response to further consultation comments from SCC Flood Authority. These show corrections to levels data and calculations so that these are consistent with the other drainage docs and also include minor alterations to the flood exceedance works for plots 11 to 14, 15, 16, 25 and 28 to 31.

3.11 Details of the application including the plans, drawings, reports, consultation responses and letters received from local residents can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=177245>

4. RELEVANT PLANNING HISTORY

SMD/2016/0200 Outline planning application for residential development of up to 49 houses with all matters reserved except for access. Refused.

SMD/2016/0811 Outline planning application with some matters reserved (except access) for a residential development of up to 40 houses (resubmission of SMD/2016/0200). Outline permission granted on 2.8.18.

SMD/2021/0491 Reserved Matters application for 40 dwellings. Approved on 17.2.23.

- DOC/2023/0018 Discharge of Condition application for Conditions 2, 5 and 8 of the Reserved Matters approval. Approved on 16.6.23.
- DOC/2023/0023 Discharge of Condition application for conditions attached to the outline approval. Part discharged on 6.6.23.
- NMA/2023/0020 Non material amendment application to vary Condition 1 of the Reserved Matters approval SMD/2021/0491 to refer to changes in building materials including bricks and tiles. Approved 19.10.23.
- SMD/2023/0240: Variation of Condition application in relation to Reserved Matters approval SMD/2021/0491. Refused on 27.12.23. Appeal pending. Appeal Hearing due to take place on 9th May 2024.
- SMD/2023/0423 Full planning application for 87no. dwellings. Pending.

5. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

5.1 The Development Plan comprises the Local Plan Development Document (adopted September 2020).

5.2 The following Local Plan policies are relevant to the application:

- SS1 Development Principles
- SS8 Larger Villages Strategy
- SS10 Other Rural Areas Strategy
- H1 New Housing Development
- H3 Affordable Housing
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodlands and Hedgerows
- T1 Development and Sustainable Transport

National Planning Policy Framework (NPPF) (Revised December 2023)

5.3 The following chapters of the NPPF are particularly relevant to this application:

- 5: Delivering a sufficient supply of homes
- 12: Achieving well-designed and beautiful places
- 15: Conserving and enhancing the natural environment

Supplementary Planning Documents (SPD's) and Guidance (SPG's)

Council's Design Guide (February 2018) SPD
Council's Space About Dwellings SPG

6. CONSULTATIONS

6.1 Letters to neighbours, residents of Tenford Lane and senders of representations in response to the previous application (SMD 2023 0240) were sent out following the validation of the application. In addition, a site notice was put up on Tenford Lane on 30.1.24. Due to the application being for a Major Development, a newspaper advert was posted in the Cheadle Tean Times with a deadline of 28.2.24.

Public response to consultation

6.2 Letters of objection have been received from three local residents raising the following concerns:

- The height of the new properties is excessive
- The proposed bungalows will not block views of the new houses
- Any dwellings along Tenford Lane will be overbearing on existing Tenford Lane properties
- There is traffic congestion during construction deliveries
- Who will maintain the development and the drainage?
- The removal of one of the basins will exacerbate drainage problems
- These are not “minor” amendments to the approved plans
- The bungalows will not compensate for the impact on existing Tenford Lane residents caused by the houses already built
- Although the decking areas have been removed, new residents could build their own
- The bungalows should be turned so that back gardens face away from Tenford Lane and better for new occupants with mobility problems.
- Lack of detail regarding why two cul-de-sacs will become private roads

6.3 Letters of support were received from five local residents, one of which states support for the replacement of houses with bungalows.

Cheadle Town Council

6.4 Comments awaited and will be reported to the Committee.

Checkley Parish Council

6.5 The Developers Agent within the letter accompanying the Application purports to be submitting this application in accordance with Section 73 of the Town and Country Planning Act 1990 to vary condition 1 on reserved matters consent SMD/2021/0491 by the identification of Minor amendments to the approved drawings

Further claiming that an application under Section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission and that there is no statutory limit on the degree of change permissible to conditions but the change must only relate to conditions and not to the operative part of the planning permission and

also states that provisions relating to statutory consultation and publicity do not apply.

The Application also seeks to make changes to Condition 10 (the provision of SuDS To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site) by the removal of one of the three drainage basins.

Section 73 is a provision within the Town and Country Planning Act which allows for planning applications to be made for the variation or removal of a condition on an existing planning permission such as varying the list of approved plans to allow for amendments.

Section 73 Cannot alter the extant permission's description of development or include a condition that seeks to alter the description and cannot be used to change the number of units in a scheme if the number of units is stated in the description, the change must only relate to conditions and not to the operative part, i.e. the description of the development granted, of the permission.

The Applicant also seeks to increase the number of dwellings to 53 as opposed to the original 40 dwellings approved on the Outline Planning permission Application SMD/2016/0811.

Further the Applicant also seeks to identify this Application as a revision to the previously refused Reserved Matters Application SMD/2023/0240 on the Outline Planning permission Application SMD/2016/0811 for the erection of 40 dwellings on Land Off, Tenford Lane, Tean.

Checkley Parish Council are of the considered opinion that increasing the number of dwellings to 53 is contrary to a Section 73 Application as it clearly seeks to alter the extant permission's description of development and also seeks to change the number of units in the scheme as clearly stated in the description namely SMD/2016/0811 for the erection of 40 dwellings on Land Off, Tenford Lane, Tean. We also note that the Application form as submitted does not represent itself as a Section 73 Application contrary to the supporting statements.

We are also concerned that any change to Condition 10 can have a deleterious effect on any Flood prevention measures.

Checkley Parish Council are also of the considered opinion that this Application is a Material Amendment for major changes to the design and layout of the Development proposal which therefore goes beyond a Reserved Matters or Non Material Amendment or Section 73 variation and as such constitutes a Revised Planning Application which requires full resubmission and reconsideration.

Checkley Parish Council therefore strongly object to This Application and would fully support the Planning Officer in Refusing this Application.

SCC Highway Authority

6.6 Recommendation Summary: Acceptance

Site Visit Conducted on: 07-Feb-2024

NOTES TO PLANNING OFFICER

The attached garage on house type A (replacing the detached garage) meets minimum internal dimension standards of 6mx3m and is acceptable to meet parking standards. House types B and C have changed from 3 beds to 4 beds and all appear to provide 3 parking spaces. Driveway alterations to plots 2 to 5 are acceptable. Proposal to make the two side roads to the north of the site is not encouraged, but highways will not prevent this. Technical approval under S7 Staffordshire Act 1983 will still be required whether the roads are adopted or not. Minimum standards will still be required for the roads to be fit for purpose.

SMDC Environmental Health

6.7 No objection to the application subject to the retention of all Environmental Health conditions in original permission.

SMDC Trees and Landscape Officer

6.8 Comments awaited and will be reported to the Committee.

SCC Flood Team

6.9 Comments dated 5.2.24

The revised site plan amends the plot layout and hence the documents submitted under NMA/2023/0030 (for drainage Condition 10) need to change again as the drawings referenced in Condition 10 are now incorrect given the amendment to the site layout. We will need to see a revised:

- drainage plan (+ revised calculations and supporting plans if impermeable area has changed / there are any other amendments to the drainage design).
- exceedance plan

We will also need to see a further amendment to revise the wording of Condition 10 again either under NMA/2023/0030 or if this has been approved, a new application.

Comments dated 11.3.24.

We have reviewed the submitted information and require further information to demonstrate an acceptable drainage strategy. We would therefore recommend that planning permission is not granted until additional information has been provided. These include further details of soakaways bases for plots 36 to 38, further details of flood exceedance works for plots 10, 27, 28, 29, 30 and further levels data for exceedance flows for plots 11, 12, 13, 14, 15, 16,17, 25, 26, 31, 32, 33, 34, 35 and 36 to 38.

Comments dated 12.3.24

We've had chance to review the information provided and notice a couple of major changes with levels and now with the addition of bungalows on the southern boundary of the site.

We are not satisfied with the exceedance details and would therefore recommend that planning permission is not granted until this has been resolved:

Modelling

As plots 37 and 38 are now draining to the basin we will need to see revised calcs for Basin 1 showing this additional inflow, please can you also label these new pipes so we can relate it to the update in the calcs and provide details of the connection. As per previous revisions can you provide the two sets of calcs so we can check the pond freeboard is still acceptable. And can you update your IA plan with the changes.

Exceedance

- Plot 34 needs a French drain at the front.
- Exceedance flows for Plots 10,11,12,28 and 31-40 need to be resolved as discussed.

Boundary Details

Can you confirm the nature of the boundaries between plots to the front of the property (i.e. will these be fenced/open/ other) this will help us to understand the path of exceedance flows and ensuring that water does not pond in the lowest plots.

Design Specs

- Please can we see the maintenance plan updated to include the French drains proposed as additional mitigation measures.
- Need to ensure that the French drains/filter drains/permeable paving/bullnosed kerbs provided to manage exceedance flows are designated and protected in title deeds.
- Need to see design specs of filter drains and French drains including how those located on grass will operate.
- Can we see double DPM on plots 10, 28 and 31-40.
- The bungalows to the south of the site between plots 31 and 40, we will need to see PFR including doors, windows, raising of electric points etc.

Comments dated 10.4.24 in response to the amended drainage strategy plans of 27.3.24.

Modelling

- Would note the top water level for Infiltration Basin 1 is listed incorrectly on the plan but it is correct in the microdrainage, and the new level ensures sufficient freeboard.
- The calcs have a mismatch in length on pipe 3.003. The calcs say 45.869 and the plan shows 15.869. Please could you confirm which one is correct and update the plans/calcs as necessary.
- There is a mismatch between the IL of the basin in the calcs and the plan. The plan shows the IL level from the calcs as the base of the basin. Please

could you confirm which one is correct and update the plans/calcs as necessary.

Exceedance

Plot	Amendments for Exceedance
11	Extend kerb feature to prevent ponding at the edge of the property.
12	Hedge in between Plots 11 and 12 .Extend perforated pipe / add kerb to prevent water pooling at the edge of the property.
13	Extend perforated pipe or add kerb across both plots including the gap in between the driveways.
14	
16	Extend kerb feature to prevent ponding at the edge of the property.
17	Filter strip needs to be extended to cover whole fascia of the house.
25	Need a kerb / french drain / perforated pipe here to direct the runoff.
28	Extend kerb across the length of the front of the property
29	Extend kerb across the length of the front of the property
30	Extend kerb across the length of the front of the property
31	Extend the french drain around the property edge similar to Plot 35

French Drains on Grass

What is the sand and soil mix proposed and can this be added onto the drainage plan?

Comments dated 10.4.24 in response to the amended drainage strategy plans of 10.4.24:

Staffordshire County Council Flood Risk Management position

- We have reviewed the most recent documents and are now in a position to remove our objections to the application.
- As per the meeting discussions, we understand that Condition 10 will now be amended under this application and have included our revised wording for this below.
- Regarding the point on exceedance relating to the designation and protection of exceedance assets within title deeds if this can't be added to a condition, please can the LPA ensure it is enforced in an alternative way.
- We also trust that PD rights are still to be removed on all properties by the LPA.

- I have also included the original Condition 11 wording and informatives and advisories for reference.

Condition 10 (Compliance)

The development permitted by this planning permission to only be carried out in accordance with the Staffordshire SuDS Handbook and the approved Drainage Strategy Document (Strategic Drainage Plan, K22-001-302 Rev J, Keytech Development Design Ltd, 10/04/2024) and the following mitigation measures detailed the strategy:

- An infiltration-based solution for surface water drainage containing the 1 in 100yr + 40% event within the drainage network.
- Provision of 2 infiltration basins on the site to a 1 in 1000year standard. With minimum storage volumes of:
 - Basin 1: 491.5m³
 - Basin 2: 652.2m³
- Provision of landscaping to provide erosion control in infiltration basins and swales as per document LDS517-01 (Rev F), Planting Plan 1 of 2, Landscape Design Solutions (NW) Ltd, 04/10/2023.
- Provision of bunds around infiltration basins (to provide extra storage volume) at least 200mm above the top of bank levels of each basin shown in the approved drainage plan.
- Provision of swales prior to discharge into Infiltration Basins 1 and 2.
- All soakaway bases to be at least 1.2m above groundwater level.
- A minimum of 2 levels of water treatment for highway drainage.
- Provision of an amount and configuration of permeable paving either the same as, or demonstrating betterment, in area and water quality treatment than the provision in the approved drawing.
- Finished Floor Levels to be at least 150mm above surrounding ground levels.
- Provision of a cut-off drain along the southern boundary of the site to capture residual runoff.
- Double DPM to be provided on Plots 10, 16, 23 and 31-40
- Exceedance flows shall be managed using ground profiling, threshold drains, French drains, perforated pipes, edging kerbs, hedges, gravelled areas as per: *Flood Exceedance Plan, K22-001-303 Rev I, Keytech Development Design Ltd, 10/04/2024*. All the listed features to manage exceedance and shown on the plan shall be designated as drainage features and protected in property title deeds.
- Where it is not possible for ground slopes to fall away from properties, permeable paving driveways shall be lowered for each of the plots by 50mm to ensure that should any exceedance overtop the highway, the preferential

flow route shall be towards the permeable driveways and not towards property front doors.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To improve and protect water quality.
- To manage exceedance flows.

Condition 11 (To be discharged)

Prior to the occupation of the development the following additional details to be incorporated in the scheme approved under Condition 10 and approved in writing by the local planning authority.

- Provision of a finalised management and maintenance plan to ensure continued performance of the system for the lifetime of the development. Details of the maintenance arrangements should be provided, to include a schedule of activities with frequencies, together with the name and contact details of the party or parties responsible for ongoing maintenance. This should include permeable paving.
- Provision of the name and contact details of the party or parties responsible for the construction phase maintenance strategy.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure the long-term management and maintenance of the SuDS infrastructure.

Advisory

We would advise the LPA that in order to ensure the long-term functioning of the drainage strategy, that property owners should only be permitted to replace their driveways with permeable surfacing of an equal, or more permeable nature than the surfacing approved as part of the strategy.

Informative (Compliance)

Developer 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, and water quality is managed prior to the completion of the approved drainage strategy.

Reason: To ensure lifetime maintenance of the system to prevent flooding issues.

Advice to LPA

We ask to be consulted on the details submitted for approval to your Authority to discharge Condition 11 and on any subsequent amendments/alterations. Please also

consult us again on any future major changes to the proposed development or drainage scheme.

SMDC Regeneration

6.10 The applicant is seeking as part of their application to vary the location of 4 affordable units. It is my understating that all other matters including property mix and size of the affordable dwellings remain unchanged as per SMD/2021/0491. The revised location is acceptable.

SMDC Housing Officer

6.11 The proposed changes are minor and there is no material change to the number of affordable homes provided or the proposed tenure. I'm happy to accept the revisions proposed by the applicant.

SCC Minerals and Waste

6.12 "No comments to make"

AES Waste

6.13 No issues regarding waste collections. Roads must be suitable for a 32 ton refuse vehicle and turning places must be adequate.

Environment Agency

6.14 "No comments to make."

Staffordshire Police Crime Prevention Design Advisor

6.15 Having reviewed the proposed variation to the site layout, house types, variations to plots etc Staffordshire Police has no objection to the variation of condition sought. Site Plan 01204 PL(0)01 Rev H indicates some sound crime prevention principles would operate such as good levels of natural surveillance, housing addressing the street (including dual-aspect corner plots) with a reasonable proportion either having rear gardens backing onto one another or an established hedge line, and fencing/gating positioned to deny unauthorised access from the front of the dwellings to private rear gardens. This is in addition to inherent site benefits (in terms of crime prevention) of a single site access, no through routes, housing at some distance from the site entrance and difficulty of approaching the site from other directions given the topography/landscape. In terms of recommendations around physical security, reference should be made to the police Secured by Design New Homes 2023 design guide (or any subsequent updated version).

7. OFFICER COMMENT AND PLANNING BALANCE

Principle of development

7.1 The previous consents have established the acceptability in principle of a residential development on this site. This application does not represent an opportunity to revisit that principle. The main issues relate to the impact on the proposed changes to the approved plans on:

- The character and appearance of the area
- The residential amenities of the area
- Flood risk
- Highway safety

Whether or not a Section 73/Variation of Condition application can be used to apply for the changes to the approved scheme, in accordance with the Planning Regulations

7.2 The first part of the Reason for Refusal of the previous SMD/2023/0240 Section 73 Variation of Condition application reads as follows:

The application, as submitted for this variation of conditions, proposes substantial and fundamental amendments to the scheme, changing or altering the operative part of the permission concerning:

- Levels of;
- types of;
- drainage of (affecting condition 10);
- and position of

development in a manner that changes the description of the development to include the provision of a mix of houses and bungalows, contrary to the outline (SMD/2016/0811) which is beyond the powers provided by section 73 of the 1990 Town and Country Planning Act (as amended).

7.3 The approved description of development of the outline permission (SMD/2016/0811) was as follows:

“Outline planning application with some matters reserved (except access) for a residential development of up to 40 houses.”

7.4 The applicant has submitted a Counsel’s opinion (Jack Smyth, No5 Chambers), to challenge the first part of the reason for refusal, advising that the changes could be applied for via a Section 73 Variation of Condition application as the changes were not inconsistent with the approved Description of Development by introducing bungalows into the scheme when “houses” were stated in the Outline Permission notice. Counsel stated:

I see no conflict or inconsistency between the provision of bungalows and the description of development (“residential development of up to 40 houses”). They are both dwellings. They can occupy the same footprint. The key difference is that a non-bungalow house would be more than one storey. Accordingly, usually, a house is taller than a bungalow. There is no merit in the argument, as far as I can see, that a bungalow enjoys a separate and different meaning in planning law to a house. The difference, in planning terms, between a bungalow house and non-bungalow house is a question of scale. Put simply: the former tends to be less imposing than the latter. This

issue of scale falls squarely within the scope of a reserved matters application: article 2 of the DMPO.

For the sake of argument, had a reserved matters application sought to vary the approved plans by providing 40 flats, this probably would be incompatible with the outline permission which authorises residential development of up to 40 houses. A flat is not a house.

7.5 The legal opinion concludes:

The reserved matters application was “within scope” as it is not contrary to the outline permission.

7.6 In the light of the Counsels advice officers do not consider that there are sustainable grounds to refuse the s73 application on this basis. The main issue from now on in this report, therefore, is whether or not the changes in this new scheme overcome the second part of the above Reasons for Refusal of the previous application, as follows:

“.....The levels, types and positions of proposed dwellings would result in harm to amenity, overlooking of existing and proposed dwellings, harm to the character of the area and would fail to protect and enhance the environment and the setting of the village contrary to policies DC1(2) & (5), DC3(2), and SS1 of the adopted Staffordshire Moorlands Local Plan (2020).”

The impact on the character and appearance of the area

7.7 Policy DC1(2) of the Local Plan looks to protect the character and appearance of the area including the landscape and ensure that new development respects the site and its surroundings.

7.8 With regard to ground levels changes, in relation to the approved scheme (SMD/2021/0491), there is a general increase in ground levels around the far west cul-de-sac (affecting plot 1 to 10) and no changes to those put forward with the previous refused application (SMD/2023/0240). There is a general reduction in ground levels around the mid part of the development to the north of the distributor road (affecting plots 11 to 25) in relation to the approved scheme and no further changes proposed to those put forward with the previous refused application (SMD/2023/0240). Members will be aware that many of the houses on plots 1 to 24 are at an advanced state of construction. For the rest of the development, comprising the east cul-de-sac and the row of houses to the south of the distributor road adjacent to Tenford Lane (plots 25 to 40), there are no levels changes to what was previously approved. This differs with the previous refused application which showed a general increase in the ground levels.

7.9 The proposed ground level changes of each plot for the previous refused application in relation to those approved, is given below. Most of the plots would have been higher than that approved, with seven of the plots proposed to be lower and two which would remain the same:

Measurements in metres AOD taken from the nearest point given to the house footprint:

(under SMD 2023 0240)

Cul de sac 1 from top to bottom:

Plot no.	APPROVED	PROPOSED	CHANGE
1	165.275	167.45	2.175m (biggest change on this row)
2	164.375	166.45	2.07m increase
3	164.375	166.45	2.075m increase
4	163.475	165.15	1.67m increase
5	163.475	165.15	1.675m increase

North of distributor road from west to east:

Plot no.	APPROVED	PROPOSED	CHANGE
6	161.30	162.65	1.35m increase
7	162.0	163.3	1.33m increase
8	162.6	163.9	1.3m increase
9	163.05	164.65	1.60m increase (biggest change on this row)

Cul de sac 2 - west side from bottom to top:

Plot no.	APPROVED	PROPOSED	CHANGE
10	165.5	166.85	1.35m increase (biggest change on this row)
11	167.05	167.85	0.8 m increase
12	168.10	168.55	0.45 m increase
13	169.35	168.60	DECREASE
14	170.18	168.60	DECREASE
15	170.0	169.95	DECREASE
16	171.82	170.25	DECREASE
17	171.77	170.55	DECREASE

Cul de sac 2 – east side from top to bottom:

Plot no.	APPROVED	PROPOSED	CHANGE
18	171.70	171.25	DECREASE
19	171.70	171.25	DECREASE
20	170.85	171.25	0.4 m increase
21	170.85	170.55	DECREASE
22	169.475	169.75	0.2 m increase
23	169.475	169.75	0.275 m increase

24	168.45	169.15	0.7m	increase	(biggest change on this row)
----	--------	--------	------	----------	------------------------------

Cul de sac 3 from top to bottom:

Plot no.	APPROVED	PROPOSED	CHANGE		
25	171.55	172.30	0.75m	increase	(biggest change on this row)
26	170.65	171.15	0.5 m	increase	
27	169.75	169.75		SAME	

East end of distributor road (north side) from west to east:

Plot no.	APPROVED	PROPOSED	CHANGE		
28	167.30	167.50	0.2m	increase	(biggest change)
29	167.30	167.40	0.1m	increase	
30 1	67.30	167.30		SAME	

South side of distributor road from east to west (2 storey dwellings swapped with bungalows and dormer bungalows):

Plot no.	APPROVED	PROPOSED	CHANGE		
31	166.45	167.15	0.7 m	increase	
32	166.30	166.85	0.55 m	increase	
33	166.35	166.70	0.35 m	increase	
34	166.35	166.55	0.2 m	increase	
35	166.35	166.55	0.2 m	increase	
36	166.20	166.25	0.05 m	increase	
37	164.475	165.55	1.1m	(biggest change on this row)	

Approved plot 38:	164.200	No dwelling proposed for this location
Approved plot 39:	161.45	Proposed Plot 38 in similar location 162.65
		Proposed new plot 39: 161.60
40:	160.35	161.10

7.10 In comparison, the table below, provided by the applicant's agent (in the application covering letter), shows the levels differences between the approved scheme (SMD/2021/0491) and this new proposal under SMD/2024/0031:

LEVEL CHANGES UPPER TEAN			Lower or no change	29 Plots	
	Approved levels Rev C	Proposed levels Rev L	Higher	11 Plots	
PLOTS			DIFFERENCE in mm	Summary	Comments
1	165.42	167.60	-2.18	Higher	Levels increased at lower part of site to balance the site and reduce height and visible impact of masonry garden retaining walls
2	164.52	166.60	-2.08	Higher	
3	164.52	166.60	-2.08	Higher	
4	163.52	165.30	-1.78	Higher	
5	163.52	165.30	-1.78	Higher	
6	161.45	162.80	-1.35	Higher	
7	162.15	163.45	-1.30	Higher	
8	162.75	164.05	-1.30	Higher	
9	163.20	164.35	-1.15	Higher	
10	165.65	166.85	-1.20	Higher	
11	167.25	167.15	0.10	Lower	Levels reduced at gighest existing ground level of site to balance and reduce impact of height of proposed masonry retaining walls
12	168.25	168.00	0.25	Lower	
13	169.50	168.39	1.11	Lower	
14	169.50	168.39	1.11	Lower	
15	171.15	169.59	1.56	Lower	
16	171.97	169.95	2.02	Lower	
17	170.60	170.60	0.00	No Change	
18	171.90	171.45	0.45	Lower	
19	171.90	170.75	1.15	Lower	
20	171.00	170.75	0.25	Lower	
21	171.00	169.75	1.25	Lower	
22	169.62	169.75	-0.13	Higher	
23	169.63	168.75	0.88	Lower	
24	169.60	168.75	0.85	Lower	
25	171.70	171.70	0.00	No Change	
26	170.80	170.80	0.00	No Change	
27	169.90	169.90	0.00	No Change	
28	167.45	167.45	0.00	No Change	
29	167.45	167.45	0.00	No Change	
30	167.45	167.45	0.00	No Change	House type changed to bungalows to reduce the impact of Tenford Lane residents from previously approved. No level change from approved C. There is a very minor increase on plot 38. The bungalows have removed 40 habitable room windows and reducing 1st floor height with roof
31	166.65	166.65	0.00	No Change	
32	166.50	166.50	0.00	No Change	
33	166.50	166.50	0.00	No Change	
34	166.50	166.50	0.00	No Change	
35	166.50	166.50	0.00	No Change	
36	166.35	166.35	0.00	No Change	
37	164.42	164.42	0.00	No Change	
38	164.40	164.42	-0.02	Higher	
39	161.60	161.60	0.00	No Change	
40	160.50	160.50	0.00	No Change	

7.11 From the main public vantage points of the development, those being from Tenford Lane, the nearest parts of the development to this road would not encounter any ground levels changes to those approved under SMD 2021 0491. Two-storey houses were approved for the row adjacent to Tenford Lane, with ground to roof ridge heights of between 8.7m and 9.1m and would be replaced by bungalows and

dormer bungalows with considerably lower ground to ridge heights of between 5.6m to 6.5m.

7.12 Therefore, for the row of new dwellings along Tenford Lane, the new proposal would lead to dwelling heights above the Tenford Lane ground level of between 2.2m and 3.5m less than the previous approved scheme. This would lead to a significantly reduced visual impact, to the benefit of the character and appearance of the area. The previous scheme refused at Committee also had bungalows/dormer bungalows of the same height as those now proposed, but on higher ground levels. The new scheme would therefore result in lower development heights above Tenford Lane than the SMD/2023/0240 scheme refused at Committee in December 2023 and therefore less visual impact when viewed from Tenford Lane.

7.13 However, the dwellings north of the distributor road at an advanced stage of construction also need to be taken into account. These are being built on higher ground levels than approved resulting in roof ridge heights of up to 1.35m higher than approved. Despite this, views of these houses from Tenford Lane would be largely blocked by the proposed dwellings to the south of the distributor road next to the lane (despite these being lower bungalows/dormer bungalows). Regarding views from the east of the site, the levels changes in the east part of the development are insignificant and the raised houses in the west part of the site would still be largely screened. It is also noted that a number of plots are now proposed at lower ground levels than those in the previous approval.

7.14 It is therefore considered the new application addresses and overcomes the visual amenity part of the reason for refusal of the previous SMD/2023/0240 application.

7.15 It was considered by the Case Officer for the previous application that the design of the new bungalows and dormer bungalows, house types F and G, is acceptable and respects the “design code” of the rest of the development in terms of building style and design, with similar roof profiles and fenestration and the same materials as those approved. The same can be said of the new bungalow types introduced into this new application, Type K, the two semi-detached bungalows.

7.16 Overall, it is considered the amendments to the scheme would not lead to any additional harm to the appearance of the development in relation to the approved scheme and would remain respectful of the character and appearance of the area and would therefore comply with Policy DC1.

The Impact on Residential Amenity

7.17 Local Plan policy DC1 and paragraph 130(f) of the NPPF (2021) seek to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

7.18 Policy H1 of the Local Plan (2020) seeks to ensure that all new dwellings must be of sufficient size to provide satisfactory levels of amenity for future occupiers of the dwellings whilst respecting the privacy and amenity of occupiers of existing dwellings; and that all new dwellings should aim to provide flexible accommodation which is capable of future adaptation by seeking to achieve adequate internal space

for the intended number of occupants in accordance with the Nationally Described Space Standards.

7.19 The Space About Dwellings SPG outlines separation distances between dwellings, both proposed and existing, and details the minimum garden size for dwellings in order to provide a sufficient level of private amenity space.

Amenity of Existing Residents

7.20 The SPG requires minimum distances of 24.4 metres between rear elevations of houses and facing principal windows of other houses in the case of one of the houses being a 2-bed property (this is reduced to 22.0m in the case of both houses having three or more bedrooms).

7.21 The previous application was refused partly because of the impact of the development on the residential amenities of the existing residents of Tenford Lane, by way of overlooking.

7.22 The plans have been amended to replace the approved two-storey houses to the south of the distributor road, alongside Tenford Lane which have rear elevations facing the fronts of current Tenford Lane dwellings, with lower bungalows and dormer bungalows (of the same height as those in the previous refused application SMD/2023/0240). The sitings of new dwellings between the distributor road and Tenford Lane is generally the same as that approved in terms of distances from Tenford Lane and also no different to the spacing in the previous refused scheme. However, raised timber outdoor decking areas were added to the backs of the bungalows and dormer bungalows in the previous refused application. Minimum distances of at least 29 metres would have been achieved between the rear edges of the raised decking areas and the front windows of the existing dwellings on the other side of Tenford Lane which was still well in excess of the standards and this takes account of the increases ground levels of the previous scheme, in line with the Council's Supplementary Planning Guidance. Nevertheless, it was still considered at the Planning Applications Committee that this would have added to level of overlooking and therefore the harm to residential amenity affecting the current Tenford Lane residents. However, all of the decking structures have been removed from this new application.

7.23 As previously mentioned, the proposed ground levels to the south of the distributor road alongside Tenford Lane have reverted to those approved under SMD/2021/0491, which are lower than those put forward in the SMD/2023/0240 scheme refused at Committee in December. However, the two-storey houses approved for this area have been replaced by lower bungalows and dormer bungalows in this new scheme. Previously, the ground levels for plots 25 to 40 would have been raised between 0.8m and 1.2m above the levels previously approved. Furthermore, the previous proposed rear dormer windows for the dormer bungalows, of the refused scheme, facing the current fronts of the Tenford Lane dwellings, have been removed and replaced with far less intrusive small rooflights. As a result the level of overlooking from the new dwellings along Tenford Lane and level of dominance when viewed from existing Tenford Lane properties is less than both the refused scheme and also the previously approved scheme.

7.24 Turning to the plots higher up the slope to the north of the distributor road, with regard to the plots 6,7,8 and 9 houses which appear to have been already built up to roof height and with ground levels of between 1.3m and 1.35m higher than that approved, this would not introduce a significantly harmful greater level of dominance or overlooking affecting the existing residents of Tenford Lane as those dwellings are set back closer to the middle of the site to the other side of the distributor road and there would still be a row of new dwellings alongside Tenford Lane to the south side of the distributor road, which would still largely screen those new dwellings, despite the height reduction of those dwellings, from two-storey houses to lower bungalows and dormer bungalows. Two of the new houses would face a green gap to the south (Plots 8 and 9). However, the distance between the front elevations of those dwellings and the facing elevations of the Tenford Lane houses opposite would be at least 65m and it is considered this is still a sufficient distance away despite the levels increase of those plots and there is tree screening along the south boundary to further soften the level of intrusion of those houses under construction.

Amenity of Future Occupiers

7.25 There has not been any significant changes to the positions of dwellings and plot locations in relation to the previous approved scheme and therefore no additional impacts on the living conditions or residential amenities of the new residents. The SPG requires minimum distances of 22.0m between opposing front elevations. This has been achieved for all proposed dwellings in the amended layout plans and there is therefore no concern over privacy levels for the new residents.

7.26 Although rows of dwellings would be placed in a slightly staggered formation to avoid too much of a uniform appearance of development, the 45 degree lines measured from main windows at the front and rear of the proposed houses would not be broken by neighbouring development and this is sufficient to allow adequate light into those new houses. This accords with the SPG.

7.27 With regard to private amenity space (in this case, rear gardens), the SPG requires mean lengths of 11.0 metres and minimum overall garden sizes of 65 sq.m, or 85 sq.m in the case of the 2-bed units. All of the rear gardens would exceed the size threshold. Two of the gardens (Plots 7 and 8) would not reach mean lengths of 11.0 metres but are sufficiently wide to compensate for this. Overall, it is considered that each dwelling would have sufficient private garden space in the interests of the residential amenities of the residents.

7.28 All of the dwellings would meet the standards for internal space provided in accordance with the governments Nationally Described Space Standards and would therefore allow the future occupants satisfactory living conditions. This includes the two new house types, the Type F, G and K bungalows and dormer bungalows which would exceed the floorspace standards for 2-bed and 3-bed dwellings.

7.29 Overall, it is considered the amendments to the development under this new application, despite the raise in ground levels, would not harm the existing or future residential amenities of the area and would remain compliant with Policy DC1.

Housing mix

7.30 The proposed changes to the approved scheme are considered to result in an acceptable dwelling mix as although there is an increase in 4-bed units, the number of smaller 2-bed units and bungalows on offer which are especially in demand has also increased. There is also now a larger range of dwelling types/designs to add interest and variety to the development but without affecting the overall character of the development and “sense of place”.

7.31 In relation to the previous refused scheme, there is one less 3-bed unit and one more 2-bed unit. This is not unacceptable.

7.32 The affordable housing provision in relation to the approvals has not changed and the locations of affordable units also remain acceptable and are sufficiently well integrated into the development. The differences between the new scheme and one previously refused, is that two 2-bed two-storey social-rented houses would be replaced with two 2-bed semi-detached social rented bungalows, these being the new Type K units introduced to the “frontage row” of dwellings (next to Tenford Lane). The Housing Officer does not raise any objection to the changes to the housing mix including affordable housing.

Impact on Highway Safety

7.33 There is no objection to the proposed amendments from the local highways authority which also notes that although the two cul-de-sacs to the north of the distributor road are to become “private”, their design would still accord with highways standards in terms of widths/dimensions and design and would not compromise highway safety. The amended proposal would remain compliant with Policy T1 of the Local Plan.

Impact on Flood Risk

7.34 The changes to the drainage strategy include the removal of one of the drainage basins. There are also amendments to soakaway design as a result of ground level changes in relation to both the previously approved scheme and also the previous refused scheme under SMD/2023/0240 to help address part of the reason for refusal of this application. Throughout the course of the determination of this new application, there have been meetings undertaken to resolve issues raised by the Lead Local Flood Authority (Staffordshire County Council) and several amendments to the drainage scheme, mainly to soakaway design, exceedance plans and revisions/corrections to calculations and flow details. Ultimately, the Lead Local Flood Authority has accepted the drainage strategy on the basis of amendments on 10.4.24 and put forward a revised Condition 10 which requires the development to be undertaken in accordance with approved drainage details, listing the drawings and other requirements to enable the development to drain effectively.

7.35 It is considered the revised drainage strategy would provide acceptable drainage for the development and not lead to any exacerbation of existing flood risk and this would therefore overcome the reason for refusal in terms of drainage.

Planning Balance & Conclusions

7.36 A legal opinion confirms that a Section 73 (Variation of Condition) can be used for the proposed amendments to the Reserved Matters approval SMD /2021/0491 and that the inclusion of bungalows into the scheme would not alter the terms of or operative part of the outline planning permission for the development i.e. the “description of development” of outline planning permission SMD/2016/0811 and that this overcomes the first part of the Reason for Refusal of the previous S73 application SMD/2023/0240.

7.37 The new proposal, which includes the reversion to the previously approved, lower ground levels for the row of dwellings alongside Tenford Lane, together with the replacement of two-storey houses with significantly lower bungalows and dormer bungalows and removal of rear dormers and decking structures from the previous refused scheme, would result in less overlooking and intrusion to existing residential properties on Tenford Lane and a less overbearing nature than both the previous refused scheme and also the previous approved scheme and would also, as a result of these changes, have less impact on the visual amenities of the area than both the previous refused scheme and the previous approved scheme, despite the dwellings closer to the middle of the site being built on ground higher than approved. It is therefore considered that this also overcomes the reason for refusal of the previous scheme. Therefore the application is recommended for approval.

8. RECOMMENDATION

A. That the application should be APPROVED subject to the following conditions:

1. The development hereby permitted including the landscaping of the site shall be carried out in accordance with the following amended approved plans:

- PL(0)01 Rev E Site Plan**
- PL(0)02 House Type A Rev D**
- PL(0)03 House Type B Rev A**
- PL(0)04 House Type C Rev B**
- PL(0)05 House Type D Rev D**
- PL(0)06 House Type E Rev D**
- PL(0)07 House Type F Rev B**
- PL(0)08 House Type G Rev A**
- PL(0)09 Site Sections Rev B**
- PL(0)10 Affordable Housing Layout Rev E**
- PL(0)11 Site Plan Rev H**
- PL(0)12 House Type C1**
- PL(0)13 House Type K**
- PL(0)14 Layout – Facing Bricks**
- K22 001 003 Levels Rev O**
- LDS517(H) LS Landscaping Scheme**
- LDS51701 Rev H Landscaping Scheme**
- LDS51702 Rev H Landscaping Scheme**

- K22 001 019 Swale Cross Sections
- K22 001 301 Rev B Impermeable Areas Plan
- K22 001 302 Drainage Strategy Rev J
- K22 001 303 Flood Exceedence Plan Rev I
- K22 001 304 Basin Sections
- K22 001 305 Rev C SuDS Maintenance Plan
- Basin 1 received 27.3.24
- Basin 2 received 26.1.24
- 00438 Materials Schedule Rev C with the use of Ibstock Audley Red Mixture A3022A and Ibstock Betley Cottage Blend A3058A bricks.
- Southern Boundary Grips 05.01.23

2. The landscaping of the site shall be undertaken before any part of the development is brought into use and in accordance with the written specifications of the plants including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, planting sizes and proposed numbers/densities and also implementation timetables to be submitted to and approved in writing by the local planning authority.

Reason:-

To ensure the appropriate landscape design and in the interests of the visual and residential amenities of the area.

3. The planting scheme shown on Landscape Design Solutions (NW) Ltd Planting Plan 1 of 2 and 2 of 2, Drgs. Nos. LDS517-01H & 02H and Landscape Specification LDS517(Rev H)-LS shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees, shrubs, herbaceous plants and grass 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 the appropriate landscape design and in the interests of the visual and residential amenities of the area.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no further development as specified in Part 1 Class(es) AA, A, B, C, D, E and F or Part 2 Classes A to C shall be undertaken without express planning permission first being obtained from the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area and to protect the residential amenities of neighbouring residents.

5. The development hereby permitted shall not proceed above the damp proof course until details of types and colours of all hardsurfacing materials

including those of the proposed paths for the shared open spaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:-

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

6. Before the development is first brought into use, seating benches and signage for the public open space hereby approved shall be installed in accordance with the with siting and elevation drawings and details of finishing materials to be submitted to and approved in writing by the Local Planning Authority.

Reason:-

In the interests of the amenity value and appearance of the public open space.

7. The boundary fences, hedges and walls hereby approved shall be installed in accordance with the approved drawings in Condition 1 including fencing along the southern boundary of the site to the north side of the existing hedgerow alongside Tenford Lane before any part of the development is brought into use. The bricks used in the boundaries shall match those of the dwellinghouses approved on site.

Reason:-

In the interests of tree and hedge protection and the overall appearance of the development.

8. The development hereby permitted shall not proceed above the damp proof course until details of which of the facing bricks approved in Condition 1 will be used for each plot and the development shall be carried out in accordance with the approved details.

Reason:-

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

9. Notwithstanding the details in the drawings listed in Condition 1, all new boundary hedgerows and trees adjacent to the access road shall be provided in accordance with revised details of species and species mix to be submitted to and approved by the local planning authority.

Reason:-

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

10. The development hereby approved shall be carried out in accordance with the Staffordshire SuDS Handbook and the approved Drainage Strategy Document (Strategic Drainage Plan, K22-001-302 Rev J, Keytech Development Design Ltd, 10/04/2024) and the following mitigation measures detailed the strategy:

- An infiltration-based solution for surface water drainage containing the 1 in 100yr + 40% event within the drainage network.
- Provision of 2 infiltration basins on the site to a 1 in 1000year standard. With minimum storage volumes of:
 - Basin 1: 491.5m³

- Basin 2: 652.2m³
- Provision of landscaping to provide erosion control in infiltration basins and swales as per document LDS517-01 (Rev H), Planting Plan 1 of 2, Landscape Design Solutions (NW) Ltd.
- Provision of bunds around infiltration basins (to provide extra storage volume) at least 200mm above the top of bank levels of each basin shown in the approved drainage plan.
- Provision of swales prior to discharge into Infiltration Basins 1 and 2.
- All soakaway bases to be at least 1.2m above groundwater level.
- A minimum of 2 levels of water treatment for highway drainage.
- Provision of an amount and configuration of permeable paving either the same as, or demonstrating betterment, in area and water quality treatment than the provision in the approved drawing.
- Finished Floor Levels to be at least 150mm above surrounding ground levels.
- Provision of a cut-off drain along the southern boundary of the site to capture residual runoff.
- Double DPM to be provided on Plots 10, 16, 23 and 31-40
- Exceedance flows shall be managed using ground profiling, threshold drains, French drains, perforated pipes, edging kerbs, hedges, gravelled areas as per: *Flood Exceedance Plan, K22-001-303 Rev 1, Keytech Development Design Ltd, 10/04/2024*. All the listed features to manage exceedance and shown on the plan shall be designated as drainage features and protected in property title deeds.
- Where it is not possible for ground slopes to fall away from properties, permeable paving driveways shall be lowered for each of the plots by 50mm to ensure that should any exceedance overtop the highway, the preferential flow route shall be towards the permeable driveways and not towards property front doors.

Reason:-

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to improve and protect water quality and to manage exceedance flows.

11. Prior to the occupation of the development the following additional details to be incorporated in the scheme approved under Condition 10 and approved in writing by the local planning authority:

- Provision of a finalised management and maintenance plan to ensure continued performance of the system for the lifetime of the development. Details of the maintenance arrangements should be provided, to include a schedule of activities with frequencies, together

with the name and contact details of the party or parties responsible for ongoing maintenance. This should include permeable paving.

- Provision of the name and contact details of the party or parties responsible for the construction phase maintenance strategy.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason:-

To ensure the long-term management and maintenance of the SuDS infrastructure.

12. The development hereby permitted shall not be brought into use until the parking and turning areas for each individual plot have been provided in accordance with the approved plans PL(0)01 Rev E Site Plan and PL(0)11 Site Plan Rev H. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.

Reason:-

In the interests of highway safety.

13. No individual plot on the development hereby permitted shall be brought into use until the access to that individual plot has been completed.

Reason:-

In the interests of highway safety.

14. Prior to first occupation of any permitted new dwelling the parking area and turning area for that dwelling shall be surfaced in a bound and porous material for a minimum distance of 5m rear of the highway boundary, which shall thereafter be retained for the life of the development.

Reason:-

In the interests of highway safety.

15. Garages shall be minimum internal dimensions of 3m x 6m in accordance with the approved drawings and shall be retained for the parking of cars and bicycles and shall not be converted to living accommodation without the written approval of the Local Planning Authority.

Reason:-

In the interests of highway safety.

16. Any driveway/parking area of any plot which falls towards the highway shall be constructed with a drainage interceptor sited immediately rear of the highway boundary, with outfall to SUDS or surface water drainage system.

Reason:-

In the interests of highway safety.

17. The development hereby permitted shall not be brought into use until details of the 2.4mx20m visibility splays at internal junctions have been submitted to and approved in writing by the Local Planning Authority. The

visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development being brought into use.

Reason:-

In the interests of highway safety.

18. The first action on commencement of development, prior to any further action (including any site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access) shall be the erection of temporary tree protection barriers and advisory notices for the protection of the existing trees and hedges to be retained, in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and as set out in the Braemar Arboriculture Ltd “BS5837 Tree Report” reference BALDS019-21 Rev B dated 14th July 2021 submitted in support of the application hereby approved, and these shall be retained in position for the duration of the period that development takes place, unless otherwise agreed in writing by the Local Planning Authority. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

In the interests of the appearance of the site.

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

Reason:-

In the interests of public safety.

20. Prior to the erection of any retaining walls or structures, elevational details shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity

Informatives

1.Developer 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, and water quality is managed prior to the completion of the approved drainage strategy.

2.Whilst the proposals are deemed to achieve a Net Biodiversity Gain, SWT recommends that all or parts of the eastern open space area be seeded with a wildflower mix instead of the Germinal Seeds A19 mix as this would provide a net gain closer to 10% which would be good ecology practice.

3. The works required for the proposed internal road network which are to be proposed for highway adoption require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please see <https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx> and contact Staffordshire County Council at road.adoptions@staffordshire.gov.uk to ensure that approvals and exemptions are secured before commencement of works. Due to carriageway widths, the internal roads may not be suitable for adoption (see notes below) In which case exemption under S219 Highways Act 1980 will be required. This estate road and drainage layout will require approval under Section 7 of the Staffordshire Act 1983 and will require an agreement under Section 38 of the Highways Act 1980 if it is to be adopted as 'highway maintainable at public expense'. There are detailed issues that need to be approved in order to achieve technical approval under that process and the developer should be advised to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. The obtaining of planning permission for this design/layout will not be considered as a reason to relax the required technical standards for the adoption of the road and drainage and any changes may necessitate the submission of further planning applications. If the road is to be private then the residents should be advised that they may be taking on the responsibilities and liabilities of the highway authority with regards to maintenance, snow clearance etc and are advised to take advice on public liability insurance against claims associated with those responsibilities.

4. Informative to advise of Crime Prevention Design Advice measures as provided by Staffs Police Crime Prevention Design Advisor in its consultation response.

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

Site Location Plan

