

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**27 September 2018**

<b>Application No:</b>	SMD/2018/0234	
<b>Location</b>	Fole Dairy, Uttoxeter Road, Fole	
<b>Proposal</b>	Outline application for residential development, means of access, ancillary works and site remediation	
<b>Applicant</b>	CB Collier FD Ltd	
<b>Agent</b>	Harris Lamb Ltd	
<b>Parish/ward</b>	Checkley	<b>Date registered</b> 3/5/18
If you have a question about this report please contact: Jane Curley tel: 01538 395400 ex 4124 Jane.curley@staffsmoorlands.gov.uk		

## **REFERRAL**

This is a major application and previous applications have been considered by the Planning Applications Committee

### **1. SUMMARY OF RECOMMENDATION**

<b>Approve subject to a Section 106 agreement and conditions</b>
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### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The application site extends to approximately 2 hectares. Until recently many of the buildings associated with the former use of the site as a dairy remained on site. However earlier this year the Council granted Prior approval for the demolition of the majority of the buildings. There are several Listed buildings nearby including Fole Spring Farm, Mill Farm and Fole bridge.

2.2 A number of buildings adjacent to the application site are considered to be non designated heritage assets. The main A522 Uttoxeter Road defines the site to the north and the River Tean to the south. There are fields to the west and to the east is the unnamed road which connects Uttoxeter Road with Fole Lane. A small Chapel (Fole Reformed Evangelical Chapel) lies adjacent and to the north west of the site.

2.3 In the vicinity of the site Uttoxeter Road has a speed limit of 30mph

2.4 There is an existing culvert which runs through the site in a north – south direction. Part of the Drainage strategy for the site involves opening this up in part. It is discussed more fully in the Officer comments below.

2.5 There are bus stops close to the site linking to Hanely and Uttoxeter.

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

3.1 This is an outline application for the redevelopment of the site for housing with all matters reserved for subsequent approval except for access. The primary access to the site is proposed from the existing access off Uttoxeter Road with secondary access points leading from the unnamed road to the east.

3.2 An Illustrative Plan is provided which shows a development of 56 units, a mix of 2, 3 and 4 bedroomed houses. A Viability Assessment accompanied the application which concluded that the development could not support the provision of any affordable housing nor any developer contributions. This is considered further in the Officer Comment section below

3.3 The application includes a Planning Statement, Design and Access Statement, Flood Risk Assessment, Transport Statement, Travel Plan Framework, Energy Statement, Extended Phase 1 habitat Survey, Bat emergence and activity survey, Tree survey, Heritage Statement, Landscape and Visual Impact assessment, Noise assessment, Air quality Report, Phase 2 Site investigation, Groundwater Monitoring report, Flood Risk Assessment, Drainage Report and a Viability Appraisal. Members are advised to consider all of these documents prior to the meeting.

3.4 The Planning Statement (from paras 1.6) states that the applicant specialises in remediating brownfield sites and bringing them to the market in a 'shovel ready' state for a housebuilder to make an early start on site. The applicant is unlikely therefore to carry out the development

3.5 The applicant did engage with the Council and sought pre application advice.

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

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

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

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

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

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

5.1 The Development Plan comprises of:

Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998).  
Core Strategy Development Plan Document (adopted March 2014)

Staffordshire Moorlands Local Plan (1998)

5.2 Development boundaries within the 1998 Adopted Local Plan are still in force until such time as they are reviewed and adopted through the site allocations process. Following consultation last year a Preferred Options Site Allocation DPD is currently out for consultation.

Adopted Staffordshire Moorlands Core Strategy DPD (26<sup>th</sup> March 2014)

5.3 The following Core Strategy policies are relevant to the application:-

SS1 Development Principles  
SS1a Presumption in Favour of Sustainable Development  
SD1 Sustainable Use of Resources  
SD3 Carbon-saving Measures in Development  
SD4 Pollution and Flood Risk  
SS6C Rural area strategy  
DC1 Design Considerations  
DC3 Landscape and Settlement Setting  
C1 Creating Sustainable Communities  
NE1 Biodiversity and Geological Resources  
T1 Development and Sustainable Transport  
T2 Other Sustainable Transport Measures

Local Plan process

5.3 The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was “sound”. Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

5.4 In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public will now be held this Autumn in order to determine whether the Local Plan is sound and legally compliant. Subject to the findings of the appointed inspector, the Local Plan is expected to be adopted in the Spring of 2019. At his point, it will

supersede the adopted Core Strategy and become part of the statutory development plan for the District.

5.5 In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the Council has submitted it to the SoS for examination
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question. The Officer Comments section of this report identifies the level of outstanding objections to each policy and recommends the amount of weight to be given to them at this stage in the process
- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

#### Emerging Policies

The following policies are considered to be relevant to this application:

Policy SS1 Development Principles

Policy 1a Presumption in favour of sustainable development

SS2 Settlement Hierarchy

SS10 Other Rural Areas Strategy

Policy H1 New Housing Development

Policy DC2 Historic Environment

#### National Planning Policy NPPF

#### National Planning Policy Guidance

## **6. CONSULTATIONS CARRIED OUT**

6.1 A Site Notice has been displayed and nearby residents notified by letter. One letter of objection received raising the following issues:-

- Too many houses for this small hamlet
- Drainage report refers to flood waters being directed to road and landscaped areas in extreme storm events. How does that affect existing properties opposite the site
- Drainage report refers to raised floor levels – how does that affect existing properties opposite the site
- What happens to the borehole on site
- The site and neighbouring properties have flooded in the recent past
- Plots 33 – 37 should be set further back and footpaths from these properties to the A522 may encourage on road parking. A barrier should be provided between these gardens and the main road.

Without this residents might be tempted to park on the main road.

- Plot 54 shows the demolition of the Reading room. This should be retained.

## Checkley Parish Council

### 6.2 Support the application

#### Trees and Woodland Officer

6.3 The principle of a (mainly) residential re-development of this disused developed site has already been accepted through grant of outline permission under SMD/2013/0028, and I again have no objection in principle with regard to impact on existing trees (including removal of the overly-dominant existing Leylandii hedge to the northern boundary) or to landscape/visual impact.

6.4 The current application is in outline, seeking detailed approval at this stage only for access with all other matters including layout reserved; however, an indicative site layout plan is also submitted. The submitted Tree Survey/Arboricultural Impact Assessment report and Landscape and Visual Assessment report have also been taken into account.

6.5 The proposed site access points would be based on existing access off Uttoxeter Road and Mill Lane and I have no objection to these in detail.

6.6 The description of development does not refer to a specific quantity of development, although the indicative layout shows 56 new dwellings. This is slightly less than the 60 indicated on the indicative masterplan/layout of the previous application, and reflects the central core of the site now being shown at slightly less dense disposition of dwellings, with a larger number of detached houses. In addition, a few dwellings are now indicated on the detached small part of the site on the eastern side of Mill Lane leading to Fole Bridge, which was previously identified for some employment development.

6.7 The indicative layout would generally make spatial provision for the retention of existing trees at/near the southern boundary along the River Tean and also retain the existing established hedgerow along the western boundary. The applicant's tree report suggests some initial management/remedial work to some trees, reflecting their age and/or condition, but this would not significantly affect the extent, scale or character of tree cover and there would, mostly, be no direct impact on trees arising from the proposed scheme (but see detailed points listed below).

6.8 The exception to this tree retention would be the existing mature Leylandii hedge along the Uttoxeter Road frontage of the site. As previously advised, and again concurred by the applicant's tree report, this is considered to be overly-dominant and overbearing, and out of keeping with

the basically rural landscape character of the area, and the proposed development would include removal of this hedge, to which I have no objection.

6.9 In terms of impact on landscape character, the site as existing is fully developed with large industrial type buildings, palisade security fencing and extensive hardstanding areas, and an overly dominant incongruous frontage hedge. This imparts a detrimental visual character which is exacerbated by the progressive dereliction since the site has been disused for a number of years. The proposed residential development would not at outline stage lead to the loss of any positive or valuable landscape features. Whilst a major residential estate-type development would also be an incongruous feature in the underlying rural landscape, it would arguably be less detrimental both in terms of built form and its existing and new soft landscaping. The result would be an enhancement over the present situation.

6.10 Visual impact on surrounding viewpoint receptors would be no greater than at present, and given the removal of large scale buildings and their replacement by more permeable built form with new soft landscaping percolating through the site, longer term visual impact is likely to be progressively reduced. This would be helped by retention/enhancement of existing and establishment of new/replacement boundary landscaping - although I have some concerns in relation to the spatial opportunity to fully achieve this within the indicative layout. Although layout would be matter for subsequent reserved matters consideration/approval, the following points are raised at this as they may have some bearing on final site capacity - at least for a development in the form currently indicated:

- The side elevation of the Plot 1 dwelling is very close to the western boundary of the site, and in fact would be likely to require cutting back of the existing hedge at this point rather than retention and enhancement, leading to a localised reduction in screening.
- Similarly the access path immediately adjacent to the western boundary, giving access to rear gardens of Plots 8/9/10, and the proximity to this boundary of the parking bays for Plots 1 and 7, would also be likely to require on-going cutting back of hedgerow.
- The layout of Plots 1 – 10 is very regular/linear/formal as the outer edge of the development along the western boundary. A more irregular organic form, with more varied orientation, grouping and distances from the boundary would give a more informal character more in keeping with the rural location, and could be designed so as to make better opportunity for additional buffer planting along this edge of the site.
- The above issues in combination point to a lack of sufficient spatial opportunity to satisfactorily reinforce/complement/enhance the existing vegetation here, and this therefore fails to support the applicant's landscape strategy and give confidence that this would be achieved in practice.
- There is virtually no space within the site red edge available for planting along the northern boundary, between this boundary and the

edge of the shared access drive to Plots 28 – 32. Again this fails to support the landscape strategy objective of establishing a new native hedgerow to the site frontage in place of the existing *Leylandii* hedge – and indeed anyway we may well reasonably require a landscape buffer to this boundary of a lot more substance than just a single hedgeline.

- There is realistically no space to the frontage of Plots 33 – 37 for anything other than a basic hedge, and given the close proximity to the front elevation/outlook to these dwellings such a hedge would be likely to be quite tightly maintained to prevent encroachment onto the dwellings, and also onto the immediately adjacent highway carriageway. Greater set-back from the northern boundary should be considered to allow realistic space to establish a substantial and effective screen planting buffer of hedge/shrubs/trees.
- Dwellings at Plots 45 and 50 appear to be within the indicated crown spread of a mature Ash tree directly across Mill Lane (T19 in the applicant's tree report), and this would lead to a subsequent over-bearing impact of the tree on the fronts of these Plots, creating pressure for lopping, which does not seem an appropriate approach to site planning/tree retention.
- The dwelling footprints of Plots 55 and 56 encroach slightly within the Root Protection Area of another mature Ash tree (T20), and the indicated crown spread would also encroach directly onto the rear elevations/roofs of these houses, on both counts pointing towards inappropriate overdevelopment of this detached part of the site. Notwithstanding the unacceptable direct impact on tree roots and crown, the rear garden of Plot 56 is virtually all beneath the indicated crown spread of T20, with garden and rear elevation of this Plot (and to a lesser extent also Plot 55) being unacceptably overly dominated by the tree. This would inevitably lead to pressure for felling or substantial and potentially unsightly/harmful crown reduction.
- Plot 53 dwelling footprint encroaches substantially within the Root Protection Area of mature Lime trees T15, and this tree together with its neighbour Beech T14 and further trees to the south-west would heavily dominate the rear of the Plot (garden and rear outlook from dwelling). This arrangement appears much too close to be sustainable – both in terms of reasonable/acceptable living conditions for occupants and satisfactory tree retention.
- Some of the indicative on-plot new tree planting appears somewhat unrealistic in terms of proximity to dwellings and allowing sufficient space for satisfactory establishment and growth of even modestly sized garden tree species – although it is appreciated this is just an indication at this stage and in many cases there may well be flexibility in practice over precise planting positions and species selection.

6.11 As already noted, these points are matters of detailed layout, which in themselves do not present constraint to the principle of residential development of the general type indicated, but may well require amendments at the next stage. However, in the event that outline planning permission is granted I would request that conditions relating to no trees,

shrubs or hedgerows shall be removed. Other than those shown and details of tree protection measures.

#### Ecology Officer

6.12 Awaited

#### Environmental Health Officer

6.13 No objection subject to conditions

#### Conservation Officer

6.14 No objection subject to conditions

#### Regeneration Officer

6.15 Advises that the proposal for the development of 56 residential units at Fole Dairy will provide the following outputs:

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- The new householders occupying each new house will spend some of their income locally through shopping and use of local services. National research has identified that 34% of all household expenditure is spent at district level or below. For this development of 56 units this is calculated at £515,336 per year.
- Each new house will generate direct jobs within the construction industry or associated supply chain, of which 25% are likely to be locally based. Indirect Jobs are also generated by local spend in shops and services. This is calculated at an additional local job for every seven new homes. Using these multipliers the development will generate 60 direct jobs and 8 indirect jobs.
- The development will also generate approximately £10,287 council tax for the area per annum

#### Open Spaces

6.16 The Project Officer initially raised issue that no on-site play was provided. She advised that the nearest play and recreation area is in Upper Tean (the rec ground off High Street) which is at least 5,000 meters from the proposed development. 'Beyond the Six Acre Standard' is good practice guidance for outdoor play and sport and this states that 1,600m = 20 minutes walk, is the maximum you would expect a child to travel to access play and recreation provision – 5,000 meters is a good hour's walk, too far for a young child. She advised that this is the difficulty with such rurally isolated developments. The document states that developments providing between 10-200 dwellings should be providing an on-site LEAP. She considered that in this case some on-site play should be provided.

6.17 The play area subsequently shown on the Illustrative Plan was tucked in the south east corner. The Project Officer considered this and advised

that it would not be acceptable in this location as it had no casual supervision from any of the properties; in fact there are no properties close to this play area, let alone facing onto it on the Illustrative Plan. She advised that the design and layout should follow the principles of 'Secure by Design'. A revised location was then shown which whilst in a better location with some casual surveillance provided by houses on the Illustrative Plan it did not appear to achieve the advised buffers.

6.18 The Project Officer also advises that an off-site contribution towards playing fields would be sought which would be required for enhancements to existing playing fields/pitches in the catchment of the development. The formula for calculating this is £ £627.21 per bedroom.

#### Local Highway Authority

6.19 No objection subject to conditions including provision of off site highway works to include a 2m footway on the A522 Uttoxeter Road frontage incorporating a pedestrian dropped crossing close to the bus stop and the upgrading of the existing bus stop on the A522 Uttoxeter Road.

#### Local Lead Flood Authority (LLFA)

6.20 Initially recommended refusal because the submitted documents did not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. Following receipt of a Revised Flood Risk Assessment (FRA) the LLFA has confirmed that it has no objection subject to conditions.

#### Environment Agency

6.21 No objection subject to conditions to ensure that a) the development does not pose an unacceptable flood risk b) to protect controlled water receptors of the River Tean, Broadgate Brook and the groundwater in the underlying Secondary Aquifers and Source Protection Zone and to assess risk to these waters and inform any appropriate remediation c) to deal with an unexpected contamination and ensure the site is remediated appropriately

#### Severn Trent Water

6.22 No objection subject to a standard drainage condition. Advise that there is a public sewer located within this site and a pumping station close to the site. Any new development must not restrict access to the Sewage Pumping Station (SPS). Due to the close proximity of the proposed new development the occupant may experience noise and/or smell pollution. In order to minimise disruption to any future occupant(s), and as such advise that all habitable buildings are constructed a minimum of 15metres from the curtilage of the SPS compound.

### Police Architectural Liaison Officer

6.23 No objection. Staffordshire Police have no issues with a residential development coming forward for this brownfield site, which over the years has attracted intruders and unwanted attention. A site layout coming forward along the lines of the indicative site layout drawing accompanying this application would generally be viewed favourably by Staffordshire Police. Any reserved matters planning application that subsequently comes forward should clearly explain within the Design and Access Statement and demonstrate in the site layout how crime prevention and community safety measures have been considered in the design of the proposal.

### SCC Education Authority

6.24 Advise that Hutchinson Memorial CE(A) First School and Thomas Alleyne's High school are projected to have sufficient space to accommodate the pupils that this development could generate and so we would not request a contribution towards First and High School places. Middle school places across Uttoxeter Town are projected to be insufficient to accommodate the pupils generated from this development and so we would suggest a total request, of 7 Middle School places (7 x £13,827 = £96,789).

### Design Review Panel

6.25 Overall the scheme has some positive features in that it opens up the culverted watercourse in part that runs through the site and retains tree cover at the rear adjacent to the river. Footpath access is shown along the side of the stream and river which is also positive. The scheme proposes some fairly decent landscaping at the front of the site in terms of hedges and significant tree cover. This is evidenced on the street scenes. However, the Panel was not convinced there was adequate room to achieve such a substantial cover. In addition, the street scenes were a little miss-leading as tree planting at such a size would not be immediately achievable. The Panel felt it was important to safeguard some land to future proof the Chapel. It is rather 'hemmed' in. On the negative side the Panel felt that the development lacked a strong perimeter development led layout. Areas of particular concern were the small cul de sac created around plots 38 – 47 which presented an open view to the rear gardens of units 43 and 44. Larger perimeter blocks need to be created throughout the site by amalgamating blocks 11 – 18 with blocks 19 – 23. The additional access created off the unnamed road serves a very limited number of dwellings. It is poor and consideration should be given to removing this and creating an alternative access to these plots with a possible connection along the east side of the stream. Some of the road widths looked overly large and engineered for such a small site. There are missed opportunities to narrow the carriageway and remove footpaths. A strong built development line should be encouraged by linking some of the plots or/and bring forward the siting of the garages. Particular areas of concern were 42 – 53 (could be linked and more organic/rural character) and 29 -30. The orientation of

plot 32 should be aligned so that it addresses Uttoxeter Road. The panel were encouraged by the indicative house design and proposed material schedule which they considered appropriate.

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

7.1 As with all applications, the LPA is required to determine this application in accordance with the Development Plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations.

7.2 Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' in line with the National Planning Policy (herein referred to as the NPPF) where: (1) planning applications that accord with policies within the Core Strategy will be approved without delay and (2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:-

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or,
- Specific policies in within the NPPF indicate that development should be restricted.

### Principle

7.3 This is a brownfield site situated within the small hamlet of Fole and on land defined as open countryside. There was until June 2017 an extant permission for a mixed development of housing and employment on the site. However this has now expired and no longer constitutes a valid 'fall back'. It is nevertheless a material consideration in the assessment of this application. The weight to be given to it is a matter of planning judgement and is discussed further in the planning balance below. It is noteworthy that this previous application secured 33% of the total number of dwellings to be affordable housing and developer contributions.

7.4 Fole is not identified as even a small village in the Core Strategy in view of the very limited services and facilities available. It is within the open countryside and therefore Policy SS6C is relevant which sets out the development strategy for the rural areas of the District. As an existing employment site Policy E2 is also relevant. It seeks to protect existing employment sites whether occupied or not. These policies are the starting point in the consideration of this application.

7.5 Policy SS6c seeks to strictly control new development within the rural areas. However in line with Policy E2 (see discussion below) it also recognises that historically large scale development has taken place in these areas, a large commercial dairy on this particular site for example.

Where these sites are no longer needed, Policy SS6C facilitates their appropriate redevelopment provided that the proposal brings positive benefits to the area and any resultant highway or environmental concerns can be addressed or minimised. The proposal it says should clearly demonstrate how the redevelopment will complement the overall development strategy for the District.

7.6 Policy E2 seeks to protect existing employment sites. It says that redevelopment for housing will only be permitted where it can be demonstrated that the site is no longer suitable and viable for continued employment use or where redevelopment achieves substantial planning benefits which outweigh the loss of employment use. It says that preference will be given to mixed use redevelopment that retains an element of employment provision.

7.7 The initial submission did not address this policy so the applicant was invited to comment. He responded with a short commentary. In respect of marketing of the site in the last 18 months he says,

*'There are very few commercial enquiries (B1, B2 & B8 Uses) listed during this period and from reviewing the uses, they are principally low value / quality land uses such as trailer parking, skip storage, recycling and demolition yard uses'.*

7.8 The applicant went on to list the substantial benefits that he considers stem from the proposal including increased housing supply, remediation of a contaminated site, visual improvement, improvement to surface water drainage and benefits to the local economy.

7.9 It is considered that the substantial planning benefits referred to in both Policies SS6c and E2 do stem from redeveloping this site for housing, particularly in terms of the environmental improvements from the remediation of this derelict and under used site and improvements to the drainage situation, the social benefit of boosting housing supply in circumstances of a very significant and continuing under supply (less than 2 years). There are no highway constraints. The proposal would also bring economic benefits. The Regeneration Officer has clarified above the likely economic outputs from the development both direct and indirect from construction, supply chain, the local economy and Council tax receipts. Together these are considered to be substantial planning benefits and are positive elements of the scheme.

7.10 The second strand of that part of SS6C relating to major developed areas requires the applicant to clearly demonstrate that the redevelopment will complement the overall development strategy for the District. On the face of it Fole lacks services and facilities and would not appear suitable for the scale of development proposed. In this respect there is some conflict with that part of SS6C which requires proposals for the development of major developed areas to clearly demonstrate how the redevelopment will complement the overall development strategy for the District. However as

the applicant notes the site is only 1.4km from the nearby village of Checkey where there is a primary school, pubs, church and community hall. Five miles to the south east of the site is the town of Uttoxeter which provides a full range of services and facilities including a train station. Within 3 miles, also to the south east a major new junction with the A50 is under construction which will improve the link from the A522 at this point to the A50. JCB also has a major employment facility at this located at the junction. Although there is no escaping the fact that Fole itself is a small hamlet, having regard to its wider location the application site is not remote or wholly unsustainable (see also discussion on accessibility below).

7.11 Policy E2 sets out a 'preference' (not a requirement) for redevelopment schemes to provide mixed use developments. The 2013 application did include a minimal element of new employment space (300sq m) however the Council did accept at that time the loss of the majority of this employment site. It appears from the limited information provided by the applicant that no serious interest has since been expressed for employment use. It is for these reasons that the lack of employment space is not considered to be fatal to the application and that there is compliance with Policy E2.

7.12 Moreover, however, there are other material considerations in the form of the NPPF. The Council's current housing supply is 1.99 years. The NPPF says at paragraph 11, footnote 7 that where a five year supply of deliverable housing sites can not be demonstrated policies which are most relevant for determining the application are out of date and in these circumstances planning permission must be granted unless the any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The so-called "tilted balance." This matter is returned to in the planning balance below.

7.13 Furthermore, in addition to seeking to significantly boosting the supply of homes, the revised NPPF places much emphasis on making effective use of land, dedicating a whole chapter to it. Para 118 refers to LPA's supporting appropriate opportunities to remediate derelict and contaminated land; promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites such as this, could be used more effectively. Para 121 says that LPA's should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated in a plan, where this would help to meet identified development needs. In particular it says LPA's should support proposals to use amongst other matters employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites and be compatible with other policies in the Framework. Again this matter is returned to in the planning balance below but it lends support to the application.

7.14 The conclusion in terms of the principle of development there is

compliance with Policy E2 but some limited conflict with Policy SS6C. This matter is returned to in the planning balance below. The other main issues of access, accessibility, Viability, Flood risk/Drainage, residential amenity, Illustrative plan, landscape and visual impact, heritage and biodiversity. These are discussed under the various sub headings below.

### Access

7.15 Approval of access is sought at this stage. The application is accompanied by a Transport Assessment which has been considered by the Local Highway Authority. The existing main access into the site from Uttoxeter Road will continue to be the main access. It has good visibility in both directions with splays of 2.4m by 90m achievable in both directions. The illustrative plan shows a number of minor accesses on the side road to the east serving either individual dwellings or parking courtyards. The IP also shows several footpath links through the site.

7.16 The LHA has raised no objection to the application subject to a number of conditions including off site highway works to include a 2m new footway across the site frontage, a pedestrian dropped crossing and upgrading of the existing bus stop outside the site. These measures are considered to be necessary to improve pedestrian linkages to the bus stop and to the footpath on the north side of the main road which links all the way to Checkley and to the bus stop on the north side of the A522 and improve the bus stop itself ensuring that walking and public transport use are encouraged as far as possible.

7.17 With these conditions in place the development is considered to comply with those parts of Policy T1 and DC1 and the NPPF which relate to the provision of a suitable and safe access for all users and an acceptable impact on the highway network and highway safety. No objection is raised on highway grounds.

### Accessibility

7.18 The TA considers matters of accessibility and the locational sustainability of the site. As noted above the applicant has offered to provide a footpath across the site frontage to provide a direct route from the site to the bus stop which lies directly outside the site. There is a further bus stop to the east of the site. An existing footpath on the north side of the main road provides a link to this. It also continues westward to Checkley village. As the A522 passes through Fole the speed limit is 30 mph.

7.19 The TA assesses the location of the site relative to services/facilities. It says that the site is near to Checkley village where there is a Primary school, Community centre, Church, Cricket club and two pubs/restaurants. According to the applicant these facilities are an 18 minute walk from the site (distance 1.4km). Manual for Streets suggests that walking offers the greatest potential to replace short car trips particularly those less than 2km.

The path is level and lit along the way albeit that it runs alongside the A522.

7.20 For cyclists the submitted TA says that a distance of 5km is considered to be acceptable as an alternative to car travel. The TA says that based on relatively low cycling speed of 15kph this distance can be cycled in around 20 minutes and would reach for example Upper Tean, Lower Tean and parts of Uttoxeter. The TA says that the Lane to the east of the site is classified as an 'on road advisory cycle' route and links into the wider network of on and off road routes around Staffordshire. It says it provides access to Uttoxeter to the east and Cheadle to the west. Clarification is being sought from the applicant on this as the plan at Appendix H of the TA is far from clear and doesn't extend to Cheadle or Uttoxeter.

7.21 In terms of modes of travel other than the car and walking, as mentioned there are bus stops on the north and south of Uttoxeter Road close to the site. There is a reasonably frequent hourly service Monday to Saturday between Hanley and Uttoxeter, No 32 service with most routes calling at Fole, Checkley, Lower Tean, Upper Tean and Cheadle. There is however no Sunday service.

7.22 The TA confirms that there are no trains within acceptable walking or cycling distance of the site albeit that the bus service does provide a link to Uttoxeter Railway Station.

7.23 A Travel Plan Framework (TPF) is offered. The applicant states that the TP is not intended to be anti car, which in any case would be unrealistic here, but to provide information to residents and visitors on alternative modes of travel. This could be through introductory packs to new residents for example outlining local pedestrian and cycle routes and bus timetables.

7.24 This site can not be regarded as highly sustainable. However the above does show that there are some realistic alternatives to the car. Walking and cycling opportunities are available and can be encouraged and there is a bus service with onward link to the train station at Uttoxeter, some 5 miles away. Measures to facilitate these modes can be secured as part of this development. Very few sites in the Moorlands benefit from such access to the rail network.

7.25 The Local Highway Authority raises no objection to the application on accessibility grounds subject to conditions to secure measures to facilitate other modes of travel. The conclusion is that the proposal does take the opportunities available to promote sustainable transport modes given its location (para 108 NPPF) and accords with that part of Policy T1 which refers to making the proposal accessible and facilitate walking and cycling.

#### Viability – including affordable housing, public open space and education

7.26 Policy H2 requires that 33% of the total number of dwellings on this site should be affordable secured through a Section 106 Obligation. Policy C2 requires that qualifying new development, which this is, should make

provision for and/or contribute towards the provision of open space in accordance with the SPD. In this case an on site LEAP was requested by the Projects Officer, due to the size of the development and distance from other play facilities. She also requested a contribution of £627.21 per bedroom towards the improvement of playing fields off site to mitigate impact on open space provision. In line with Policy C1, SCC Education Authority has requested a contribution of £96 789 towards additional school places to mitigate the impact that the development will have on school capacity.

7.27 The application was accompanied by a Viability appraisal which concluded that the development could not provide any affordable housing, provide an on site LEAP nor absorb any developer contributions (education and public open space) due to the abnormal costs, mainly associated with remediation works. To do so would, it said, render the scheme unviable.

7.28 The Council has sought an independent review of this. The conclusion of the Council's consultants, after some discussion with the applicant and review of input figures/costs is that applying both policy compliant affordable housing, an onsite LEAP and developer contributions for education and public open space would result in a 5.78% profit on GDV. Clearly at this profit level the scheme is unlikely to proceed. However they disagree with the applicant that no affordable housing and/or S106 contributions could be provided. Based on their revised figures and assessment they advise that running the following appraisals does produce a realistic profit.

- a) Affordable housing only - giving a profit of 18.21% on GDV this appraisal shows that 5% affordable housing could be provided equating to 3 units based on the Illustrative Plan or
- b) Developer contribution only – giving a profit of 18.29% on GDV this appraisal shows that an on site LEAP could be provided together with either the higher cost of an off site playing field contribution or slightly lower cost of an education contribution.

7.29 The applicant largely accepts this assessment. Although provision of affordable housing is a Council priority and would perhaps be the obvious choice over a S106 contribution and on site LEAP, the Housing Officer verbally advises that it is unlikely that a Registered provider would be interested in just 3 units here for management/maintenance reasons. The revised NPPF does include discounted market sales housing as 'affordable housing' and this could be a further option to consider. However Officers view is that the provision of a LEAP on site together with a contribution for improvement of playing fields off site is the most beneficial and appropriate in this case. The applicant has put to the Council a proposal for a LAP rather than a LEAP. His reasons being

- LEAP is suitable for schemes up to 100 units which is clearly more significant than the size of the application site
- a LAP would have a smaller site area
- All houses will have private gardens

However the advice of Officers is that a LEAP should be sought. This is

because there is no facility nearby for users to walk to, a LAP provides very limited play value and only to those in the 0-5 year age group whereas a LEAP caters for 0-12 years. The NPPF says that planning decisions should aim to achieve healthy, inclusive and safe places to enable and support healthy life styles. Subject therefore to a Section 106 obligation to secure an on site LEAP and a contribution for off site playing field provision, there is compliance with Policies H2 and C2.

### Flood Risk/Drainage

7.30 The application site lies within Flood Zones 2 and 3 which is land most at risk of flooding. A full Flood Risk Assessment/Drainage Strategy accompanies the application.

7.31 The Local Lead Flood Authority (LLFA), Environment Agency (EA) and Severn Trent Water (STW) have all been consulted as part of the application.

7.32 The LLFA advise of past flooding at the site from the Broadgate Hall Brook which they say has spilled across the road and into this site. The Brook is currently culverted under the application site but as part of the Drainage strategy and FRA, the proposal is to open up this Brook as it passes through the site in several sections.

7.33 The LLFA initially objected to the application on the grounds that the submitted documents did not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. However following consideration of a revised FRA/Drainage Strategy the LLFA has moved to a position of 'No objection' subject to conditions to secure the revised FRA and a number of measures. They say that crucial to preventing flooding of the site is the removal of the current culvert under the site and the creation of a new open channel through the majority of the site, along with a flow interception ditch alongside the A522. They also require an adequate 3m access easement be maintained from the top of the banks of the channel and for the slopes of the channel be 1 in 3 to allow easy maintenance.

7.34 The LLFA comment that no details are provided as to which responsible body will maintain the surface water system and the proposed open channel and ditch over the lifetime of the development nor has a maintenance schedule been provided. Similarly areas of open space beyond individual plot curtilages will need to be maintained and managed. These matters need to be secured through the Section 106 Agreement.

7.35 The Environment Agency raised no objection to the initial application subject to various conditions. They have been consulted on the revised FRA/Drainage Strategy and Members will be updated on their response at the meeting.

7.36 Severn Trent Water has raised no objection to the application subject

to a drainage condition. They draw attention to their Sewage Pumping Station to the south west of the application site and of the need to maintain a 15m buffer between this and all habitable buildings on the application site. This is a matter for consideration at the reserved matters stage but an informative is added for the applicant's attention. For these reasons the application is considered to comply with Policy SD4 and the NPPF.

#### Residential Amenity (including noise, air quality and contamination)

7.37 With regard to amenity of existing and proposed residents, the application does not seek a specific number of units in the application/description and Layout is a reserved matter. However, it would be necessary to ensure at the reserved matters stage that the scheme complied with the Council's Space About Dwellings requirements in terms of separation distances both to existing dwellings and between dwellings within the scheme, minimum garden sizes etc.

7.38 Through various submitted reports the applicant has assessed impacts of noise (to the proposed dwellings from the main road and to existing residents during the development phase) air quality and contamination. The Environmental Health Officer (EHO) largely accepts the conclusions reached. In respect of noise, mitigation measures are set out in the Noise Assessment which the EHO recommends are secured through a condition. In respect of air quality, the EHO recommends a condition to secure a Construction Management Plan to mitigate impact during construction.

7.39 In respect of contamination the EHO has assessed the submitted reports which he considers to be a good overview of the sources of contamination. He advises that the proposed CSM proposed is acceptable and that the proposals for groundwater contamination/ remediation have been agreed with the EA (see discussion elsewhere too). The EHO says that further works will be required as the buildings are demolished and conditions are necessary therefore to require this work to be undertaken. The scope of works can be summarised as:

- Pre-development – targeted remediation works;
- Pre-development – site wide remediation activity; and
- Post-development site wide verification and remediation in accordance with finalised scheme details.

7.40 Subject therefore to the imposition of conditions to secure works and/or mitigate impact, the development is considered to comply with Policies DC1 and SD4 which seek to minimise pollution and protect residential amenity.

#### Illustrative layout

7.41 The applicant has provided an Illustrative Plan (IP) which shows a layout of 56 units. Although Layout is a reserved matter, the Viability

appraisal has been based on this layout. Although the application does not seek a certain number of dwellings it is appropriate to comment on the IP and highlight any shortcomings which need to be taken on board at the reserved matters stage.

7.42 The Design and Access Statement explains the design rationale for the scheme. It refers to the opportunities of the site including the opening up of the culvert flowing north – south through the site as a public footpath feature, the removal of the frontage conifers, provision of green buffers to the west where the site adjoins open countryside, retention of trees and hedgerows fronting the River Tean and to new native and tree planting, including along the road frontage. The DAS refers to all dwellings being two storeys, of brick construction incorporating brick soldier courses, heads and cills, gable projections, mix of brick and timber painted fascias for eaves and verge detail, upvc windows and doors.

7.43 Officers and the Design Review Panel have reviewed the scheme. Overall the scheme has some positive features including the partial opening up of the culvert which runs through the site and the retained tree cover adjacent to the river. The removal of frontage conifer hedge is also a positive element. Connectivity through the site is also positive although links outside the site are less clear. The Panel were encouraged by the indicative house design and proposed material schedule which they considered appropriate. The Visuals show considerable landscaping. Landscaping is also referred to in the DAS as an important part of the design rationale for the site. Officers agree it is very important to assimilate the development into its rural context but the Panel was not convinced there was adequate room to achieve such a substantial cover. Indeed the Panel felt that the street scenes were a little mis-leading as tree planting at such a size would not be immediately achievable. As noted elsewhere the Trees and Woodland Officer's comments on the application are awaited and will be reported at the meeting. He will comment on how achievable this would be in reality. On the negative side the Panel felt that the development lacked a strong perimeter development led layout. Areas of particular concern were the small cul de sac created around plots 38 – 47 which presented an open view to the rear gardens of units 43 and 44. Larger perimeter blocks need to be created throughout the site by amalgamating blocks 11 – 18 with blocks 19 – 23. The additional access created off the unnamed road serves a very limited number of dwellings. It is poor and consideration should be given to removing this and creating an alternative access to these plots. A strong built development line should be encouraged by linking some of the plots or/and bring forward the siting of the garages. Particular areas of concern were the outer facing elements of the scheme i.e Uttoxeter Road frontage and development fronting the side road to the east.

7.44 Other matters raised by the Panel, Officers and other consultees which would need to be addressed in any subsequent reserved matters application include:-

- Provision of parking for Fole Chapel (applicant has committed to providing 2 spaces within the site – to be secured via the 106)

- Poor visibility for drivers leaving the side road serving plots 27-32. Road needs re locating.
- Greater adherence to Manual for Streets - road hierarchy, more use of shared space, grassed service strips to replace formal footpaths, minimum width roads, less engineered layout
- 3m easement strip adjacent to the open channel
- good internal and external pedestrian connectivity
- LEAP to be site more centrally in line with good practice where it benefits from good casual surveillance with the appropriate buffers and be safe and accessible for all users with good connectivity to walking and cycling routes on and off site.

7.45 The conclusion drawn is that the Illustrative Plan would require amendment to address the issues raised above and ensure that the application delivers a high quality scheme, as required by policy, which integrates as far as is possible with Fole given its small size and of course the wider landscape. The revised NPPF places significant emphasis on design. Policy DC1 also seeks to ensure that development proposals should make a positive contribution to their surroundings by amongst other matters achieving a strong sense of place by protecting and enhancing the quality, distinctiveness and character of settlements.

7.46 The application does not seek a specific number of units in the application/description and Layout is a reserved matter. It is recommended that an informative is included on the Decision Notice drawing the applicant's attention to these comments which will need to be addressed at the reserved matters stage.

#### Trees and Landscape/Visual Impact

7.47 A Landscape and Visual Impact Assessment and Tree Report are submitted with the application. The comments of the Trees and Woodland Officer are awaited and will be reported at the meeting.

#### Heritage

7.48 A Heritage Assessment is submitted with the application. It considers three heritage assets and five non designated heritage assets, all of which fall within 250m radius of the site. It refers to the dairy dominating the settlement with its large and extensive buildings and yards forming an incongruous intrusion into a rural setting. It says the redevelopment heralds a quite different prospect and promises a softening of the landscape with structures at a human scale interspersed with green spaces. It makes particular reference to the proposed loss of the Recreation room. It says it has little architectural merit but has connection with the Vernon family, the date stone and the fact that it forms part of the setting of the mill.

7.49 It assess the impact on the Listed buildings to be; Fole Bridge (neutral impact) Mill Farmhouse (Neutral) and Fole Spring Farmhouse (Slightly beneficial), Barn east of Mill Farmhouse (Neutral), Fole Mill (development

will have neutral or slightly beneficial effect; loss of Recreation room would be slightly adverse), Millennium cottages (slightly beneficial), and Fole Chapel (slightly beneficial). Its overall conclusion is that the development would have a neutral or beneficial effect on the setting of the heritage assets. It notes however that the possible exception is the loss of the Recreation Room, which dates from 1890 but concludes that the building itself, while it has a local history interest, has little if any architectural merit and its loss would not be considerable. The main issue hinges on the character of its replacement and its possible impact on the setting of Fole Mill.

7.50 The Conservation Officer has considered the HA. She largely agrees with its conclusion. She comments that the Methodist Chapel is a non-designated heritage asset and that land (part of the application site) should be made available to allow its future use and prevent blight. It is an attractive landmark property and adds to the distinctive character of the area. She also refers to the former Recreation Room. She agrees that it is of local historical value but it has been truncated, the roadside gable rebuilt and visually is a building of no architectural quality. She does not object to its demolition. She advises a recording condition to document this building and features of historic/industrial interest prior to its demolition (for the HER).

7.51 Subject therefore to a recording condition, there is no adverse impact on heritage assets and as such compliance with Policy DC2 and the NPPF.

#### Biodiversity

7.52 A Phase 1 habitat survey together with bat surveys accompany the application. The comments of the Ecology Officer are awaited and will be reported at the meeting.

#### Planning balance

7.53 Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.54 As set out above there is some conflict with part of Policy SS6c of the Development Plan. However the NPPF is a material consideration of weight. It sets out a presumption in favour of sustainable development. For decision taking it says at paragraph 11 that where those policies which are the most important for determining the application are out of date, the tilted balance applies i.e that permission must be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Footnote 7 confirms that 'out of date' includes applications for the provision of housing where the LPA cannot demonstrate a 5 year supply of deliverable housing sites. That is the case here with the District having a less than 2 year supply. The tilted balance applies.

7.55 The proposal would deliver economic benefits through the construction of the dwellings and once completed through extra spending power in the local economy and increased Council tax receipts. Moderate weight is attached to this. The provision of housing in circumstances of a chronic housing under supply attracts very significant weight. There are also environmental benefits associated with the re use of this long standing vacant and disused brownfield site and its remediation. Moderate weight is attached to this also. It is acknowledged that there is some conflict with Policy SS6C in that the proposal does not easily align with development strategy for the District which sets out a hierarchical approach to new development – three market towns, larger villages, smaller villages with no large scale development in the ‘other rural areas’ such as this due to lack of services and facilities. However the commentary above does demonstrate that the site is not remote and not wholly unsustainable. It is served by a bus route and there are opportunities for walking and cycling and supporting the nearby village of Checkley where there are some services and facilities. Para 78 of the Framework refers to this cross village support. The site is 5 miles from Uttoxeter, a town with a full range of services and facilities including a train station and within 3 miles of the site the A522 connects to the A50, which is part of the trunk road network linking to the major cities of Stoke on Trent and Derby and the M6 and M1 respectively. JCB has a major employment facility at the junction.

7.56 It is for all of these reasons that the judgement reached is that the benefits of the scheme are overriding in this case. The proposal will deliver sustainable development and a recommendation of approval is therefore made.

## **8. RECOMMENDATION**

**A. Planning permission be granted subject to the prior completion of a 106 legal agreement to secure a) provision on- site LEAP b) a contribution towards playing field improvements off site c) future management and maintenance of areas of open space within the development outside of plot curtilages (including the LEAP), the surface water system, open channel and ditch and d) provision of 2 parking spaces for the sole use of Fole chapel and subject to the following conditions:-**

- 1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters.**

**Reason:- To comply with Section 51 of the 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 appearance, landscaping, layout, and scale, (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.**
- 4. 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.**
- 5. The reserved matters application(s) shall be based on the principles and rationale set out in the Design and Access Statement. Notwithstanding the materials suggested therein, eaves and verge detail should be traditional brick and mortar rather than timber fascias/barge boards and render should be used as an accent rather than the predominant facing material  
Reason: - To ensure an acceptable design in the interests of the character and appearance of this rural area**
- 6. 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**
- 7. The mix of units at reserved matters shall reflect the Council's Strategic Housing Market Assessment  
Reason: - To ensure an appropriate mix of units**

#### **Highways/Access**

- 8. No development hereby approved shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority:**
  - Means of surface water drainage to SUDS principles;**

The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of the development.  
Reason: - To comply with NPPF paragraph 32; to comply with SMDC Core Strategy policy DC1; in the interests of highway safety.
- 7. The development hereby permitted shall not be commenced until details of the following off-site highway works have been submitted to and approved in writing by the Local Planning Authority:**
  - 2m footway on the A522 Uttoxeter road frontage of the site incorporating a pedestrian dropped crossing close to the bus**

stop.

- Upgrade of the existing bus stop on the A522 Uttoxeter Road. The off-site highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

Reason: - To comply with SMDC Core Strategy Policy T1 and T2; to comply with NPPF paragraph 35; in the interests of pedestrian safety.

8. The development hereby permitted shall not be brought into use until the existing dropped crossings on Uttoxeter Road, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development hereby permitted are permanently closed and the access crossings reinstated as footway.

Reason: - To comply with NPPF paragraph 32; to comply with SMDC Core Strategy policy DC1; in the interests of highway safety.

9. The development hereby permitted shall not be brought into use until the visibility splays shown on plan ref. no A18095-01A rev D2 have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason: - To comply with NPPF paragraph 32; to comply with SMDC Core Strategy policy DC1; in the interests of highway safety

#### Drainage

10. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Version 3.0/Drainage Strategy dated July 2018 produced by JBA and Patrick Parsons and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by the site to a maximum of 100l/s and not increase the risk of flooding off-site.
- Provision of an appropriate calculated volume of attenuation flood storage on the site to a 100yr + climate change standard.
- Finished floor levels are set according to the levels in the FRA.
- Ensure residential development is located outside of areas of significant flooding.

Reason:-To prevent flooding by ensuring the satisfactory storage of/disposal of surface water, to reduce the risk of flooding from blockages to the existing culvert (s), to reduce the impact of flooding on the proposed development and future occupants and to ensure lifetime maintenance of the system to prevent flooding issues.

11. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing 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: - This is 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.**

**12 There shall be no built development within 8m of the top of the River Tean.**

**Reason: - To ensure there is a natural corridor and appropriate buffer zone from the River Tean and to reduce the risk of flooding to the proposed development and future users**

**Noise: Construction and demolition works: Time of operations**

**13 Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.**

- **08:00 - 18:00 hours (Monday to Friday);**
- **08:00 - 13:00 hours (Saturday)**
- **No working is permitted on Sundays or Bank Holidays.**

**In this instance a noisy activity is defined as any activity (for instance, but not restricted to, demolition operations,) which generates noise that is audible at the site boundary.**

**Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.**

**Noise: Sound Insulation**

**14. 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 be designed to achieve noise levels of less than 35 dB LAeq in bedrooms, less than 40 dB LAeq in living areas and 55dB 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.**

**Construction/Demolition**

**15. The development shall be carried out in accordance with the methodology risk and method statement submitted by RDE**

environmental S/18048/PH1/JM (1/03/18) throughout the course of the development.

Reason: To protect the amenities of the area

### Contamination

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

### Validation

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

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

#### **Unexpected Contamination**

- 18 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (16), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (16), and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, submitted to and approved in writing of the Local Planning Authority.**

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

#### **Soil Importation**

- 19 No 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 shall be submitted to and agreed in writing by the Local Planning Authority prior to the soils being imported onto site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.**

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

#### **Heritage**

- 20. Prior to the demolition of the Reading Room (referred to in the**

submitted Heritage Assessment) a recording of the building to include features of historic/industrial interest shall be submitted to and approved in writing by the Local Planning Authority.

Reason: - To record this non designated heritage asset which is of local historical value for the Historic Environment records.

### Informative

1. Your attention is drawn to the letters and advice from a) the Environment Agency dated 22<sup>nd</sup> June 2018, b) the Architectural Liaison Officer dated 14<sup>th</sup> May 2018 and c) Severn Trent Water dated 22<sup>nd</sup> May

2. The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.  
<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

The developer has submitted a travel plan. While not strictly required for this number of dwellings, should the developer wish Staffordshire County Council to agree and monitor the Travel Plan, the developer will need to enter into a Section 106 Agreement or Unilateral Undertaking to secure the current monitoring fee of £2360 (subject to indexation and annual increase until paid).

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 Operations Manager - 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.