

Draft Planning Conditions

7th January 2025

This document provides a list of draft conditions which have been the subject of negotiation between the appellant and LPA. The wording of all conditions found within this document are mutually acceptable unless otherwise stated within attached comments or specifically highlighted. This includes the tracked changes proposed by the appellant which are acceptable to the LPA.

The appellant contests the necessity of condition 6 and 26 but the LPA has not agreed to their removal.

1. The approval of the Local Planning Authority shall be obtained in writing with respect to the plans and particulars of the following reserved matters (hereinafter called "the reserved matters") before any development is commenced: ~~Layout, Scale, Appearance and~~ Landscaping ~~and Access (save for the vehicular access to the site shown in Proposed site access plan 3277 F06 Rev G)~~

Reason:- The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

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.

Reason:- To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:- To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

4. The development hereby approved shall be carried out in strict accordance with the following drawings and documents

Location Plan and application boundary 020 020 P001 Rev G

~~Parameters Plan - 020 020 004 Rev N~~

Proposed site access plan 3277 F06 Rev G

And in general accordance with the following plans:

Parameters Plan - 020 020 004 Rev N

Reason:- To define the permission and in the interests of proper planning

Levels

5. The reserved matters application for Layout and Scale shall be accompanied by the following for approval by the Local Planning Authority

- a) existing and proposed levels across the site and relative to adjoining land,
- b) finished floor levels of the proposed buildings
- c) long and cross sections through the site

Development shall thereafter be undertaken in accordance with the approved details.

Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties.

Dwelling height

6 Notwithstanding reference in the application including the Planning and Sustainability Statement and Design and Access Statement no dwellings shall be greater than 2 storey in height or 8m ridge height whichever is the lesser

Reason:- In the interests of the character and appearance of this edge of settlement site which adjoins open countryside and to protect views of St Giles Church Cheadle

Commented [JC1]: The Appellant does not consider this condition to be necessary

Dwelling mix

7. The mix of units at reserved matters shall [be based on housing needs as informed by the Council's Strategic Housing Market Assessment \(SHMA\) and other relevant factors such as available supply and market demand. reflect and bring the housing stock closer to the Council's Strategic Housing Market Assessment \(SHMA\) and all](#) All units shall meet the Nationally described space standards.

Reason: - To ensure an appropriate mix of units to reflect local need and comply with national standards for internal space within new dwellings

8. The reserved matter application(s) submitted shall be in accordance with the principles contained in the Design and Access Statement ref 020 020 001 Rev G [with the exception of reference to building heights which shall be limited to two storey or 8m ridge height whichever is the lesser.](#)

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Commented [JC2]: The Appellant does not consider this part of the condition to be necessary

Reason:- In the interests of the character and appearance of this edge of settlement site which adjoins open countryside and to protect views of St Giles Church Cheadle

Footpaths/cycleways

9. The reserved matters application shall be accompanied by a detailed plan showing the pedestrian and cycle routes within the site which shall be broadly in accordance with those shown on the approved Parameters plan 020 020 004 Rev N . The plan shall include:-

- a) Construction specification, levels, width and finished surfacing
- b) connections onto the public highway
- c) a signage scheme to include some measured routes to enable users to understand how far they are walking/cycling and also signage to encourage residents to walk in to the town centre for their amenities. This could include for example distance or estimated times of travel.

The approved footpaths and cycle paths and signage shall be installed / made available for use prior to first occupation of any of the units hereby approved.

Reason:- To increase connectivity and accessibility and encourage walking and cycling

Contamination – coal mining

10. The first reserved matters application shall be accompanied by the following for approval :-

- a) A Scheme of intrusive site investigations (the Scheme) designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity (shallow mining / mine entry).
- b) A Report (the Report) of findings arising from the Scheme and any remedial and / or measures necessary, including the submission of the proposed layout plan which identifies the location of any on-site mine entries (if found present) including appropriate zones of influence for all mine entries, and the definition of suitable 'no-build' zones;

Any remedial works or measures identified in the Report to address land instability arising from coal mining legacy shall be completed in full prior to the commencement of any development on the site.

Reason:- To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.

Contamination – Environmental health

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

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

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

Contamination Validation

12. 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. To ensure that the development is made safe and stable

Importation of topsoil

13. 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 should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.

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

Drainage ([Severn Trent Water](#))

14. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

Drainage ([LLFA](#))

15. The development hereby approved shall be carried out in complete accordance with the FRA and Drainage Maintenance Strategy 2022. The agreed strategy set out in this document shall be implemented in full before any of the dwellings hereby approved are first occupied.

Reason:- To ensure the provision of a satisfactory drainage scheme and to minimise flood risk to the development and surrounding area.

16. Prior to the commencement of development a Construction surface water management plan (the Plan) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall detail arrangements for the control of surface water that will be put in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy. The development shall proceed strictly in accordance with the agreed Plan.

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

Noise

17.No development hereby permitted shall take place except for works of site clearance and demolition until a Construction and Environmental Management Plan for that phase of the site has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

- I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
- II. the method and duration of any pile driving operations (including expected starting date and completion date);
- III. pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
- IV. the arrangements for prior notification to the occupiers of potentially affected properties;
- V. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- VI. a scheme to minimise dust emissions arising from construction activities on the site.
- VII. a scheme for recycling/disposal of waste resulting from the construction works;
- VIII. the parking of vehicles of site operatives and visitors;
- IX. the loading and unloading of plant and materials;
 - X. the storage of plant and materials used in constructing the development;
 - XI. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- XII. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works,
- XIII. any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment, details of any generator/s to be used on site. They should be sufficiently attenuated so that any noise generated shall be inaudible inside any nearby noise sensitive premise,
- XIV. during construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.

All works shall be carried out strictly in accordance with the approved details.

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

18. Prior to first occupation of any of the dwellings hereby approved, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating those properties fronting Frogghall Road for which the mitigation set out in section 4.3.8 of the Noise Impact Assessment Report dated 16th July 2021 prepared by JPM Acoustics shall apply. Such mitigation measures shall be installed in all such properties marked on the plan prior to any first being occupied.

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

Tree protection

19. The reserved matters application shall be accompanied by an up to date Arboricultural Impact Assessment report to demonstrate full and detailed consideration for the avoidance of harmful impact on trees and hedgerows to be retained and compliance with guidance set out in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction - Recommendations*.

Reason:- In order to protect existing trees in the interests of the character and appearance of the area

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

Reason:- In order to protect existing trees in the interests of the character and appearance of the area and in the interests of protected species

20. Any mature tree to be removed or to have substantial crown pruning operations carried out shall first be carefully inspected for the potential to provide bat roosting opportunities. Any tree which has such potential (which could include cavities, splits, decay pockets, hollow stems or branches, areas of loose bark, dense ivy cover or dense epicormic shoots) shall be subject to a further detailed and if necessary climbing inspection by a licensed bat worker immediately prior to felling or pruning, and all felling or pruning of such trees assessed as having moderate or greater potential for roosting shall take place in the presence of the bat worker who can then immediately advise on appropriate measures if bats are encountered during dismantling, felling or pruning operations.

Reason:- To safeguard protected species

21. No development shall commence on site (including any, site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access) until such time that temporary tree protection barriers and advisory notices for the protection of the existing trees to be retained have been erected in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and these barriers and notices shall be retained in position for the duration of the period that development takes place, unless

otherwise agreed by the LPA. 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 by the LPA.

Reason:- In order to protect existing trees in the interests of the character and appearance of the area

22. No development shall commence on site (including any ground works, site clearance, site stripping) until a Construction and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be based on the submitted Preliminary Ecological Appraisal (PEA) dated 16th July 2021 and shall have regard to BS 42020 Biodiversity. Code of practice for planning and development (or the prevailing standard) and shall include mitigation details for those species listed in Section 4 of the PEA. The approved CEMP shall be implemented and adhered to through out the construction period strictly in accordance with the approved details

Reason:- In the interests of biodiversity and to safeguard protected species and habitats during construction

23. The reserved matters application shall be accompanied by a Landscaping and Ecological Management Plan which should be written in accordance with BS 42020 Biodiversity. Code of practice for planning and development (or the prevailing standard) and shall include but not be limited to the following:-

- (1) Details of habitat creation and species enhancements
- (2) Updated BNG calculation using latest Defra metric/ Statutory Biodiversity Metric
- (3) Soil preparation details.
- (4) Appropriate planting/ seeding specifications.
- (5) Long-term habitat management plan with legal and funding mechanism (s) by which the long term implementation of the plan will be secured by the developer with management body (ies) responsible for its delivery
- (6) Implementation timetable

Reason:- To ensure biodiversity enhancement and ensure a net gain in biodiversity is secured

Archaeology

24. Prior to the commencement of development including site stripping and clearance a written scheme of [staged](#) archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, [comprising a geophysical survey followed by archaeological trial trenching \(the need for and scope of this to be determined following the geophysical survey\)](#) including post-excavation reporting and appropriate publication with implementation timescale.

The archaeological site work shall thereafter be implemented in full in accordance with the approved Scheme and timescale therein

The development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the approved Scheme and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Commented [JC3]: Amendment suggested in line with the consultation response as reported in the committee report (PDF page 22)

Reason:- To protect archaeological interests

Amenity open space

25. The reserved matters application shall provide 14 square metres of Amenity Greenspace per dwelling on site.

Reason:- To provide high quality and accessible recreational space on site in accordance with Policy C2 and the SPD Developer Contributions

Sustainable use of resources

26. The reserved matters application (s) shall be accompanied by a Scheme of measures indicating how the development will adapt to climate change and make sustainable use of resources. Such a scheme should include, but not be limited to energy efficiency, water conservation, sourcing of construction materials, site orientation, management of waste and renewable/low carbon energy. The development shall subsequently be carried out strictly in accordance with the agreed Scheme.

Reason:- To ensure the sustainable use of resources and adapt to climate change

Commented [JC4]: The Appellant does not consider this part of the condition to be necessary

Highways/access

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27. No development shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- layout and disposition of roads and buildings;
- Provision of parking, turning and servicing within the site curtilage;
- Means of surface water drainage
- Surfacing materials
- details of pedestrian access to and through the site;

The development shall thereafter be implemented in accordance with the approved details and be completed prior to first use of the development.

Reason:- To comply with NPPF Paragraph 111; to comply with SMDC Local Plan Policy DC1, T1; in the interests of highway safety.

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28. Before the proposed development is brought into use, details shall be first submitted to and approved in writing by the local planning authority indicating full technical details of the proposed access off A521 Froghall Road generally in accordance with drawing 3277-F06 G but subject to full technical approval. The access shall thereafter be provided in accordance with the approved details prior to the proposed development being brought into use.

Reason:- To comply with NPPF Paragraph 111; to comply with SMDC Local Plan Policy DC1, T1; in the interests of highway safety.

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29. The development hereby permitted shall not be brought into use until the visibility splays shown on 3277-F06 G 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. Any hedge shall be planted to the rear of this splay to account for growth.

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Reason:- To comply with NPPF Paragraph 111; to comply with SMDC Local Plan Policy DC1, T1; in the interests of highway safety.

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30. Before the proposed development is brought into use, details shall be first submitted to and approved in writing by the local planning authority indicating full technical details of the proposed footway and footway alterations between the site access and number 170, Froghall Road including alterations to the service road (to numbers 204 to 172) and resurfacing of the service road, generally in accordance withdrawing 3277-F06 G but subject to full technical approval. The footway and associated alterations shall thereafter be provided in accordance with the approved details prior to the proposed development being brought into use.

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Reason: To comply with NPPf Paragraph 111; to comply with SMDC Local Plan Policy T1 and T2; in the interests of highway safety; to encourage and facilitate alternative forms of transport.

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31. No development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i) a site compound with associated temporary buildings;
- ii) the parking of vehicles of site operatives and visitors;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) wheel wash facilities.
- vi) Routing of vehicles to and from the site
- vii) road sweepers.

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Reason:- To ensure the development can be carried out without unnecessary inconvenience to other road users.

INFORMATIVE

1.This permission should be read in conjunction with the Section 106 Agreement dated TBA

2.The applicant's attention is drawn to the letter from Staffordshire Police dated 5th October 2021 which provides recommendations for layout design to design in community safety and design out crime. Any future reserved matters application(s) that subsequently come forward should clearly explain within the Design and Access Statement (or other narrative) and demonstrate in the site layout how crime prevention and community safety measures have been appropriately considered and incorporated within the proposal.

3. Notwithstanding any indication on the plans hereby approved, this outline planning permission does not give or imply any approval for the layout or position of any internal road, footpath, building, services infrastructure or other structure.

4. 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 (highway.agreements@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/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>

5. The internal road network which are to be proposed for highway adoption will 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.