



**PLANNING APPLICATIONS COMMITTEE**  
**Thursday, 19 September 2024, 2.00 pm**  
**The Council Chamber, Moorlands House,**  
**Stockwell Street, Leek**

Contact Officer: Sally Hampton - Senior Democratic Services Officer Tel: 01538 395429 - [sally.hampton@staffsmoorlands.gov.uk](mailto:sally.hampton@staffsmoorlands.gov.uk)

**SITE VISITS:** A coach for committee members will leave Moorlands House at 10am prompt on the day of the meeting,  
  
Appropriate footwear if recommended.

**Speaking at Committee:**

All speakers, including Ward Councillors, should register with Democratic Services from Monday 10.00 a.m. until Wednesday 4.00 p.m. the week of the meeting.

Email: [democratic.services@staffsmoorlands.gov.uk](mailto:democratic.services@staffsmoorlands.gov.uk)

Tel: 01538 395429

Registered speakers should attend the meeting no later than 15 minutes before the start of the meeting (guidance will be provided during registration).

The order of business on the agenda may change at the discretion of the Chair.

Please be aware that meetings will be broadcast via the Council's website and may be recorded by representatives of the media or by members of the public.

1. Chair's announcements
  - a) Webcasting;
  - b) Introductions of Members and Officers;
  - c) Other announcements.
2. Apologies for absence, if any.
3. Minutes of the previous meeting (**Pages 5 - 12**)

**A G E N D A (Continued)**

4. Urgent items, if any.
5. Declarations of Interest
  - i. Disclosable Pecuniary Interests;
  - ii. Other Interests;
  - iii. Lobbying Interests.
6. Late Representations Report (circulated prior to the meeting i.e. any representations received since this agenda was published).
7. SMD/2024/0019 - Land at Newfields Farm, Rownall Road, Wetley Rocks **(Pages 13 - 62)**
8. SMD/2024/0241 - 4 Millers View, Cheadle **(Pages 63 - 76)**
9. SMD/2024/0249 - 33 Cruso Street, Leek **(Pages 77 - 84)**
10. SMD/2024/0309 - Springfields Farm, Hulme Lane, Werrington **(Pages 85 - 92)**
11. SMD/2023/0574 - Hillcroft, Froghall Road, Froghall **(Pages 93 - 106)**
12. SMD/2024/0274 - 62 Rakeway Road, Cheadle **(Pages 107 - 114)**
13. Exclusion of the Press and Public

**The Chair to move:-**

“That pursuant to Section 100A (2) and (4) of the Local Government Act, 1972, the public be excluded from the meeting in view of the nature of the business to be transacted or nature of the proceedings whereby it is likely that exempt information as defined in Section 100A (3) of the Act would be disclosed to the public in breach of the obligation of confidence or exempt information as defined in Section 100I (1) of Part 1 of Schedule 12A of the Act would be disclosed to the public by virtue of the paragraphs indicated.”

14. Performance on Planning Appeals **(Pages 115 - 124)**  
***(Paragraph 2, 5 - Information which is likely to reveal the identity of an individual.  
Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.)***
15. To approve as a correct record the Exempt Minutes of the last meeting  
***(Paragraph 2, 5 - Information which is likely to reveal the identity of an individual.  
Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.)***

**A G E N D A (Continued)**

Published 11 September 2024

Membership of Planning Applications Committee

Councillor P Wilkinson (Chair)	Councillor K Hoptroff (Vice-Chair)
Councillor B Emery	Councillor K Flunder
Councillor T Holmes	Councillor A Hulme
Councillor M Johnson	Councillor J Kempster
Councillor V O'Shea	Councillor A Parkes
Councillor I Plant	Councillor O Pointon
Councillor P Roberts	Councillor L Swindlehurst

This page is intentionally left blank

## **STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

### **PLANNING APPLICATIONS COMMITTEE DECISIONS**

### **THURSDAY, 15 AUGUST 2024**

PRESENT: Councillor P Wilkinson (Chair)

Councillors K Flunder, T Holmes, K Hoptroff, A Hulme, M Johnson,  
J Kempster, A Parkes, I Plant, O Pointon, P Roberts and  
L Swindlehurst

IN ATTENDANCE: S Hampton                      Senior Democratic Services Officer  
B Haywood                      Head of Development Services  
A Swithenbank                      Planning Officer  
J Price-Jones                      Legal Advisor  
S Beech                      Democratic Services Officer

APOLOGIES: Councillors B Emery and V O'Shea

#### 42 **CHAIR'S ANNOUNCEMENTS**

The Chair announced the following:

- a) The meeting was being broadcast live to the internet via the usual webcasting facility and was capable of repeated viewing. The images and sound recording could be used for training purposes within the Council. The Chair had the discretion to terminate or suspend filming if it was his opinion that continuing to do so would prejudice the proceedings of the meeting. Any views expressed by any speaker in the meeting were the speaker's own and did not necessarily reflect the views of Staffordshire Moorlands District Council.
- b) Members of the Committee and Officers present were introduced by the Chair.
- c) Members had made site visits during the morning of the meeting.

#### 43 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED:

- 1. That the minutes of the previous meeting held on 18 July 2024 be amended to include Cllr Roberts proposed the approval of the application SMD/2024/0247 and that Cllr Plant seconded it.
- 2. That the minutes of the previous meeting held on 18 July 2024 be approved as a correct record.

#### 44 **URGENT ITEMS, IF ANY.**

There were none.

**DECLARATIONS OF INTEREST**

Agenda item	Member Declaring Interest	Nature of Interest
SMD/2024/0094 - Sylvester Farm, Land Off Rownall Road, Wetley Rocks	Cllr Pointon	"Pecuniary" - Applicant is a family member.
	Cllr Roberts	"Other" - Speaker is known to him.
DET/2024/2024 – Biddulph Valley Leisure Centre	Cllr Roberts	'Other' - Previous Leader of the Council and had been involved with the application for Levelling Up Funds and design proposals. Withdrew during the consideration and voting on the application.
	Cllr Flunder	'Other' - Adjacent to own Division at the County Council.
	Cllr Parks	"Other" - Ward, Town and District Councillor.
SMD/2023/0011 and SMD/2023/0595 – Far Lakes Farm, Shaw Lane, Whiston	All Councillors	"Other" – Speakers are known to them.
SMD/2024/0326 – John Hall Gardens, Fowlchurch Road, Leek	Cllr Johnson	"Other" – Ward Councillor, worked with the applicant on CCIF and other projects.
	Cllr Swindlehurst	"Other" - Ward Councillor, worked with the applicant on CCIF.
	Cllr Hoptroff	"Other" – Family members have used the facility and has worked with the applicant on CCIF.
SMD/2023/0310 and SMD/2023/0595 – Farm House, Booths Hall Farm, Belmont Road, Ipstones	Cllr Hulme	"Other" – knows the applicant through the farming industry.
	All Councillors	"Other" – Speakers are known to them.

- 46 **LATE REPRESENTATIONS REPORT (CIRCULATED PRIOR TO THE MEETING I.E. ANY REPRESENTATIONS RECEIVED SINCE THIS AGENDA WAS PUBLISHED).**

RESOLVED:

That the Late Representations report be noted.

- 47 **SMD/2024/0103 - THE GRANGE, CLAY LAKE, ENDON. ST9 9DD**  
**\*\*\*WITHDRAWN\*\*\***

- 48 **SMD/2024/0094 - SYLVESTER FARM, LAND OFF ROWNALL ROAD, WETLEY ROCKS**

The application seeks a certificate of lawfulness that the part of the building that had pre-existed before walls and a shutter were installed, is lawful and the Planning Authority could not take enforcement action against that part of the building (consisting of its roof and steel stanchion supports).

(Report recommended approval).

Received representation from the undermentioned speakers:

Against the application;

Ian Podmore – Resident

Julia Podmore – Resident and unrelated to the above speaker.

Susan Beardmore – Resident

For the application:

Ben Kettle – Agent

Members discussed the current appearance of the building in relation to how the building looked in the photograph dated December 2020, they were advised that any use other than for agricultural use was unlawful. They were reminded that they could only make a decision based on this application and to disregard any other applications whether current or potential. Members expressed concern over the number of bays, parking, lights, skylights and struts.

Members expressed empathy with the objecting speakers.

(Having declared an interest Councillor Pointon withdrew from the meeting during the consideration of and voting on the application)

RESOLVED:

1. That the Late Representations report be noted.
2. That an informative letter be sent to the applicant to express disappointment with the work carried out without the required permissions, and to make them aware of the possibility of enforcement action.
3. That the application be APPROVED for the reasons and based on the policies contained within the report.
4. That in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Head of Development Services be delegated authority to do

**Planning Applications Committee - 15 August 2024**

so in consultation with the Chair of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

(Proposed by Councillor Roberts and seconded by Councillor Hoptroff)

49 **SMD/2023/0310 (PLANNING APPLICATION) AND SMD/2023/0311 (LISTED BUILDING CONSENT APPLICATION) - FARM HOUSE, BOOTH'S HALL FARM, BELMONT ROAD, IPSTONES**

Application for single storey rear extension.

(Report recommended refusal)

Received representation from the undermentioned speakers:

For the application:

Mrs Rowbottom – Applicant

Cllr Malyon – Ward Councillor

Members discussed the current maintenance issues with the property, the need to preserve the building for its historical significance and the role of the Conservation Officer in ensuring minimal impact to the building. The applicant confirmed that the windows on the extension would be the same as the existing windows.

RESOLVED:

1. That contrary to officers' recommendation the application be APPROVED for the following reasons:
  - a. The benefits of maintaining the liveability of the property would secure the long-term optimum viable use of the building as a dwelling which would be a public benefit to outweigh the harm to the designated heritage asset as provided for by NPPF paragraph 208.
2. Authority be delegated to the Head of Development Services in consultation with the Chair to impose suitable conditions.
3. That in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Head of Development Services be delegated authority to do so in consultation with the Chair of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

(SMD/2023/0310 - Planning Application. Proposed by Councillor Hoptroff and seconded by Councillor Hulme)

(SMD/2023/0311 - Listed Building Consent Application. Proposed by Councillor Roberts and seconded by Councillor Swindlehurst)

50 **SMD/2023/0011 - FAR LAKES FARM, SHAW WALL LANE, WHISTON, STAFFORDSHIRE, ST10 2HT**



## **Planning Applications Committee - 15 August 2024**

Application to erect an agricultural workers dwelling.

(Report recommended refusal)

Received representation from the undermentioned speakers:

Against the application;

Councillor Malyon – Ward Councillor

Ms Alison Ash – Resident

Jane Clowes – statement read out by Mr Justin Price-Jones.

Members discussed the functional need of the dwelling and the viability of the farm.

RESOLVED:

1. That the late representations report be noted.
2. That the application be REFUSED for the reasons and based on the policies contained within the report.
3. That in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Head of Development Services be delegated authority to do so in consultation with the Chair of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

(Proposed by Councillor Roberts and seconded by Councillor Johnson)

### **51 SMD/2023/0595 - FAR LAKES FARM, SHAW WALL LANE, WHISTON, STAFFORDSHIRE, ST10 2HT**

Application for temporary agricultural workers dwelling.

(Report recommended refusal)

Received representation from the undermentioned speakers:

Against the application;

Councillor Malyon – Ward Councillor

Ms Alison Ash – Resident

Jane Clowes – statement read out by Mr Justin Price-Jones.

Members discussed the number of times temporary accommodation had been requested at this site and suggested enforcement action be looked into.

RESOLVED:

1. That the late representations report be noted.
2. That the application be REFUSED for the reasons and based on the policies contained within the report.
3. That in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Head of Development Services be delegated authority to do so in consultation with the Chair of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

(Proposed by Councillor Roberts and seconded by Councillor Johnson)

52     **SMD/2023/0539 - CLOUGH HOUSE, CARR BANK, OAKAMoor**

Application for two storey rear extension, alterations to roofline of existing single storey rear extension, hard landscaping works, and replacement windows to front elevation.

(Report recommended approval)

Received representation from the undermentioned speakers:

For the application:  
Ross Ankers – Agent.

Members thanked the applicant and agent for engaging with Officers throughout the application process.

RESOLVED:

1. That the application be APPROVED for the reasons and based on the policies contained within the report.
2. That in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Head of Development Services be delegated authority to do so in consultation with the Chair of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

(Proposed by Councillor Roberts and seconded by Councillor Plant)

53     **SMD/2024/0326 - JOHN HALL GARDENS, FOWLCHURCH ROAD, LEEK**

Retrospective creation of concrete pad foundation. Proposed Shed to be placed on pad.

(Reports recommended approval with conditions)

There were no registered speakers for this application.

Members commented on the importance the activities carried out at this venue.

RESOLVED:

1. That the late representations report be noted.
2. That the application be APPROVED for the reasons and based on the policies contained within the report;
3. That in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Head of Development Services be delegated authority to do so in consultation with the Chair of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

(Proposed by Councillor Johnson and seconded by Councillor Flunder)

54 **DET/2024/2024 - BIDDULPH VALLEY LEISURE CENTRE, THAMES DRIVE, BIDDULPH**

Application to determine if prior approval is required for a proposed a Free standing GRP Substation with a 4Way LV cabinet and a GRP metering enclosure.

(Report recommended approval)

There were no registered speakers for this application.

Members commented on the journey of this application and the value of this asset to the community.

(Having declared an interest Councillor Roberts withdrew from the meeting during the consideration of and voting on the application)

RESOLVED:

1. That the application be APPROVED for the reasons and based on the policies contained within the report;
2. That in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Head of Development Services be delegated authority to do so in consultation with the Chair of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

(Proposed by Councillor Flunder and seconded by Councillor Parkes)

55 **EXCLUSION OF THE PRESS AND PUBLIC**

The Chair moved:

That pursuant to Section 100A (2) and (4) of the Local Government Act, 1972, the public be excluded from the meeting in view of the nature of the business to be transacted or nature of the proceedings whereby it is likely that exempt information as defined in Section 100A (3) of the Act would be disclosed to the public in breach of the obligation of confidence or exempt information as defined in Section 100I (1) of Part 1 of Schedule 12A of the Act would be disclosed to the public by virtue of the paragraphs indicated.

56 **PERFORMANCE ON PLANNING APPEALS**

Consideration was given to a report on the performance of planning appeals.

57 **TO APPROVE AS A CORRECT RECORD THE EXEMPT MINUTES OF THE LAST MEETING**

RESOLVED: That the exempt minutes from the meeting held on 18 July 2024, be approved as a correct record.

**Planning Applications Committee - 15 August 2024**

The meeting closed at 4.03 pm

\_\_\_\_\_Chairman

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**Date 19<sup>th</sup> September 2024**

<b>Application No:</b>	SMD/2024/0019	
<b>Location</b>	Land at Newfields Farm, Rownall Road, Wetley Rocks, Staffordshire, ST9 0BS	
<b>Proposal</b>	Development of a Battery Energy Storage System (BESS) with ancillary infrastructure, security fence, access, landscaping and biodiversity enhancements, to provide balancing services to the local electricity grid	
<b>Applicant</b>	Newfields BESS Limited	
<b>Agent</b>	Mr Arthur Griffiths, Pegasus Group	
<b>Parish/ward</b>	Cheddleton	<b>Date registered</b> 22 <sup>nd</sup> January 2024
<b>If you have a question about this report please contact: Declan Cleary, dcplanningconsultancy@gmail.com</b>		

## **REFERRAL**

The application is major planning application and the Committee have considered similar proposals within the area.

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

**Approve, subject to legal agreement and conditions**

### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The application site relates to a single agricultural field which extends to 2.48ha in area. The site is located within the open countryside and within the Green Belt, as defined by the Local Plan Policies Map.

2.2 The site is generally open with a slight change in land levels, dropping from southeast to northwest. The northern, eastern and western boundaries generally comprise mature landscaping of hedgerows and/or trees, while the southern boundary is more open. Beyond the northern and eastern boundaries is the large complex of the Cellarhead substation. Beyond the southern boundary are the buildings associated with Newfields Farm. Fields are located beyond the western boundary. Overhead powerlines and pylons cross the surrounding landscape.

2.3 The site is accessed via a track from Rownall Road to the east. The existing track serves both the Newfields Farm and the Cellarhead substation. PROW Cheddleton 48 runs adjacent to the northern and eastern boundaries, along the eastern boundary the footpath falls within the site. PROW Cheddleton 60 runs along the access track and adjacent to the southern boundary of the field.

2.4 Drainage ditches are located adjacent to the northern and western boundaries of the site. The site lies within Flood Zone 1. The site does not include any designated heritage assets including Listed Buildings, Conservation Areas or Scheduled Ancient Monuments. There are no designated wildlife sites within the red edge. The nearest site is the Wetley Moor SSSI, located circa 700m to the west. The site does not fall within a designated landscape. The Council's Landscape and Settlement Character Appraisal identifies that the site is located within the 'Ancient Plateau Farmlands' area.

2.5 The site lies approximately 1.1km to the north of Werrington and 2km to the west of Wetley Rocks. The surrounding landscape is generally open and pastoral with a gently undulating topography, with informal field pattern, scattered farmsteads and dwellings. The landscape is crossed by a network of public right of ways. However, the Cellarhead substation, which lies adjacent to the site, is a large complex which is a dominant feature within the immediate area. Overhead powerlines leading to/from the substation are also prominent on the landscape.

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

3.1 This is a full planning application which seeks consent for the construction of a Battery Energy Storage System (BESS) facility, associated infrastructure and landscaping.

3.2 The scheme proposes a facility which would include 14 sets of battery energy storage racks. Adjacent to each storage rack would be an inverter and transformer. These would have a maximum length of 9m, a width of 2m and maximum height of 3.75m. A substation is also proposed which would be housed in its own compound with equipment measuring up to 6.5m in height.

3.3 Additional structures on site would include a control building (5.6m(l) x 4.7m(w) x 3.6m(h)); storage container (3m(l) x 2.1m(w) x 2m(h)); customer storage container (12.1m(l) x 2.4m(w) x 2.6m(h)); auxiliary transformer (2.7m(l) x 2.4m(w) x 2.4m(h)); customer switchgear building (14m(l) x 3.3m(w) x 3.6m(h)); and, customer control building (5.8m(l) x 3.9m(w) x 3.6m(h)).

3.4 Additional installations include palisade and weldmesh fences and gates measuring 2.4m in height, acoustic fencing measuring 4m in height, CCTV columns, at 5m in height, and 3m high lighting columns. The site would connect to the Cellarhead substation via an underground cable to the north.

3.5 The site would be accessed from Rownall Road via the existing track. A new access road from the Newfields Farm yard would also be provided. This would lead into the site with a perimeter track providing circulation through and around the complex. Two points of access would be provided into the battery storage compound, and two to the on-site substation compounds.

3.6 A bund is proposed along the western edge of the compound in its entirety and would partially wrap around the northern and southern edges of the site. The bund would have a height which would vary in the region of 2 – 3.5m above

existing and proposed ground levels, and would be constructed from materials used in the levelling of the site via cut and fill.

3.7 Landscaping of the site would include broadleaf woodland on and around the screening bund, scrub planting and the enhancement of existing pasture with meadow seeding. A new hedgerow, adjacent to PROW Cheddleton 48, along the eastern boundary of the site is also proposed. Existing landscape features would be retained. The proposed landscaping also forms part of the biodiversity enhancements for the site.

3.8 The proposed BESS facility would have a storage capacity of 99.9MW. The facility would provide for flexibility in the energy, allowing for electricity to be taken from the grid when there is a surplus and stored. Energy is then released back onto the grid when it is needed. This flexible system helps to balance energy demand and generation.

3.9 The operational period of the BESS facility will be 40 years. At the end of this period, the site will be decommissioned. All structures and hard surfacing will be removed, and the land could be returned to agricultural use.

3.10 The application has been supported by detailed plans, and the following documents:

- Planning Statement
- Arboricultural Impact Assessment
- Built Heritage and Archaeological Assessment
- Consultation Statement
- Ecological Walkover and Assessment Note
- Flood Risk and Surface Water Drainage Assessment
- Landscape and Visual Impact Assessment
- Noise Impact Assessment
- Outline Battery Safety Management Plan
- Geotechnical Report
- Transport and Access Statement
- Preliminary Ecological Appraisal
- DEFRA Metric for Biodiversity Net Gain

3.11 During the course of the application, the proposals have been amended to address comments raised by Staffordshire Fire and Rescue Authority, amending access arrangements. An amended layout has therefore been provided. Plans have also been amended to address minor inconsistencies. In addition, following consultation responses, the following updated documents have been received:

- Updated Noise Impact Assessment
- Bat Tree Assessment
- Letter from Landowner regarding occupation of dwelling

3.12 The application, the details attached to it, including the plans, any comments made by residents and the responses of consultees can be found on the Council's website at:-

[Planning Applications - Staffordshire Moorlands District Council \(staffsmoorlands.gov.uk\)](https://staffsmoorlands.gov.uk)

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

4.1 The following is a summary of the relevant planning applications relating to the site.

SMD/2022/0180 - Development of a Battery Energy Storage System (BESS) with ancillary infrastructure, security fence, access, landscaping and biodiversity enhancements, to provide balancing services to the local electricity grid – Withdrawn – 06/12/2022

SMD/2023/0318 - Request a Screening Opinion in relation to a Battery Energy Storage System on land at Newfields Farm, Rownall Road – Not EIA Development – 31/05/2024

4.2 Other applications of relevance in the wider area:

##### Land Adjacent to Cellarhead Substation

SMD/2022/0548 – Erection and operation of a Battery Energy Storage System and associated infrastructure and equipment – Approved – 27/06/2023

##### Land East of Cellarhead Substation, and West of Rownall Road, Wetley Rocks, Staffordshire

SMD/2022/0444 – Erection of a Flexible Energy Facility – Approved – 22/12/22

##### Land Adjacent to Armshead Farm, Armshead Road

SMD/2022/0574 – Erection of storage containers, support infrastructure and security fencing for battery energy storage facility along with landscaping and all associated works – Refused – 26/06/2023. Appeal in Progress

##### Land South of Cellarhead Substation and West of Rownall Road

SMD/2024/0055 - Erection of a Flexible Energy Facility, associated works, landscaping and habitat creation – Under Consideration

##### Land At Rownall Farm, Rownall Road, Wetley Rocks

SMD/2023/0523 - Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.99MW including mounting system, underground cabling, stock proof fence, CCTV, internal tracks and associated



infrastructure, landscaping, biodiversity net gain and environmental enhancements for a temporary period of 40 years – Under Consideration

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

### **Staffordshire Moorlands Local Plan (Adopted 2020)**

SS1 - Development Principles  
SS2 – Settlement Hierarchy  
SS10 – Other Rural Areas Strategy  
SD1 – Sustainable Use of Resources  
SD2 – Renewable/Low Carbon Energy  
SD3 – Sustainability measures in development  
SD4 - Pollution and Water Quality  
SD5 – Flood Risk  
DC1 – Design Considerations  
DC2 – The Historic Environment  
DC3 – Landscape and Settlement Setting  
C3 – Green Infrastructure  
NE1 - Biodiversity and Geological Resources  
NE2 – Trees, Woodlands and Hedgerows  
T1 - Development and Sustainable Transport  
T2 – Other Sustainable Transport Measures

### **National Planning Policy Framework 2023**

Section 2: Achieving sustainable development  
Section 8: Promoting healthy and safe communities  
Section 9: Promoting sustainable transport  
Section 11: Making Effective use of land  
Section 12: Achieving Well-designed Places  
Section 13: Protecting Green Belt land  
Section 14: Meeting the challenge of climate change, flooding and coastal change  
Section 15: Conserving and enhancing the natural environment  
Section 16: Conserving and enhancing the historic environment

### **Draft National Planning Policy Framework 2024 (Consultation version)**

### **Other National Policy**

National Policy Statement for Energy (EN-1)  
National Policy Statement for Renewable Energy Infrastructure (EN-3)

### **Other Material Considerations**

Proposals regarding the Planning System for Electricity Storage (July 2020)  
Energy White Paper: Powering our Net Zero Future (December 2020)  
Industrial Decarbonisation Strategy (March 2021)  
The Carbon Budget Order (June 2021)

Transitioning to a Net Zero Energy System: Smart Systems and Flexibility Plan (July 2021)

National Grid Future Energy Scenarios 2024

Sixth Assessment Report, IPCC (August 2021)

Net Zero Strategy: Build Back Greener (October 2021)

British Energy Security Strategy (April 2022)

## 6. CONSULTATIONS CARRIED OUT

<b>Site notice</b>	Expired
<b>Neighbour letters</b>	Expired
<b>Press notice</b>	Expired

### Public Comments:

111 representations of objection received. The comments can be summarised as:

- Cumulative effect. 7 applications in area, two of which approved;
- Result in unwanted industrial area in Green Belt;
- Impact on rural economy, loss of agricultural land;
- Impact on Churnet valley Masterplan area, which is close to site;
- Cumulative damage to landscape;
- Risk of noise, fire, explosion;
- Impact on residents during construction/operation;
- Traffic chaos from HGV's;
- Just as damaging as refused Armshead Farm development;
- Should be near wind turbine developments in more rural sparsely populated areas;
- All stems from first approval which was contrary to officer recommendation;
- Impact on aquifers and water table;
- Waste of good agricultural land, which is a finite resource;
- Loss of/erosion of Green Belt – Inappropriate development
- Unsightly outlook;
- Solar not as efficient as wind;
- Not sustainable energy;
- Industrialisation of countryside;
- Massive profit business in Green Belt;
- Will not reduce nations energy bills;
- No consideration of cumulative effects, loss of 250acres;
- Loss of living conditions;
- Batteries can catch fire;
- No report from Fire & Rescue service;
- Effect on walkers
- Effect on mental health and wellbeing;
- Effect on wildlife and local ecology;
- Doesn't safeguard countryside from encroachment (contrary to GB policy);
- Incongruous design and materials;
- Fire at site in Liverpool, incidents elsewhere across globe;

- Energy is just sold to highest bidder;
- Extra traffic due to high service and maintenance requirements;
- Containers and fencing would have negative effect on landscape;
- Visible from surrounding area/eyesore;
- Against national and local planning policies;
- Disproportionate scale;
- Consequential effects on tourism and heritage sites;
- Noise, resulting in disturbed enjoyment of rural property;
- Avoids SoS scrutiny by making multiple applications;
- Will attract crime;
- Light pollution;
- Explosion risk and toxic fumes/runoff;
- HGV's on dangerous narrow country lanes, effect cyclists, horse riders and school children;
- Close to residential area;
- Plans do not meet regulations for such development;
- Unacceptable risk to local community including businesses and residents;
- Did not receive consultation indicated in Consultation Statement;
- Close to Wetley Moor SSSI, long term impact on wildlife;
- Weak argument to say needs to be near power station, other sites no where near these facilities;
- Effect on ground nesting birds;
- Irreplaceable damage to environment;
- Solar panels should be on buildings/brownfield land;
- How will development be disposed of at end of life;
- Will become brownfield site;
- NPPF says brownfield first;
- Road infrastructure unsuitable;
- Loss of trees and hedgerows;
- Emergency services will struggle to get to site;
- People will drive further to get to green spaces;
- Green spaces are finite;
- Will not be able to insure homes and effect on house prices;
- Pollution of water;
- Biodiversity needs to be like for like;
- Landscaping would not screen development;
- Human Rights;
- Requires EIA;
- Impact on food security.

2 representations of support received. The comments can be summarised as:

- Storage important to make best use of renewable energy
- Makes engineering sense to be close to solar

## **Consultation Responses**

A summary of the consultation responses received are provided below.

## **Cheddleton Parish Council**

Strong Objection as in the greenbelt and there is only one site access which the Fire Services have identified as a safety issue especially that it is a long track to the site.

## **Bagnall Parish Council (initial response summarised)**

STRONG OBJECTION.

Bagnall Parish Council has not been formally consulted regarding this application however several Parishioners living close to the site and with very real concerns have drawn the application to our attention.

We note that the "Consultation" with the Fire Service amounted to no more than a telephone conversation.

In relation to the above we make the observation that the design does not follow the recommendations contained in the NFCC document. For instance, taking just one aspect, spacing between battery packs is measured at three metres on the submitted site plan rather than the suggested six metres set out in the NFCC document.

We take the view that this statement is somewhat disingenuous (*regarding two points of access to the site*). There is only one main access to the site and we note that an internal road runs round the east side of the battery packs which in our opinion does not constitute a "perimeter road" as recommended in the NFCC document. The passing place is outside the site and we suggest has little if any bearing on firefighting on site

We note the following observation from the Fire Brigade report following the Liverpool BESS fire :- "Although there was a fire suppression system in the container , the speed of propagation indicated that this hadn't activated. It was thought that activation would have had little or no effect on the resultant fire/explosion."

Ex Government Minister Maria Miller in September 2022 stated:- "The only way to stop a battery fire is to cool it down with a constant stream of water and wait for the fire to go out, which might take days, creating huge quantities of water containing highly corrosive hydrofluoric acid and copper oxide- by-products of battery fires"

We note that the recommended guideline for volume of available water and pressure at the hydrant supply is not stated and is not guaranteed by STWA.

We note the initial response from Staffordshire Fire and Rescue attached to the planning documentation

From the documentation attached to the application it would appear that the detailed review by Staffordshire Fire and Rescue has not yet taken place/ been received by SMDC. In view of the clear deviation of the submitted application from the NFCC guidelines Bagnall Parish Council consider that it would be inappropriate for the application to be considered further until such time as the consultation/ review of the proposed development has been completed by Staffordshire Fire and Rescue.

### **Bagnall Parish Council (Second response)**

Bagnall Parish Council notes a recent Planning Appeal Decision relating to a similar sized rural site ref APP/U1105/W/23/3319803. We note that the appeal was dismissed.

Whereas the Newfields Farm application is stated to be around 6 acres the appeal site, Pound Road BESS, is slightly smaller at five acres. There are however many other similarities.

We have attached a screen shot of the British Geological Survey map with the hydrogeological borehole layer shown. We have highlighted nearby water abstraction boreholes with an orange arrow. We consider that paragraphs 53 to 55 in the appeal decision document are particularly relevant. We consider that a pollution risk is a strong possibility should a fire occur at the Newfields Farm site. Bagnall Parish Council have already raised our concerns regarding fire risk and explosion in the earlier submission however we consider that these are amplified in the appeal decision document and in particular we would ask the reader to note paragraphs 56 to 84.

We also note that in addition to the similar size of the sites the agriculture land classification is broadly the same, both are in rural areas and in the case of the Newfields site it is within the North Staffordshire Green Belt, and in both cases the claimed necessity to store energy at the particular site/ location is we feel tenuous.

The appeal document makes a strong case that the land will not be adequately restored after the BESS site is of no further use. We do consider that this is of significant relevance to the Newfields Farm site application.

### **Bagnall Parish Council (Third Response)**

Further to our two previous submissions further advice has been provided in the interim which the Parish Council consider is particularly relevant to this case.

Bagnall Parish Council notes the content of recent correspondence from the RT Hon Karen Bradley MP who states “....*only last week I joined Sir Gavin Williamson Staffordshire Fire and Rescue Service HQ in order to discuss applications in South Staffordshire with the Chief Fire Officer.*

*At that meeting the Chief Fire Officer, Rob Barber, provided me with considerable reassurance that Fire and Rescue Services across the country feel that they can manage fires, should they rise, on these sites providing the sites are appropriately*

*designed to permit access from a suitable number of points by the service and there is hard standing for the appliances to work from and appropriate means for controlling water run off amongst other requirements.”*

Bagnall Parish Council particularly notes the observation that where the design of the battery installation complies with the guidance note the fire service is confident that they can manage a fire. It must therefore be the case that where the installation does not adhere to the guidance contained in the NFCC November 2022 document, such as that shown in the proposals for the BESS site adjacent to Newfields Farm, the fire service is consequently unable to manage a fire with any safe degree of certainty.

From the documentation attached to the application it would appear that a detailed review of the submission by Staffordshire Fire and Rescue has still not taken place. In view of the clear deviation of the submitted application from the NFCC guidelines Bagnall Parish Council consider that it would be inappropriate for the application to be granted.

### **Bagnall Parish Council (Fourth Response)**

Bagnall Parish Council submits further documentation to support our OBJECTION to the proposed BESS development at Newfields Farm.

We are in receipt of an email from Mr Ben Adams, the Police Fire and Crime Commissioner, regarding the application SMD/2024/0019 - Site Address: Land at Newfields Farm, Rownall Road, Wetley Rocks, Staffordshire. ST9 0B. It will be noted that Staffordshire Fire and Rescue confirm that the application deviates away from the NFCC guidance. (Our emphasis).

In a separate email from the Rt Hon Karen Bradley it is stated “..that Fire and Rescue services across the country feel that they can manage fires, should they rise, on these sites providing the sites are appropriately designed to permit access from a suitable number of points by the service and there is hard standing for the appliances to work from and appropriate means for controlling water run off amongst other requirements”.

On the basis of the above Bagnall Parish Council submits that the proposal, as set out in the application, presents a significant risk to the health and safety of Moorlands residents and as a consequence it must be dismissed.

*Dear Andrew, having asked Staffordshire Fire & Rescue for their thoughts they indicate that this application appears to deviate away from the National Fire Chiefs Council guidance in some areas. Clearly it would be better for the guidance to be complied with in its entirety if possible.*

*As you are aware Staffordshire FARS are not in a position to insist however I would suggest that it would be in the best interests of all parties if the guidance is followed and not deviated from. They can only recommend to the planners that the developer follows NFCC guidance.*

*It is for the council's planning team to make a decision on all aspects of replies from various interested parties.*

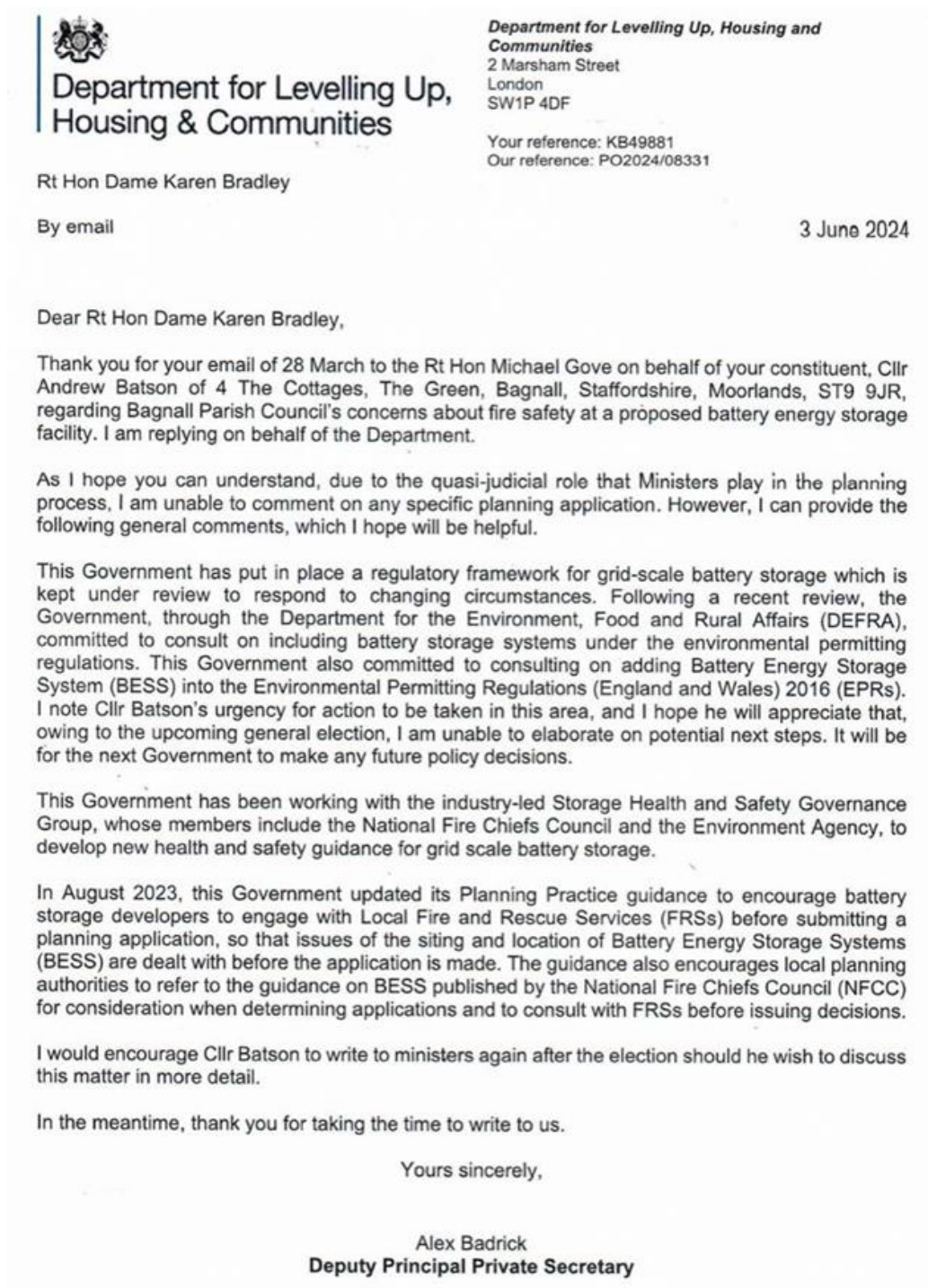
*I assume your district councillor/s is engaged and your concerns have been raised directly with the planning officers.*

*Regards, Ben.*

*Ben Adams - Staffordshire Commissioner for Police, Fire & Rescue and Crime*

### **Bagnall Parish Council (Fifth Response)**

Contains letter from Department for Levelling Up, Housing and Communities to Rt Hon Dame Karen Bradley (dated 3<sup>rd</sup> June 2024):



## **SMDC – Environmental Health**

Contamination: Unexpected contamination and battery leakage condition advised.  
Noise: A revised noise assessment and further information has been submitted to support the application and address Environmental Health queries. It was undertaken by Hepworth Acoustics (Report No. P23-129-R01-v7). The assessment summarises that subject to mitigation the development is not predicted to not cause adverse noise impacts. The assessment has considered the impact of the development under BS4142:2014+A1:2019 and BS8233:2014 and proposed mitigation to protect the nearest residential properties from adverse noise impacts and protect background sound levels at these properties. We would advise all mitigation proposed in the assessment is completed in full prior to first use (paras. 4.17 – 4.19 and figure 5). Condition advised.  
Nuisance (Construction): Conditions advised.  
Lighting: Condition advised.

## **AES – Waste**

No issues regarding waste collections

## **Staffordshire County Council – Minerals and Waste**

The Mineral and Waste Planning Authority has no comments to make regarding this application as the relevant extract from our standing advice applies. As the planning statement makes clear in section four that the nature of the development is temporary and reversible in nature.

## **Staffordshire County Council – PROW Officer**

The Definitive Map of Public Rights of Way for Staffordshire shows public rights of way crossing and adjacent to, the application site and a public right of way running along the access track. From the information submitted it does not appear they will be directly impacted by the proposed development.

The following should be brought to the attention of the applicant and noted in the planning consent if granted: Public right of way Footpath No.48 Cheddleton Parish runs across the application site from the southern boundary at Newfields Farm, north to the northern boundary and then adjacent to, but outside the site boundary to the west. Public right of way Footpath No. 60 Cheddleton Parish runs across and adjacent to the southern boundary of the application site from west, continuing along the access track to the east.

The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or its obstruction (temporary or permanent). The term obstruction, in this context, also applies to items such as gates or stiles which are regarded as licenced obstructions which must be sanctioned by the highways authority.

NPPF 104. states that: Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide



better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Users of the path/s must be able to exercise their public rights safely and at all times and the path be reinstated if any damage to the surface occurs as a result of the proposed development. Where private rights exist that allow the use of vehicles along a public right of way, drivers of vehicles must give way to pedestrians.

Any trees, shrubs or hedging planted within 3 metres of the public right of way are the responsibility of the Landowner not the Highways Authority (including maintenance and liability).

Staffordshire County Council has not received any application to add to or modify the Definitive Map of Public Rights of Way in that vicinity.

The possibility of the existence of a currently unrecognised public right of way, makes it advisable that the applicant pursue further enquiries and seek legal advice regarding any visible route affecting the land, or the apparent exercise of a right of way by members of the public.

### **Staffordshire County Council – Archaeology**

Taking the conclusions of the BHAA into account with regards to the archaeological potential of the site, and considering the potential impact of the scheme, and indeed the lack of previous archaeological work in the wider area, it is advised that, whilst I do not wish to raise any archaeological objections to the proposed development, should permission be granted, a further stage of archaeological evaluation, in the form of a staged evaluation comprising a geophysical survey followed by archaeological trial trenching (the need for and scope of this to be determined following the geophys survey) should be carried out across the site. This archaeological work should be undertaken in advance of any groundworks in order for the results to inform the need for further staged works and to inform the scale and extent of these further archaeological works (such as excavation, watching brief etc.).

The above approach, i.e. geophysical survey and trial trenching, is supported by NPPF (2023) para 200, while any works which stem from the evaluation are supported by NPPF (2023) para 211.

All archaeological works must be undertaken by an appropriately experienced archaeological organisation (with suitably experienced personnel) or historic environment professional/ archaeologist working to the requirements of a brief prepared by this office (or approved Written Scheme of Investigation (WSI), the Chartered Institute for Archaeologists (CIfA) Code of Conduct (or equivalent) and to a level commensurate with the relevant CIfA Standards and Guidance.

### **Staffordshire County Council – Lead Local Flood Authority**

We have reviewed the Flood Risk and Surface Water Drainage Assessment Document (KRS.0612.002.R.001.G January 2024). At this time, we have no objections to the application subject to a condition being attached to any decision notice to ensure that the final detailed drainage design along with a management and maintenance plan are provided to the Local Planning Authority and reviewed by the LLFA. We ask to be consulted on the details submitted for approval to your Authority to discharge this condition and on any subsequent amendments/alterations. Please also consult us again on any future major changes to the proposed development or drainage scheme.

### **Staffordshire County Council - Highways**

No objection subject to conditions

Access routes are defined in the Transport Assessment. This is the most obvious route and links to A52 by the shortest route.

Swept path analysis of 16.5m articulated HGV has been shown.

Para 5.4.6 refers to peak average of 3 HCV deliveries per day. Calculations from total deliveries over construction period suggest average of 5 HCV deliveries per day. Even at worst case, it would be difficult to consider this level of trip generation as having a severe effect on the highway.

Vehicles are shown entering and exiting the private track by the southern leg of the junction. This is the most practical route and will not require any alteration to the existing highway. Photographic survey of this junction pre and post construction to record the condition of the highway would be beneficial. 640 additional HGV movements are anticipated over the 26 week construction period. Photographic survey would demonstrate if the condition of the junction were to be worsened by construction works. Commitment to repair, should any repair be necessary, would also be appropriate.

The actual site is some distance from the highway.

Current records show that there were no Personal Injury Collisions on Rownall Road within 215m either side of the access in the previous five years.

### **Staffordshire County Council – Education**

As this development does not include any residential dwellings, the School Organisation Team can confirm that we have no comments to make on this proposal.

### **Environment Agency**

The above consultation was received back in January but deemed to fall outside of our consultation filter. We would not therefore wish to provide bespoke comments on the development proposal. However, we have recently prepared a BESS

(Battery Energy Storage System) guidance note for Developers and LPA's which may be of assistance to you in determining the above application.

### **Natural England**

NO OBJECTION Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

### **Staffordshire Wildlife Trust (initial comments)**

SUMMARY –Staffordshire Wildlife Trust, having reviewed the information provided, has a HOLDING OBJECTION – further information required in relation to the following:

1. Bat survey of tree requiring arboricultural works

Secure via condition should approval be granted:

1. Precautionary method statements for protected species during construction
2. Sensitive lighting scheme to minimise disturbance to wildlife
3. Minimum 20m buffer zone adjacent to watercourse
4. Landscaping and habitat enhancement details e.g. seeding, planting, soil preparation
5. Landscape and Habitat Management Plan to ensure habitats are managed appropriately for biodiversity
6. Details/specification for species enhancement measures i.e. bird and bat boxes

### **Staffordshire Wildlife Trust (further comments following receipt of bat survey)**

I have reviewed the report and confirm that it is satisfactory.

*NB. Response provided after reviewing Tree bat survey*

### **Ramblers Association**

There could be two P.R.O.W that could be affected Cheddleton 60 and 48. These paths must remain open for the use of the public during and after work has been done. Footpaths 47,49,53,58 and 59 are also in the vicinity and must be protected.

### **Peak and Northern Footpath Society**

We note that the PROWs Cheddleton 48 and 60 are adjacent to the proposed site Cheddleton 60 is part of the access road. Use of the PROWs, and the safety of

users must not be affected by the development, nor during the work taking place. This comment is made on behalf of Peak and Northern Footpaths Society, a registered charity which exists to protect and improve public rights of way for use by walkers. Nothing in this response should be taken to imply the Society's support for the development.

### **Staffordshire Fire and Rescue Authority (Initial Response)**

*Standing Advice offered regarding the installation of Grid scale Battery Energy Storage Systems (BESS).*

Full extract of the advice can be found at:

[AttachmentShowServlet \(staffsmoorlands.gov.uk\)](#)

### **Staffordshire Fire and Rescue Authority (Further Comments)**

I have reviewed the drainage plan and the tank of 345 cubic meters will hold 345,000l of water, given the NFCC guidance of 1900l/min for 2 hours provides 228,000l of water. This means that the tank will be suitable.

I have still got concerns that the access road from the South splits into to two very close to the cabinets in the east array. Could you provide assurance the access road will not be compromised by the vapour cloud and heat release rate if a fire was to occur in the most southerly cabinet?

I have been working with South Staffs DC with the planning conditions which I hope will be agreed this week.

### **Staffordshire Fire and Rescue Authority (Further Comments)**

Thank you for the prompt response. I had the plans on the Drainage pack, I am happy that the attached revised access plan is suitable.

### **Staffordshire Fire and Rescue Authority (Final Comments)**

Includes completed checklist and suggestion of conditions

## **7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE**

### **Planning Policy Context**

7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "*shall have regard to the provisions of the Development Plan, so far as material to the application and to*

*any other material considerations".* The Development Plan currently consists of the Staffordshire Moorlands Local Plan (Adopted 2020).

7.3 Paragraph 11 of the National Planning Policy Framework (NPPF) explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay; or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

### **Principle of Development (Green Belt)**

7.4 The proposals relate to the construction of a battery energy storage system (BESS). The site lies wholly within the open countryside, as defined by the Local Plan policies map and within an area of Green Belt. Policy SS2 of the Local Plan sets out the settlement hierarchy for the District and identifies, within "Other Rural Areas", which comprises the open countryside and Green Belt, development is normally unacceptable. Policy SS10 sets out the strategic development principles for development in "Other Rural Areas".

7.5 Policy SS10 states that these areas will provide for only development which has an essential need to be in such locations, supports rural diversification and the sustainability of rural areas, promotes tourism, or enhances the countryside. SS10 sets out further how these policy objectives could be met. Specifically, with regard to development in the Green Belt, SS10 confirms that strict control will continue to be exercised over inappropriate development within the Green Belt, confirming that development will only be allowed for those exceptions as defined by Government policy.

7.6 Government policy for development within the Green Belt is outlined within the National Planning Policy Framework 2023 (The Framework). The Framework confirms at paragraph 142 that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open and that its essential characteristics is its openness and permanence.

7.7 Paragraph 154 states that local authorities should regard the construction of new buildings as inappropriate development. Paragraph 152 confirms that inappropriate development is harmful to the Green Belt, by definition.

7.8 Paragraph 154 goes on to identify a number of exceptions to inappropriate development. These relate to, in summary, buildings for agriculture/forestry; outdoor sport/recreation; proportionate extensions; replacement buildings; limited infilling in villages; limited affordable housing; and, limited infilling/redevelopment of previously developed land. The application proposals do not meet any of these exceptions.

7.9 Paragraph 155 sets out that certain other forms of development are also not inappropriate development in the Green Belt. This is provided that they preserve

openness and do not conflict with the purposes of including the land in the Green Belt. This includes, inter alia, engineering operations and material changes of use of land.

7.10 It is unlikely that the development meets any of the exceptions for development in the Green Belt set out in 154 and 155. Although, whilst not definitive, there may be an argument to suggest that the proposals represent “engineering operations” and a change of use of land. It is therefore necessary to consider whether the proposals would preserve openness and conflict with the purposes of including the land within the Green Belt.

7.11 The 2024 draft consultation of The Framework does not materially alter the relevant Green Belt policies insofar as relevant to the application.

#### *Impact on Openness*

7.12 There is no definition of openness within the NPPF although it is accepted that the openness has both visual and spatial components.

7.13 The land has no built form and is a greenfield site, the site is therefore characterised by its openness. The proposals would result in above ground installations which includes substation, battery storage racks, inverters, other ancillary buildings, lighting, fencing, and bunding. The scale, heights and nature of these proposals are such that there would be a change in the character of this parcel of land. This would, spatially, result in the erosion of the openness of the Green Belt.

7.14 Visually, the development would be visible from the local public right of way network. Visibility of the site would vary to some degree depending on location of the receptor, nonetheless from some vantage points the development would be prominent. This may be tempered by some degree by its proximity to the Cellarhead substation, and existing farm buildings. Nonetheless, there would result a visual erosion to the openness of the Green Belt.

7.15 For the above reasons, it can only be concluded that the development would fail to preserve the openness of the Green Belt both visually and spatially.

#### *Impact on the purposes of including the land in the Green Belt*

7.16 The Framework, at paragraph 143, highlights that the Green Belt serves 5 purposes which includes, inter alia, safeguarding the countryside from encroachment. This is considered to be the most pertinent purpose in this instance.

7.17 As outlined above, the parcel of land is an open field, its size is not insignificant. The absence of development on the site, along with its agricultural use, means that the site has intrinsic countryside characteristics. The majority of this land would be lost to development of varying form which would ultimately change its character to one which is more industrial. Again, while this would be in

the context of the Cellarhead substation, the development would nonetheless result in an encroachment into the countryside.

7.18 Therefore, the development would also conflict with the purposes of including the land within the Green Belt due to failing to safeguard the countryside from encroachment.

### *Green Belt Conclusions*

7.19 The development does not meet any of the exceptions for acceptable development in the Green Belt and, as such, is inappropriate development in the first instance. Even if there is an argument that the development falls within one of the exceptions within paragraph 155 of the Framework, the scale and nature of the development is such that it would fail to preserve openness and conflicts with the purposes of including the land in the Green Belt.

7.20 In accordance with Paragraph 153 of the Framework confirms that substantial weight should be given to any harm to the Green Belt.

7.21 In such circumstances the Framework confirms that development should not be approved except in very special circumstances (VSCs). The Framework goes on to confirm that VSCs will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.22 The Framework, at 156, acknowledges that renewable development will often be inappropriate development and goes on to state that, *“in such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”*.

7.23 Given the above, it is therefore necessary to consider the full extent of harm arising from the development, along with other considerations which weigh in favour of the proposals. This is returned to in the planning balance section of this report.

## **Renewable Energy/Low Carbon Development**

### *The Development Plan*

7.24 Policy SS10 states that these areas will provide for only development which has an essential need to be in such locations. Before considering whether the proposals would satisfy the strategic objectives of Policy SS10, it would be necessary to consider other Policies of the Development Plan which are specifically relevant to the principle of the development proposed.

7.25 Policy SD2 relates to renewable and low carbon energy. SD2 confirms that the Council will strive to meet its future energy demand through renewable or low-carbon energy sources through a range of technologies. It is accepted that BESS schemes are one such range of technology which can help to achieve and

manage future energy demand. With the exception of wind turbine schemes, SD2 confirms that support will be given to small and largescale standalone renewable energy schemes, subject to a number of considerations.

7.26 These other considerations relate to, the impact on the landscape; the environmental/social and economic benefits of the scheme, and how social and economic benefits have been minimised; the impact on biodiversity; the impact on the amenity of residents and other interests, including the historic environment; the degree to which individual policies reflect current evidence regarding renewable energy.

7.27 Policy SD2, therefore, confirms that support will be given to largescale renewable energy proposals. Given the essential need to meet energy demand through renewable and low carbon technologies the proposals would therefore be compliant with the overarching objectives of Policy SS10. Furthermore, in this location, adjacent to Cellardhead Substation, a number of BESS developments have also been deemed to be acceptable.

7.28 In support of the above, it should be highlighted that Staffordshire Moorlands District Council declared a climate emergency on 10th July 2019 and committed to make the Staffordshire Moorlands carbon neutral by 2030.

#### *National Planning Policies and Guidance*

7.29 The Framework at section 14 sets out the national policy for meeting the challenge of climate change. Paragraph 157 states that the planning system should support the transition to a low carbon future, and help to “shape places in ways that contribute to radical reductions in greenhouse gases”.

7.30 Paragraph 163 confirms that, when determining planning applications for renewable and low carbon development, LPA’s should, inter alia:

- a) Not require applicants to demonstrate the overall need for renewable or low carbon energy;
- b) Approve an application if its impacts are, or can be made, acceptable. Once suitable areas have been identified in plans, subsequent applications outside of these areas should demonstrate that the location meets the criteria in identifying suitable areas.

7.31 There is clear policy support, at national level for the delivery of renewable energy schemes. With specific reference to 163b) of the Framework, the Local Plan at present does not identify specific “suitable areas” for low carbon developments. Therefore, there is a degree of general support for the proposals within the development plan. This is a matter which weighs in favour of the development when considering the overall planning balance. In determining this application, it is only the impacts of the development therefore which require consideration. This would include the effect on the Green Belt as outlined earlier.

7.32 A draft version of the NPPF has been published which is also a material consideration in the determination of this application. The revised NPPF at



paragraph 164 (which corresponds to the existing paragraph 163) adds an additional sentence which states that “*Local planning authorities should support planning applications for all forms of renewable and low carbon development*”. The revised paragraph goes on to state that when determining planning applications LPAs should, “*not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the proposal’s contribution to renewable energy generation and a net zero future*” (additional wording emphasised for clarity). Existing paragraph 163b), relating to impacts, has been proposed for removal.

7.33 Whilst not policy, Planning Practice Guidance (the PPG), provides further advice on the delivery of low carbon and renewable developments. This confirms that “*planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable*”. (Paragraph: 001 Reference ID:5-001-20140306).

7.34 The PPG goes on to confirm that “*examples of considerations for particular renewable energy technologies that can affect their siting include proximity of grid connection infrastructure and site size*”. (Paragraph: 006 Reference ID:5-006-20140306).

7.35 The PPG confirms that, in considering planning applications it is important to be clear that, need does not automatically override environmental protections; cumulative impacts require particular attention; local topography is an important factor; care should be taken to conserve heritage assets; proposals in National Parks and the AONB will need careful consideration; protecting local amenity is important and should be given proper weight. (Paragraph: 007 Reference ID:5-007-20140306).

7.36 The PPG (Paragraph: 032 Reference ID: 5-032-20230814) also provides specific advice relating to Battery Energy Storage Systems, confirming that they “*can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity*”. The PPG goes on to highlight that local authorities ought to consider the potential risks associated with such installations.

7.37 It is considered that the considerations set out in the PPG are consistent with the Policies of the Development Plan.

7.38 The National Policy Statement for Renewable Energy (EN-1), given the scale of the development, is relevant and can be considered to be a material consideration in the determination of this application.

7.39 EN-1 confirms at 3.3.25 that “*Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated*” and, at 3.3.26, that “*storage is needed to reduce the costs of the electricity system and increase reliability by*

*storing surplus electricity in times of low demand to provide electricity when demand is higher”.*

7.40 EN-1 therefore confirms the national position that BESS schemes play an important role in the transition to a low carbon future.

7.41 Whilst energy storage is not specifically covered by National Policy Statement for Renewable Energy Infrastructure (EN-3) it does confirm, at 2.9.9, that *“electricity storage is essential for a net zero energy system, it stores electricity when it is abundant for periods when it is scarce, as well as providing a range of services to help maintain the resilience and stability of the grid”* (emphasis added).

7.42 In addition to the national policy position, there are a wide range of other nation documents of direct relevance which highlight the importance of electricity storage in achieving net zero targets.

7.43 The Energy White Paper (EWP) highlights, in summary, the urgent need to tackle climate change and that this requires the decarbonising of the energy system to cleaner technologies. The EWP highlights energy storage and flexibility as being a priority area in the overarching strategy. The Energy White Paper set out an ambition to realise at least 18GW of interconnector capacity by 2030.

7.44 The Industrial Decarbonisation Strategy sets out the Government strategy for how industry can decarbonise in line with net-zero targets. This highlights that smart technologies, such as storage and demand-side response, can provide flexibility to the electricity system, helping consumers use energy when it is cheapest and cleanest.

7.45 The document, Transitioning to a Net Zero Energy System: Smart Systems and Flexibility Plan (July 2021) reaffirms the Governments commitment to leading the way in transforming the energy sector and that *“a smarter, more flexible system will utilise technologies such as energy storage and flexible demand to integrate high volumes of low carbon power, heat and transport and reach a carbon neutral future. A smart and flexible energy system can deliver significant benefits for consumers, the system and the wider economy whilst lowering carbon emissions”*. The vision sets out that *“electricity storage will be deploying in the most optimal locations and at all scales. Storage will be providing significant flexibility to the system (potentially around 13GW in combination with flexible demand) and helping to address many of the challenges presented by a low carbon system, including maintaining energy security”*.

7.46 The National Grids Future Energy Scenarios 2024 (FES), sets out a number of pathways to achieving net zero. FES confirms that low carbon flexibility is needed to operate a net zero energy system. Electricity storage is necessary across all of the net zero pathways to help balance the grid and ensure security of supply and that battery storage is increasingly important in moving to net zero. FES, in its steps to achieving net-zero, notes that low carbon flexible energy sources and storage are vital to provide the adequacy needed for a reliable energy

system. In all scenarios this capacity is expected to be significantly increased by 2030.

7.47 Net Zero Strategy: Build Back Greener (October 2021), again, highlights that, *“the deployment of smart technologies and flexibility will underpin our energy security and the transition to net zero. Flexibility from technologies such as energy storage, smart and bidirectional charging of electric vehicles, flexible heating systems, and interconnection could save up to £10 billion per year by 2050 by reducing the amount of generation and network needed to decarbonise”*.

7.48 The British Energy Security Strategy (April 2022), also confirms that *“accelerating our domestic supply of clean and affordable electricity also requires accelerating the connecting network infrastructure to support it. Within this decade, our modern system will prioritise 2 key features: anticipating need because planning ahead minimises cost and public disruption; and hyper-flexibility in matching supply and demand so that minimal energy is wasted”*.

#### *Conclusions on local and national policy*

7.49 There is overwhelming local and national policy support for the development of renewable and low carbon developments. This includes the delivery of BESS schemes which have critical role in supporting local and national policy objectives as evidenced above. Therefore, this policy support at both a local and national level is a matter which weighs in favour of the proposed development. There is currently a significant under provision of such facilities and more infrastructure of this nature is needed to meet the ambitious goals and targets. This is returned to in the overall planning balance.

7.50 The locational requirements and the capacity of the site is considered in more detail below. It is also necessary to consider the degree of conformity with the criteria set out in Policy SS10, SD2, and national guidance. Compliance with specific criteria of these policies, and other policies of the Development Plan, are also considered further below.

#### **Site Location and Capacity**

7.51 There is no requirement to demonstrate an overall need for a renewable energy development as the need to deliver developments which contribute towards a low carbon future, as set out above, is compelling.

7.52 The application site lies immediately adjacent to the Cellarhead Substation site and, as such, the scheme would have a direct connection to the grid without the need for the installation of any significant above or below ground infrastructure. The immediate proximity of the development to the grid, is considered to be an optimum location for the delivery of energy storage, and siting is a factor which is highlighted by the PPG and other supporting documents. Also, it is understood that the Cellarhead Sub-station has the capacity and capability to work with the development in terms of managing supply and demand. The applicant have confirmed that they have an agreement with National Grid to connect via Cellarhead Sub-station and this connection is secured. The ability to connect to

the grid, in a location immediately adjacent to the sub-station, are factors which weighs in favour of the development.

7.53 The proposed BESS scheme is designed to have a storage capacity of 99.9MW which has the capability to absorb or release energy from the network as and when is needed. The storage capacity of the site is not insignificant and would go some way in contributing towards the national targets for the delivery of battery storage schemes and, as such, would play an important role in achieving the transition towards a low carbon future.

7.54 BESS allows for more renewable energy production to be integrated into the system. Energy production associated with renewable energy is variable and as such creates peaks and troughs. BESS allows for any peaks and troughs in electricity supply to be managed, enabling National Grid to provide electricity, when renewable sources are not generating. The proposals would make a significant contribution in assisting with the management of energy supply and demand.

7.55 The contribution of the development in terms of assisting with energy supply is significant and weighs heavily in favour of the proposed development.

### **The Use of Natural Resources and Agricultural Land**

7.56 Policy SD1 requires all development to make sustainable use of resources which will be achieved by having regard to the best and most versatile (BMV) agricultural classification of the land. SD1 identifies a preference for the use of lower quality over higher quality agricultural land. Development should also aim to minimise soil disturbance.

7.57 The NPPF at, 180 states that decisions should recognise the economic and other benefits of the best and most versatile agricultural land. Footnote 62 confirms that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

7.58 The use of a greenfield site next to the existing energy infrastructure is considered to be acceptable. The application area extends to a 2.48ha, including access track, and the majority of the site is agricultural land. Agricultural land is divided into 5 classifications, Grade 1 being “excellent” and Grade 5 being “very poor”. Grade 3 is divided into two sub categories Grade 3a) being “good” and Grade 3b) being “moderate”. The NPPF confirms that Best and Most Versatile (BMV) agricultural land is identified as falling within Grades 1, 2 and 3a.

7.59 Evidence from Natural England confirms that the site falls within Grade 4 and, as such, does not fall within BMV. Given the modest scale of the site, which relates to a single field, it is not considered that a detailed assessment on BMV is necessary in this instance.

7.60 In addition, the scheme is identified as being temporary with the development intended to be decommissioned and land restored after its 40-year

operational life. The infrastructure can be removed and land restored in accordance with a scheme which could be secured via condition. Site restoration could, for example, bring the land back into more productive agricultural use which would not be unfeasible given a development of this nature. The definition of previously developed land, as identified by the NPPF, confirms that this excludes *“where provision for restoration has been made through development management procedures”*. Therefore, with a condition in place to restore the land following decommission, as proposed, the site would remain greenfield land.

7.61 With regard to the effect on resources underground, such as sand and gravel, Standing Advice from Staffordshire County Council (the relevant minerals and waste authority) confirms that where proposals are temporary, or easily removed, and involves minimal disturbance of the ground, they would conclude that the proposal is unlikely to create a significant safeguarding issue. The application proposals are of a nature which would meet this Standing Advice and, therefore, the proposals would not result in implications on minerals safeguarding.

7.62 Therefore, with regard to the use of natural resources, the proposals are considered to be compliant with Policy SD1 of the Local Plan and the NPPF.

### **Landscape and Visual Impacts**

7.63 Policy SS1 requires development to protect and enhance the natural environment of the District. Policy DC1 requires development to be designed to respect the site and its surroundings. Policy DC3 seeks to protect and, where possible, enhance local landscape and the setting of settlements. This will be achieved by resisting development which would lead to a prominent intrusion into the countryside, and supporting development which respects and enhances local landscape character.

7.64 The site relates to a single field within a predominantly rural area. The field is located on land which lies to the north of Newfields Farm, which includes farmhouse and a number of associated buildings. To the immediate east and north of the site is the Cellarhead sub-station complex. The Cellarhead substation is a significant development which dominates the local context and adds an industrial character to the immediate landscape. A number of overhead powerlines cross the surrounding field connecting to the sub-station which add further industrial components to the landscape. The eastern, western and northern boundaries of the site include mature landscaping this helps in part to screen the substation, but also provide screening for the application site. The site is accessed via a track from Rownall Road to the east which serves the farm and adjacent substation.

7.65 The proposal includes the installation of battery energy storage infrastructure which would be sited centrally within the field. The main pieces of infrastructure comprise 14 storage racks which would house the batteries, 14 associated inverter and transformers, metering substation, switch gear building, and control buildings. The scheme also includes a number of other pieces of associated infrastructure, comprising containers, and small buildings. Hardstanding would be laid to provide access routes to, through and around the site. Fencing, of various designs, including acoustic fencing is proposed around

the site. A bund is proposed to the west. The scheme also includes landscaping and biodiversity enhancements.

7.66 In plan form, the proposed development would not project beyond the western or southern extremities of the Cellarhead substation complex. The proposals would essentially result in a “squaring off” of the extents of the substation complex. Having regard to this context, the site would be closely related to this existing infrastructure and would represent a logical location for additional energy generating infrastructure, without protruding significantly or unharmoniously into the wider countryside.

7.67 The installations proposed are similar in nature to those which are housed at Cellardhead substation and would therefore, visually, be viewed against similar development. Albeit the proposals are smaller in scale and height when compared the Cellarhead substation and would appear as a subservient installation. Cellarhead sub-station would provide an industrial backdrop for the development and would remain dominant in the landscape.

7.68 The Councils Landscape and Settlement Character Appraisal identifies that the site is located within the ‘Ancient Plateau Farmlands’. This confirms that the key characteristics of this area are:

- Gentle undulating landform with some steep slopes
- Heathland including wet heath with rushes and rough grasses
- Drystone walls with remains of unmanaged hedgerows and isolated trees
- Fields often demarcated by fencing
- Dairy farming and horse grazing
- Small woodlands, broadleaf and conifer
- Isolated stone farm houses and buildings converted to residential dwellings
- Electricity power lines and substation

7.69 The application has been accompanied by a Landscape and Visual Impact Assessment (LVIA) which considers the visibility of the site and landscape sensitivity. The LVIA goes on to assesses the potential landscape and visual effects of the proposed development, including an assessment of 16 representative viewpoints of potential visual receptors of the development. A further assessment of the cumulative effects has also been provided.

7.70 In terms of the effects on the landscape, the LVIA concludes that there would be:

- No material impact on the character of NCA64: Potteries and Churnet Valley;
- A moderate adverse effect on the Ancient Plateau Farmlands LCT within the Site and its immediate environs during construction and at Year 1. By Year 15, effects upon the LCT within the Site would reduce to moderate/minor adverse;
- up to a negligible effect on the character of the wider LCT during construction and at Years 1 and 15; and

- A major effect on the character of the Site and its immediate context during construction, reducing to major-moderate on completion. In the long term, impacts would be of a moderate significance on balance.

7.71 With regard to the visual effects the LVIA acknowledges that the development would be visible from a number of public footpaths on/close to the site. The LVIA concludes that notable effects on PRow users would be limited to users of Footpaths Cheddleton 48 and Cheddleton 60 where these pass around the boundaries of the field containing the site, and a minor to moderate long term adverse impact on Cheddleton 58 to the south-west where closest proximity to the site. The LVIA identifies that views from all of these routes are already heavily influenced by the structures within the existing substation. From the wider network, the LVIA concludes that the effects would be no greater than neutral or negligible to minor adverse.

7.72 From residential properties the LVIA identifies that the site may be visible in some views from a number of properties to the south and west of the site, including Platts Farm, Field View Farm, Armshead Farm, Green Farm and Bungalow Farm, but such visibility would be limited due to consecutive layers of intervening vegetation. It acknowledges that the site may be visible in views from the northern edge of Werrington and Armshead but the development would not result in a notable change.

7.73 In terms of road users the LVIA highlights that the effects would typically be negligible where any change could potentially be perceived.

7.74 The Council has sought views from a Landscape Consultant (Stuart Ryder). He considers that the proposals will effectively turn the single pasture field site into an industrial development more akin to the neighbouring Cellarhead Sub-station rather than the agrarian landscape to the south and west and this change (to the site itself) can only be classified as a Major, Adverse and Permanent effect that is an inevitability of development. He identifies that the strong planting buffer to the west is acknowledged and ultimately the woodland planting belt will likely screen views to the overall development in an estimated 6 to 8 years.

7.75 From the wider receiving landscape he considers that the effects would vary at year one from minor adverse from north and east, moderate adverse to the south, and major/moderate adverse to the west. These would reduce to negligible adverse, minor adverse, minor adverse and minor adverse respectively.

7.76 With regard to the visual effects, he has identified that from PRow Cheddleton FP48 which runs to the east of the site, that users will have close range views at approximately 40m away to the main development area, and that there would be moderate adverse effects at year one. He considers that the proposed hedge would be ineffective in screening until it reaches maturity above eye level.

7.77 From Cheddleton FP 60, which runs along the south of the site, he considers that users of the path will be able to see the southern side of the proposals along the route to the battery yard's main access. Bunding and planting

would screen the western third of the yard, while the eastern third would be screened by Newfield Farm buildings. The middle third of the path will have open sight to the acoustic barrier and security fencing and allow for the perception of power infrastructure rather than pastoral landscape.

7.78 Cheddleton FP58 would have views towards the western and southern boundaries. He considers that the distance and slight elevation that this path has over the site means the bund planting will take longer to become an effective screen.

7.79 He makes reference to Armshead farm being situated 50m from the site. However, this property is located approximately 850m to the south west. It is assumed that this relates to Newfields Farm. From here he raises concern regarding views towards the acoustic fence and infrastructure.

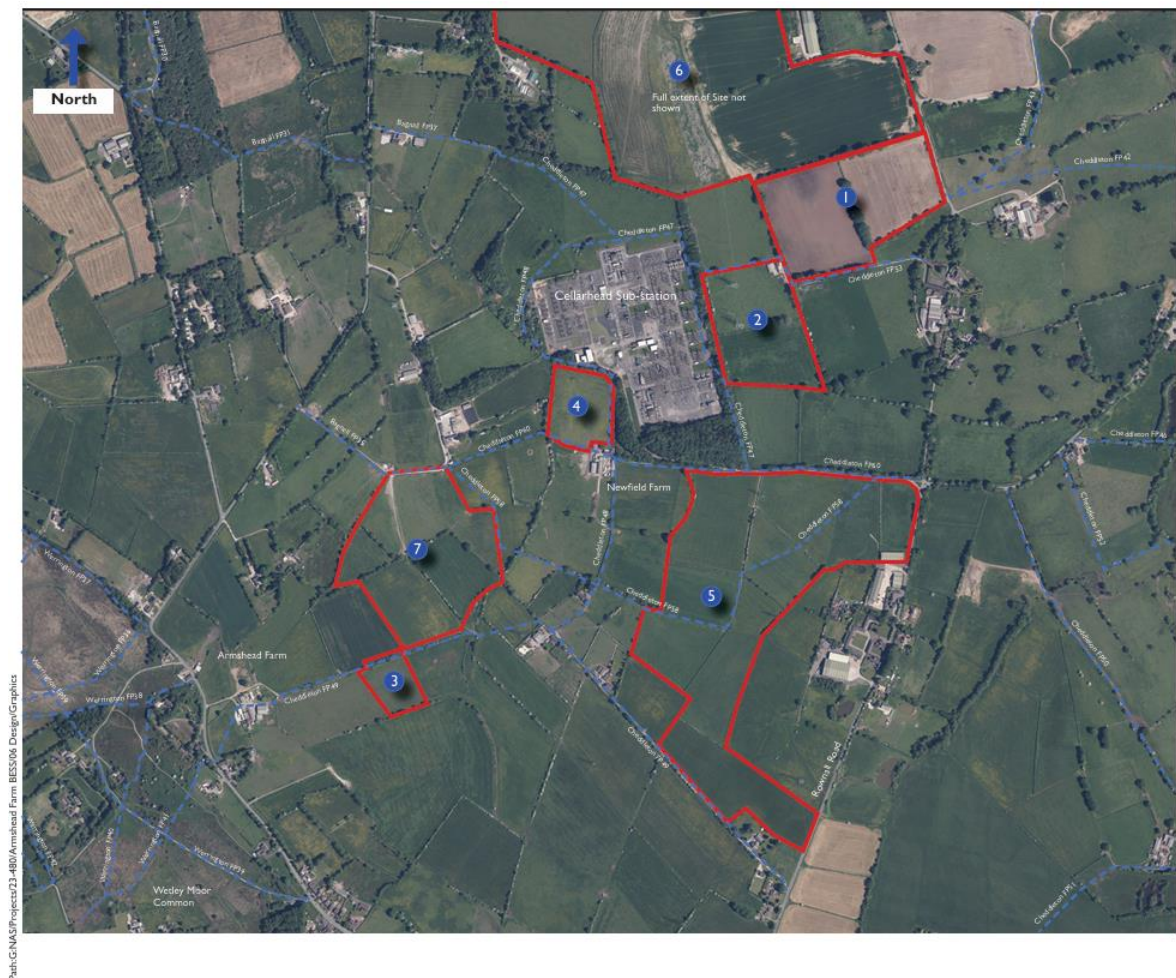
7.80 Some design amendments have been suggested by the Landscape Consultant to reduce the visual effect of the development. These include, rounding of the top of the acoustic bund and varying its slope gradients; breaking up the top line and varying the colour of noise barrier; ensuring that inert material forms the basis of the acoustic bund; detail on how the meadow diversity would be achieved on ground previously improved by nutrient application; using recessive colours for the acoustic barriers and security fencing; patches of parkland trees in the meadow grass to the east of the battery yard to add additional screening whilst still retaining the meadow habitat (or seek diversion of the FP48).

7.81 It is considered that matters relating to site levels, fencing design/colour, and detailed landscaping across the site could be secured via condition. It is agreed that an enhancement to structural landscaping to the east to provide greater screening from PROW 48 would be of importance. Furthermore, it is also agreed that the colour appearance of the fencing and installations would be important to help to assimilate the development into the landscape.

#### *Cumulative effects*

7.82 The below plan, prepared by Stuart Ryder in his comments, shows the site in relation to other developments which have either been considered, or are yet to be considered.





© Ryder Landscape Consultants Ltd. 2024. Contains Bluesky Licenced Information - Date of aerial photograph 6/9/21

7.83 This includes two BESS schemes to the east of the site which have extant approval (Refs: SMD/2022/0444 and SMD/2022/0548). A scheme for BESS at Armshead Farm (SMD/2022/0548), located to the southwest, has been refused and is currently at appeal. A further scheme for BESS to the south of Cellarhead sub-station is currently under consideration (SMD/2024/0055). While a large solar farm development to the north is also under consideration and yet to be determined (SMD/2023/0523). The application site lies at point 4 adjacent to the substation.

7.84 Clearly should all developments be approved then there is a potential for a significant industrialisation of this pastoral landscape. The Councils landscape consultant advises that the proposed development “*will appear as an extension to Cellarhead Sub-station by virtue of the similar equipment*”, although they acknowledge that there would be a public route between. They are of the view that Cellarhead substation will not appear any larger in the wider landscape given the scale difference between the proposals and the existing facility.

7.85 They note that there would be a sequential experience of walking the routes passing one BESS facility after another and this changing the scenic qualities of the area. Notwithstanding this, they have not identified any concern with regard to cumulative intervisibility with the extant approvals. They do observe that there may

be intervisibility with similar developments to the south. Although none of these have approval (they are either at appeal, not submitted, or under consideration).

7.86 The applicants have also made an assessment of the cumulative effects on the landscape and visually, with an updated report considering the sites identified by the Landscape Consultant. This concludes that *“cumulative effects would be no greater than moderate adverse, with such moderate adverse effects limited to:*

- perceptual/experiential effects on local landscape character within a limited area in close proximity to the substation where multiple cumulative schemes may be visible as well as the Proposed Development; and*
- users along restricted sections of the local PRow network, predominantly users of Footpath Cheddleton 60 who would experience sequential and in places simultaneous visibility of the multiple cumulative schemes to the east and south of the Proposed Development. The Proposed Development and many of the cumulative schemes would be seen in the context of the existing substation.”*

7.87 Nonetheless, it remains that the proposals do need to be considered on their individual merits. It is considered that this site is materially different to other sites identified, and needs to be considered in the context of the immediate surroundings.

7.88 Firstly, this site is much smaller than other developments which have been granted consent or are under consideration. The scheme relates to one field which is well contained by existing landscape and the adjacent built form. Secondly, the site is much more closely related to the Cellarhead substation than other developments that have been granted or are under consideration. Its siting would ultimately consolidate existing Cellarhead sub-station, rather than resulting in a spread, encroachment or protrusion into the wider rural landscape away from the substation. Thirdly, the modest scale of the site, and its proximity to the substation means that this site has limited visibility and prominence in the wider receiving landscape and with other developments which have been approved. In this context, it is considered that the development could be incorporated into the landscape without resulting in such adverse cumulative effects, in landscape and visual terms.

7.89 In conclusion, it is inevitable that a development of this nature, scale and location will have some adverse landscape and visual effects, particularly in the short term. Furthermore, it is acknowledged that this would add further energy related infrastructure into the wider receiving landscape. This weighs against the development. However, it is acknowledged that the proposals are well contained, and represent a rounding off of the Cellarhead sub-station parameters, without being prominent on the landscape from a wide range of vantage points. The proposals do not affect, but work with, existing landscape structure. Through mitigation any residual harm is likely to be limited and localised. Ultimately this is a temporary development and a reversible project and after decommissioning there could be some landscape improvement. All of these factors limit the extent of landscape harm.

7.90 For all of these reasons the landscape and visual harm, in the longer term, would be mitigated by the proposed new and enhancement planting which would be secured through conditions.

## **Living Conditions**

7.91 Policy DC1 requires development to *“protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution”*.

7.92 The main considerations in relation to a development of this nature, would be the effect on living conditions by reason of visual impact/outlook, and noise and disturbance. It is not considered that such development would give rise to amenity issues relating to daylight, sunlight, or privacy etc.

7.93 Newfields Farm, which is located immediately adjacent to the site, includes a farmhouse within its complex. The development would be within very close proximity to the farmhouse which has a façade which faces directly towards the site. The proximity of the development is such that there would be an unacceptable effect on occupants of the farmhouse through loss of outlook. Furthermore, the noise generated from the development is likely to result in undesirable living conditions resulting in significant disturbance, both to internal and external areas.

7.94 The application has been supported by a Noise Report, although it does not consider the effects of the development on the farmhouse at Newfields Farm. This is because there is an agreement between the applicant and the landowner that the building would cease to operate as a dwelling. It is confirmed that the landowner does not reside at the site and that the building is rented out on a month by month basis. Once operational, it is intended that the building would be used for storage purposes in association with the agricultural operations of Newfields Farm.

7.95 While there may be an agreement between the landowner and applicant, this falls outside of the planning process and therefore, there is nothing in planning terms to discount the building being considered as its lawful use. Nonetheless, it is considered that a legal agreement could address this point, which the applicants have confirmed they would be willing to enter into. Such a legal agreement would require the residential occupation of the dwelling to cease upon operation of the site.

7.96 Therefore, subject to the applicant entering into a legal agreement to ensure that the building ceases occupation as a dwelling, the development would not have an unacceptable effect on occupants of Newfields Farm. In the absence of a legal agreement the development would be unacceptable in planning terms.

7.97 In terms of the effect on dwellings further afield, the submitted Noise Report considers the likely impacts on the closest properties. The scheme includes acoustic fencing and bunding and these installations would assist in ensuring that

the effect on noise would be at acceptable levels. The site is some distance from other dwellings, and this proximity would mean that no other amenity issues would arise.

7.98 Environmental Health raised some initial queries regard the content of the Noise Report. Following the receipt of additional information, the EH Officer is now satisfied that the effect of the development on the living conditions for nearby occupants would be acceptable subject to the imposition of relevant conditions.

## **Biodiversity and Ecology**

7.99 Policy NE1 requires biodiversity resources to be conserved and enhanced and expecting all appropriate development to delivery biodiversity net gains, proportionate to the scale of the development proposed. The Environment Act 2021 has now come into effect, which requires the delivery of a minimum of 10% Biodiversity Net Gain (BNG). However, as the application was made prior to 12<sup>th</sup> February 2024 the 10% delivery of BNG is not a statutory requirement.

7.100 The application has been supported by a Preliminary Ecological Appraisal (PEA) and an Ecology Walkover and Assessment Note, provided as an update to the original PEA. The PEA is robust and considers the effect on all relevant sites, habitats and species.

### *Impact on Sites*

7.101 With regard to the effect on statutory sites, the nearest site is the Wetley Moor SSSI which is located circa 700m to the west of the site. The PEA concludes that the application site does not have an features which contribute towards that site. Therefore, due to distance and lack of habitat connectivity it is concluded that this site would not be affected by the development.

### *Habitats and Protected Species*

7.102 The PEA considers the effects on protected species and their habitats including breeding birds, amphibians, bats, reptiles and hedgehogs.

7.103 The report identifies that nesting birds were present, but subject to appropriate measures the impact on breeding birds could be made acceptable. With regard to other species considered, the report concludes that the effects of the development on species and their habitats would be low or negligible and, where necessary, reasonable avoidance measures could be incorporated.

7.104 Staffordshire Wildlife Trust (SWT) have considered the content of the PEA and are satisfied with its conclusions. However, they identified that one tree, which is subject to significant pruning has the potential to support roosting bats. As such, they advised that a survey of this tree be carried out. A survey of the tree has been conducted which concludes that the tree does not have roosting potential. SWT are therefore satisfied with the development in this respect.

7.105 There would be an opportunity for the development to deliver biodiversity enhancements which can be secured through a CEMP and LEMP.

7.106 To conclude, there are no outstanding objections by SWT with regard to the effect of the development on protected species or their habitats, subject to various conditions. Natural England also raise no objection to the proposals.

#### *Biodiversity Net Gain (BNG)*

7.107 The application has been supported the most recent Defra metric which considers the existing baseline value of the site and the enhancements to biodiversity which are proposed. The scheme proposes enhancements to biodiversity to include a woodland, hedgerow and scrub planting across the site while retained areas of grassland are proposed to be enhanced.

7.108 The metric demonstrates that the scheme would deliver habitat net gains of 1.36 units (or 15.49%), and hedgerow gains of 1.08units (or 99%). This would greatly exceed the current national target for BNG.

7.109 SWT are satisfied with the content of the metric and have advised that development would require long-term maintenance and management, which could be secured via condition. It would necessary for the ecological conditions to include updated BNG metric to reflect the final detailed landscaped and ecological enhancements of the site. Therefore, subject to condition, the scheme would deliver an appropriate level of BNG.

#### **Effects on Public Rights of Way**

7.110 Policy T1 states that consideration should be given to how schemes can enhance the existing path network and give consideration to the protection of non-definitive public footpath routes in addition to definitive routes. Policy T2 states that the Council will also ensure that all legally recognised public rights of way (PROW) affected by development are protected and, where possible, enhanced.

7.111 Crossing, and adjacent to the site, are a number of PROWs. The proposed development could be carried out without affecting the route of the PROWs as detailed on the definitive map, and it appears that the development can be carried out without the requirement for diversion. Appropriate spacing between the development and the routes can be provided to ensure that legible routes are retained. It is likely that the routes could be affected during construction, therefore how users will be protected and the routes remaining available need to be considered which can be secured via condition. The visual effects of the development on the enjoyment of the routes has been considered above.

7.112 Some of the routes within and adjacent to the site are not clear, with lack of clear way markers, and stiles which are in need of upgrade. Improvements and enhancements to the PROW routes could be secured via condition, which would accord with Policy T2.

## **Heritage**

7.113 Policy DC2 requires that the Council will conserve and where possible enhance heritage assets, including their setting in a manner appropriate to their significance. Development which is likely to affect archaeology, will require the submission of a desk-based assessment. S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, sets out the general duty when consideration application which affect listed buildings, and states that special regard be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.114 The application has been supported by a Built Heritage and Archaeological Assessment (BHAA) which considers the effect on heritage assets. development would not have a direct impact on designated heritage assets. This report identifies that, within 1km of the site, there are no scheduled monuments, registered parks and gardens or conservation areas. The report identifies that there are two, Grade II listed buildings within this area (Stables at Rownall Hall, and Milestone at SJ 943 475). There are no direct effects on any heritage asset.

7.115 Given the distance between the development and these listed buildings, along with the landform and vegetation there is no intervisibility. As such, the development would not have a harmful effect on the setting of Listed Buildings.

7.116 With regard to the effect on archaeological matters, the BHAA considers these assets. The content of which are sufficient to provide a good understanding of the archaeological potential of the site. These conclude that there is little archaeological interest or potential in the site, and that construction impacts are likely to be localised.

7.117 However, the County Archaeologist has reviewed the proposals and consider that it would be necessary for further archaeological evaluation to take place and have recommended conditions in this regard. Therefore, subject to the imposition of relevant conditions it is considered that below ground heritage assets could be preserved.

## **Highway Safety**

7.118 Policy DC1 requires development to make provision for 'safe and satisfactory access' and requires development proposals to 'make a contribution to meeting the parking requirement arising from necessary car use.' Policy T1 states that 'all new development is located where the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development.

7.119 The application has been supported by a Transport and Access Statement which assesses the likely effects of the development on the highway network. The main effects of the development on the highway network would be during the construction phase of the development.

7.120 Construction traffic routing would be from the A52, accessing onto Rownall Road to the south, and then to the site via the Cellarhead Substation access road. It is estimated that construction would take place over a 6 to 9 month period which would require a range of vehicles visiting the site. It is indicated that the proposed development would result in 320 deliveries, or 640 two-way movements throughout the construction period. This generally comprise two or three deliveries a day, or four to six movements in total.

7.121 It is predicted that the peak movements arising from the development would result in an increase of vehicle flows on A52 and A520 by 0.6% and 0.7% respectively. In terms of HGV movements these would increase by 1.8% for the A52 and 1% for the A520 during peak times.

7.122 Swept path drawings show that the junction from Rownall Road is of sufficient geometry to accommodate the size of vehicles accessing/egressing the access. Internally, the site can provide appropriate manoeuvrability for a fire appliance.

7.123 The increase in construction traffic arising from the development is not considered to have a detrimental effect on the local highway network, and no objections or concerns have been raised by SCC Highways in this regard.

7.124 It is likely that there would be some disturbance locally, arising from the construction phase although the effects would only be temporary.

7.125 During the operational phase, there would be no staff based on site with persons attending the site for routine maintenance or checking the site. This is likely to lead to 12 LGV trips per year. Therefore, during operation, it is considered that there would be no adverse effect on the capacity of the highway network or highway safety issues arising.

7.126 The Transport and Access Statement recommends a series of measures to be implemented during construction. Subject to the adherence of these measures SCC Highways have raised no objection to the development.

7.127 Therefore, subject to compliance with the Transport and Access Statement, which can be secured by condition, the proposals would not have an adverse effect on highway safety and would comply with Policies DC1 and T1 of the Development Plan.

### **Flood Risk and Drainage**

7.128 Policy SD5 states that a sequential approach to the management of flood risk will be followed, directing development to areas at lowest risk of flooding. SD5 requires all applicable development to be supported by an FRA and that it is designed to be flood resilient and resistant and safe for its users for the lifetime of the development. In addition, all applicable developments should incorporate sustainable drainage measures.

7.129 There is a drainage ditch along the northern part of the site and an unnamed watercourse along the western boundary. The application site lies within Flood Zone 1 although a small part of the site has subject to surface water flooding. The application has been supported by a Flood Risk Assessment which considers the risk of development from all sources of flooding.

7.130 This concludes that the sources of flood risk are of no significance, or of low significance and that the flood risk can be considered to be limited, with a low annual probability of flooding and from all sources. The area of surface water flooding falls outside of the area to be developed. Given the low probability of flooding and the extent of development not affecting the area at risk, it is not considered that a sequential test is required in this instance.

7.131 The FRA considers the opportunities for the discharge of surface water with the most likely scenario of discharging to the drainage ditch with attenuation and a restricted runoff rate. The underground attenuation would be in the form of a crate system and would also serve the purpose as forming an area of fire service water storage in the event of an incident of site.

7.132 It is considered that appropriate SUDs can be delivered with the scheme. The Lead Local Flood Authority have raised no objection to the development on flooding or drainage grounds, subject to a condition relating to detailed drainage being provided.

7.133 Therefore, with regard to flood risk and drainage, the proposed development would be compliant with policy SD5 of the Local Plan, and guidance contained within the NPPF.

## **Public Safety**

7.134 Policy SS1 and DC1 both seek to deliver a safe and healthy environment. Planning Practice Guidance requires that local authorities consider the potential risks associated with BESS schemes, this encourages consultation with the local fire and rescue service, and consideration of the guidance produced by the National Fire Chiefs Council (NFCC) on grid scale battery energy storage systems.

7.135 Much of the NFCC guidance includes technical matters such as details regarding detection and monitoring, suppression systems, deflagration prevention and venting, signage and emergency plans. There are also other matters, which relate to site access, layout and water supply. The application is accompanied by an Outline Battery Safety Management Plan.

7.136 Consultation with Staffordshire Fire and Rescue Authority (SFRA) has been undertaken. The initial response received from SFRA provided generic advice which reiterates the guidance by the NFCC. Notwithstanding this, throughout the course of the application the applicants have been in continued dialogue with officers at the SFRA to discuss their proposals. This has included the completion of a check list, produced by SFRA, which covers matters detailed by the NFCC guidance. The applicant has completed this checklist which has been reviewed by SFRA.



7.137 It must firstly be acknowledged that the site is a rural location which has a low population density. Such a location would therefore reduce the population exposure to an incident, when compared to an urban location. There is one dwelling located immediately adjacent to the site, Newfields Farm, however this property would cease occupation upon operation of the site (to be secured via legal agreement).

7.138 In terms of specific layout considerations, NFCC guidance suggests that a spacing of 6m should be provided between units. This is unless suitable design features can be introduced. The scheme proposes a spacing of 3m between units which falls below the guidance. The applicants have advised the SFRA that:

*This distance is based on best practice guidance and standards (including National Fire Protection Association (NFPA) 855 Standard), insurance requirements (including FM Global 2024), and the results of safety testing (including UL 9540A and the Beyond Industry Standards Test). As explained above, the results of available safety testing data demonstrate that even when units are arranged as close together as possible active firefighting measures do not need to be taken and thermal runaway does not propagate between units. A 3m separation is at least double the minimum spacing allowed by best practice standards including FM Global 2024 (which requires 1.5m aisle separation).*

Based on these factors the SFRA have confirmed that they have no objection to this matter, subject to condition.

7.139 With regard to access, NFCC guidance states that at least two separate points of access should be provided. The scheme includes a perimeter road with a northern and southern entrance into the compound. Following discussions with the SFRA the layout has been amended to provide a split in the road before reaching the first entrance. This will allow for vehicles to access the perimeter road to north should the southern access become unusable. SFRA have confirmed there are no outstanding matters on this point.

7.140 Water supply would be provided via a hydrant and the applicants have confirmed that they have received a formal offer from Severn Trent. This would need to provide appropriate flow rate and pressure. In the event of an incident it may be possible that water could be recycled by connecting to the proposed drainage storage.

7.141 The scheme includes an underground attenuation plant where surface water would be directed to. In the event of an incident, firewater could be directed to this tank and its valve switched off to ensure that any contaminated or polluted water does not enter the local water environment. Provided the water is not contaminated it is possible that the water could be recycled by SFRA during an incident.

7.142 The latest comments of SFRA have suggested conditions regarding the preparation of an overarching fire safety precaution statement, and adherence to

the technical and safety information within the submitted Outline Battery Safety Management Plan.

7.143 Having regard to the above it is considered that safety issues surrounding the site have been considered and there are no outstanding matters which require resolution at this stage. Therefore, in the absence of an objection from the SFRA and subject to the conditions that they have suggested, it is considered that the details are acceptable in this regard.

## **8. PLANNING BALANCE AND CONCLUSIONS**

8.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision making this means that amongst other things, that local planning authorities should positively seek opportunities to meet the development needs of their area unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits and to secure a development that improves the economic, social and environmental conditions of the area.

8.2 The site lies within the Green Belt, and it has been concluded, that the development would represent inappropriate development. This is because it does not meet any of the exceptions for development in the Green Belt, and even if it did, it amounts to development that would fail to preserve openness and conflicts with the purposes of including the land in the Green Belt. Paragraph 153 of the Framework confirms that substantial weight should be given to any harm to the Green Belt.

8.3 The development therefore should not be approved except in VSC's. VSCs will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

8.4 In this instance, it is considered that other harm would arise by reason of the inevitable landscape and visual impacts of the development, along with the slight cumulative effect to the landscape in the area generally, with other approvals. Notwithstanding this, it is considered that the extent of harm is reduced by the relatively modest scale of the proposals, and its close relationship with existing built form. Together, these limit the overall landscape effects. Furthermore, a landscaping strategy for the site would make the effects more acceptable in the medium to longer term, while the development could be seen to be reversible. Together, these factors mean that the additional harm, in planning terms, would add slight weight against the development.

8.5 There is an absence of identifiable harm relating to public safety, living conditions, highways, flood risk, drainage, trees, heritage assets and the use of low grade agricultural land. However, some of these matters would be subject to the imposition of appropriate conditions and legal agreement (with regards to the effect on Newfields Farm). It is considered that these are all neutral matters in the overall balance.

8.6 The requirement to tackle the effects of climate change and move towards a net zero future is an international, national and regional priority. The case is compelling, as set out earlier, and need not be fully repeated. A primary component of this ambition is the decarbonisation of the energy sector. The role that installations for low carbon or renewable energy technologies which contribute towards this, regardless of their scale, cannot be underestimate. Battery storage is one such technology which is essential to meeting these targets. As evidenced by the swathe of national documents produced by central Government, it is clear that battery storage has a critical role in achieving net zero. The development would allow for greater flexibility in the energy system in allowing for supply and demand to be more effectively managed leading to a more efficient energy system. As such, the proposed development would contribute towards moving towards net zero and would deliver clear environmental, social and economic benefits in this respect. This is a matter which attracts substantial weight in the overall balance.

8.7 Furthermore, it is evident that there are policies within the adopted Local Plan (SS10 and SD2), which are supportive of the proposed development, in principle. Furthermore, national policy contained within the Framework (including its emerging draft) are supportive of developments of this nature. This planning policy support for the proposals needs to also be weighed into the balance.

8.8 In terms of BESS itself, there is a specific need to increase energy storage capacity. Energy storage capacity in the UK is currently understood to be 4.7GW, with 2050 targets of up to 36GW (as suggested by National Grid - FES). The proposed development at 99.9MW would clearly make some contribution towards achieving these targets. This, in itself, is a benefit of the scheme which attracts significant weight in favour of the development.

8.9 Crucially, the location of the site lies *immediately* adjacent to the Cellarhead substation complex. This direct access means that the scheme can be implemented without the need for additional significant overground or underground infrastructure. It is considered that this is an optimum location for a development of this nature, whilst also limiting the wider environmental effects on the landscape. Furthermore, the applicants also have a connection agreement with National Grid. The development therefore is not speculative and can delivered in a reasonable timeframe. The optimum location of the site itself, along with the commitment to connect, also attract significant weight in favour of the development.

8.10 The scheme would deliver a habitat Biodiversity Net Gain of 15.49%, and a hedgerow gains of 99%. These figures would greatly exceed the current national target for BNG, which are not applicable to this development. Further, LP policy only requires the delivery of an unspecified level of net gain. Such ecological enhancements which arise from the development are a benefit of the development which attract modest weight in favour of the development.

8.11 There are also more modest wider ranging benefits of the development in terms of creating a jobs during construction, and through the operation of the site, the knock-on investment into the area, assisting the rural economy through allowing the farmer to diversify, along with the temporary nature and reversibility of the development.

8.12 When considered together, the policy support, along with the environmental, social and economic benefits of the development are substantial. It is therefore considered that there are other considerations which, when considered together, would clearly outweigh the harm to the Green Belt and that of the landscape.

8.13 Accordingly, it is considered that very special circumstances exist. Therefore, the proposal is considered to comprise sustainable development under the terms of the NPPF, and is in general conformity with the Policies of the Staffordshire Moorlands Local Plan 2020 when considered as a whole. The application is therefore recommended for approval.

## **9. RECOMMENDATION**

**That approval be GRANTED subject to the prior completion of a legal agreement for the cessation of Newfields Farm as a dwelling, and subject to the following conditions:**

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)**

- 2. Subject to compliance with the requirement of any other condition, the development hereby permitted shall be carried out in accordance with the following approved plans:**

**P23-0415\_EN\_02 – Rev D – Site Location Plan**

**P23-0415\_EN\_02 – Rev D – Site Location Plan (Aerial)**

**PLS - NP - FT - TS – 01 to 08 – Topographical Survey**

**88-10-05-PL-FG – Rev R.04 - Proposed Fence and Gate Details**

**88-10-05-C-PL-EQ-01 – Rev R.04 - Plan and Elevations of DNO Control Building**

**88-10-05-C-PL-EQ-02 – Rev R.04 - Plan and Elevations of DNO Storage Container**

**88-10-05-P-PL-EQ-03 – Rev R.05 - Plan and Elevations of BESS Units and MV SKID Solution**

**88-10-05-P-PL-EQ-04 – Rev R.04 - Plan and Elevations of Storage Container and Auxiliary Transformer**

**88-10-05-P-PL-EQ-05 – Rev R.04 - Plan and Elevations of Customer Switchgear Building**

**88-10-05-P-PL-EQ-06 – Rev R.04 - Plan and Elevations of Customer Control Building**

**88-10-05-P-PL-EQ-07 – Rev R.04 - Plan and Elevations of CCTV Camera Column**

**88-10-05-PL-SS-ELV-01 – Rev R.05 - Elevations and Sections of 132kV Metering Substation**

**88-10-05-PL-SS-ELV-02 – Rev R.04 - Elevations and Sections of 132kV Metering Substation**

**88-10-05-PL-SS-ELV-03 – Rev R.04 - Elevations and Sections of 132kV Metering Substation**

**E14509 XX XX DR C 11001 – Rev P12 – Acoustic Bund and Details**

**E14509 XX XX DR C 11002 – Rev P09 – Cut and Fill Plan**

**88-10-05-PL-LA-OA – Rev R.11 - Overall Site Layout**

**C21133-ATP-DR-TP-001 – Rev P05 – Proposed New Site Access and Access Tracks**

**C21133-ATP-DR-TP-004 – Rev P02 – Swept Path Analysis Using 8m Long Fire Appliance**

**P23-0415\_EN\_0007\_F\_0001 – Strategic Landscape Planting Plan**

**P23-0415\_EN\_0008\_H\_0001 – Illustrative Landscape Sections**

- 3. Notwithstanding the submitted details, no development shall take place until such time that full details of the following have been submitted to and approved in writing by the Local Planning Authority:-**

**Acoustic, palisade and paladin fencing**

**Hard surfacing, including materials and colour finish**

**Facing materials of all ancillary structures, including finished colour**

**The development shall be carried out strictly in accordance with the approved details. All acoustic fencing shall be erected prior to first operation of the site.**

**Reason:- To protect the character and appearance of the area, residential amenity, flood risk and biodiversity**

#### **Construction & Demolition Impacts**

- 4. During the construction phase the following must be adhered to at all times:-**
- a) 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. All waste transfer records should be retained for inspection by officers of the Local Planning Authority;**
  - b) No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority;**

c)Any generator used during the construction phase should be suitably enclosed and attenuated so it is inaudible inside any neighbouring residential property.

Reason: To protect the amenities of the area during construction

**Construction & Demolition works: Time of operations**

5. All construction works and deliveries shall be restricted to the following times of operations:
- a. 08:00 - 18:00 hours (Monday to Friday);
  - b. 08:00 - 13:00 hours (Saturday); and,
  - c. No working is permitted on Sundays or Bank Holidays.

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

**Report of Unexpected Contamination**

6. In the event that contamination, including any suspected asbestos containing materials (e.g. bonded cement), is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exist to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, and is subject to the approval in writing of the Local Planning Authority.

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

**BS4142 Limit on external noise levels produced by fixed external plant**

7. The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels 36dB La90 between the hours of 07.00–23.00 (taken as a 15 minute LA90 at the nearest sound-sensitive premises) and shall not exceed the background sound level 30 dB La90 between 23.00–07.00 (taken as a 15 minute LA90 at the nearest/any sound-

sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property.

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

#### **Maintenance of Batteries**

8. All equipment and infrastructure associated with this development must be constructed and maintained throughout the life of the development so as to prevent any discharges or spillage that may cause pollution of the surrounding land, underground strata or watercourses.

**Reason:** To prevent pollution of the Environment

#### **External Lighting**

9. Details of floodlighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and subsequently installed as approved.  
**Reason:** To protect the local amenities of the local residents by reason of excess of luminance.

#### **Construction Traffic**

10. The provisions of the submitted and approved Transport and Access Statement shall be adhered to throughout the construction period.

**Reason:** To comply with NPPF Paragraph 114; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety; to carry out the works with a minimum of disruption to local residents.

#### **Archaeology**

11. A) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.  
B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).

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

**Reason: To protect archaeological interests.**

**Landscape/Visual Impact**

- 12. Notwithstanding the submitted details, no development including site clearance and levelling shall commence until such time that a detailed hard and soft landscape mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the Strategic Landscape Planting Plan (P23-0415\_EN\_0007\_F\_0001) and be at an appropriate scale. For the avoidance of doubt, the landscaping shall include additional structural landscaping between the development and the public right of way to the east and south. The development shall subsequently be carried out strictly in accordance with the approved details. The soft landscape proposals approved shall be implemented in the first growing season after construction has commenced and replacement of dead, diseased or dying stock should be undertaken in accordance with the Landscape Maintenance and Management plan to be approved under Condition 13.**

**Reason:- To protect the character and appearance of the area and to provide screening from adjacent public rights of way.**

- 13. No development including site clearance and site stripping shall take place until such time that a Landscape Maintenance and Management Plan (LMMP) has been submitted to and approved in writing by the Local Planning Authority including measures for its operation for the life of the development. The LMMP shall include for the replacement of failed stock for the first 10 years after planting. The development shall be carried out strictly in accordance with the approved LMMP.**

**Reason: To reflect the importance of the soft landscape mitigation proposals for the local landscape character.**

- 14. No development shall commence including site stripping and clearance until such time that a Materials Management Plan (MMP) has been submitted to and approved in writing by the Local Planning Authority. The MMP should include amongst other matters existing and proposed finished floor levels, full detail of the excavation and bund formation processes including detailed drawings and method statements for the proposed raised and excavated earthworks (bunds, substation area etc) and information to demonstrate that the movement of material within the site will be a neutral operation. The**



development shall be carried out strictly in accordance with the approved details. For the avoidance of doubt, all bunding shall be completed prior to first operation of the site.

Reason: To ensure that the development integrates satisfactorily into its surroundings.

15. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), and in this case only following careful inspection by a competent person immediately prior to removal in order to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds.

Reason:- In the interests of the protection of important landscape features which contribute to the character and appearance of the area, biodiversity and protected species.

16. No development shall take place 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 are erected for the protection of the existing trees to be retained, in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations or the prevailing standard and these shall be retained in position for the duration of the period that development takes place. The fencing shall be erected in accordance with the Tree Protection Plan (GWS-2220-TPP). 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.

Reason:- In the interests of the protection of trees which contribute to the character and appearance of the area and biodiversity.

#### Drainage

17. No development shall begin until the final detailed surface water drainage design has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must be in accordance with the principles outlined in the approved Flood Risk and Surface Water Drainage Assessment Document (KRS.0612.002.R.001.G January 2024) and must further demonstrate:
- Final detailed design (plans, network details and full hydraulic calculations) of the surface water drainage scheme, the attenuation features (attenuation tank), petrol interceptor and Hydrobrake.

Calculations shall demonstrate the performance of the drainage system for the 1-year, 2-year, 30-year and 100-year return periods including an allowance for climate change.

- Final management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

- To include the named body responsible for management and maintenance of the system.

The development shall thereafter proceed in accordance with the approved details.

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

#### **Ecology/Biodiversity**

18. Notwithstanding the submitted detail, no development including site stripping and site clearance shall commence until such time that a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based on the Biodiversity Metric January 2024, the Preliminary Ecological Appraisal dated December 2021 and the Strategic Landscape Planting Plan (P23-0415\_EN\_0007\_F\_0001). The LEMP shall, amongst other matters, demonstrate and/or provide:

- a) Precautionary method statements for protected species during construction
- b) Details of the proposed habitat enhancement, creation and management
- c) Sensitive lighting scheme to minimise disturbance to wildlife
- d) Minimum 20m buffer zone adjacent to watercourse
- e) Details of habitat creation and species enhancements on site
- f) Updated BNG calculation using latest Defra metric and UK Habs baseline and post intervention plans
- g) Soil preparation details
- h) Appropriate planting/ seeding specifications
- i) Timescale for implementation
- j) Long-term habitat management plan

The development shall be carried out strictly in accordance with the approved LEMP

Reason:- In the interests of biodiversity enhancement and to ensure a net gain in biodiversity

19. Notwithstanding the submitted detail, no development including site clearance and site stripping shall take place until such time that a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. It shall set out protection and mitigation measures for protected species during construction and site establishment. The development shall subsequently be carried out strictly in accordance with the approved LEMP

Reason:- In the interests of protected species

#### Site Safety

20. No battery unit or associated electrical equipment shall be brought on site until details of mechanisms for the maintenance of electrical elements together with an overarching Fire Safety Precaution Statement (to include an Emergency Response Plan) for the development has been submitted to, and approved in writing by the Local Planning Authority (following consultation with the Fire Authority). Thereafter, the battery storage facility shall operate strictly in accordance with the measures outlined in the Fire Safety Precaution Statement.

Reason: In the interests of the safe and effective operation of the site operates in a safe.

21. The site shall be operated in accordance with the technical and safety information within the submitted Outline Battery Safety Management Plan. This shall include approaching Staffordshire Fire and Rescue Service and Severn Trent to develop a Tactical Information Record for the site; which will facilitate Fire and Rescue responders to the site with technical and tactical information about the site and best approaches in the event of a fire event. The Tactical Information Record shall include the avoidance of firefighting products (e.g. Aqueous Film Forming Foam) containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) where possible. The Tactical Information Record shall be completed and approved prior to the first operation of the site, a copy of which shall also be sent to the Local Planning Authority prior to first operation.

Reason: In the interests of the safe and effective operation of the site operates in a safe.

#### Protection and enhancement of public footpaths

22. Prior to the commencement of development including site clearance and stripping a scheme to protect and enhance local footpaths (the 'Scheme') shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include:

- a) measures to protect the public footpaths Cheddleton FP48 and Cheddleton FP60 during construction
- b) measures to improve and promote these public footpaths post construction in conjunction with Staffordshire County Council Rights of Way Officer with timescale for implementation.

The development shall subsequently be carried out strictly in accordance with the approved Scheme

Reason:- To protect and enhance the local public footpath network.

#### **Site Restoration**

23. Within 40 years following completion of construction of the development hereby permitted, or within 12 months of the cessation of operational use or within six months following a permanent cessation of construction works prior to the battery facility coming into operational use, whichever is the sooner, the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than twenty-eight working days following cessation of power production. The site shall subsequently be restored to a pasture field in accordance with a scheme and timescale, the details of which shall be first submitted to and approved in writing by the Local Planning Authority no later than six months following the cessation of power production. (Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site).

Reason:- In the interests of the Green Belt and character and appearance of the area.

#### **Temporary Compound**

24. Prior to the commencement of development including site clearance and stripping full details of the temporary compound to be established on site shall be submitted to the Local Planning Authority for its written approval. It should include amongst other matters level information, hard surfacing, means of enclosure, earthworks/bunding and a statement ('Statement of Condition') showing the condition of the site before works begin. The development shall be carried out strictly in accordance with the agreed details and the compound provided before any work on site commences including site clearance and stripping. The temporary use of the land for the compound shall be discontinued and the land restored to its former condition on completion of the construction of the development hereby approved in accordance with a scheme of work and timescale (which shall be

**based on the Statement of Condition) and which has first been submitted to and approved by the Local Planning Authority.**

**Reason:- In the interests of the character and appearance of the area and amenity of nearby residents.**

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



This page is intentionally left blank

## STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL PLANNING APPLICATIONS COMMITTEE

19<sup>th</sup> September 2024

Application No:	SMD/2024/0241	
Location	4 Millers View, Cheadle, ST10 1XP	
Proposal	Change of use application to convert a C3 dwelling into a use class C2 Residential Institution for care of children including conversion of existing detached garage into 2 bedroom bungalow as already approved on application SMD/2023/0139.	
Applicant	Heronceau Refurbishment Ltd.	
Agent	Croft Architecture Ltd.	
Parish/ward	Cheadle	Date registered: 22.05.2024
If you have a question about this report please contact: Chris Johnston tel: 01538 395400 ext. 4123 <a href="mailto:christopher.johnston@staffsmoorlands.gov.uk">christopher.johnston@staffsmoorlands.gov.uk</a>		

### REFERRAL

The application is before committee because it is locally controversial with a large volume of letters of objections received from local residents. As a result, the application has been called into committee by Councillor Haines and Councillor Deaville.

### 1. SUMMARY OF RECOMMENDATION

**APPROVE with Conditions**

### 2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site is within the Development Boundary of Cheadle and comprises a detached two-storey brick-and-tile dwellinghouse on a modern housing estate to the south-east of the town centre. It is on Millers View, comprising two short cul-de-sacs at the end of Millhouse Drive. There are about twenty detached two-storey houses on Millers View. The site is on the northern edge of the housing estate, on a bend on one of the cul-de-sacs and the plot is wider than the others at Millers View. There is a 4-bed detached house at the site and a large double detached garage sitting next to it which has an approval for a conversion into a 2-bed bungalow although this has not been undertaken. The original single garage attached to the other side of the house has been converted into an office/room. The site is vacant. To the north side of the site is Thorley Drive Recreation ground and one of the football pitches is close to the side boundary of the site, separated from it by a belt of trees. To the south side of the site is an adjacent detached dwelling, no.3 Millers View. There are other similar dwellings to the other side of the road, which bends towards the east serving four more houses. To the east of Millers View lies open fields. To the rear of the site to the west lie dwellings off Millbrook Way.

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

3.1 This is a full planning application for the use of the residential property as a care home for up to 4no. children aged between 8 and 16 and with a maximum of four carers (at any one time) who would operate on a shift basis including overnight shifts. The whole property would be used for this purpose with care accommodation in both the house and the detached garage. There would be three children's rooms in the house and one in the garage which would be converted to provide, in addition, a staff bedroom, bathroom and lounge/kitchen area. This would have its own external front entrance. There would be no internal reconfiguration of the house. The ground floor accommodation including the office, would remain the same and on the first floor, three of the bedrooms would be for the children and the fourth bedroom would be for overnight staff. The garage would not be extended, with the only external alterations comprising new windows and doors. There would be no external alterations to the house. Outside, there would be no alterations. The existing parking areas would remain the same, with the driveway in front of the house accommodating three parking spaces and a separate driveway in front of the current detached garage accommodating a further four spaces. There is an enclosed rear garden with no dividing fence between the house and the detached garage, despite one being shown on the approved plans for the bungalow conversion to create two separate gardens.

3.2 Further information has been provided by the applicant in the Children Care Home Questionnaire, as follows:

- The shift pattern would be 0800 -2000 and the incoming carers would be expected to arrive 30 minutes early for a handover meeting led by the outgoing team.
- There is a possibility the provision of care at night would include a member of staff needing to be awake and on duty during the night on a regular basis depending to the care needs of the service user.
- Meetings for one or two health professionals or other professionals at the property are likely but these will be monitored and organised to limit the number of meetings taking place. Should larger numbers of professionals need to meet at the same time, offsite resources will be used for team meetings.
- It is unlikely that parents will be visiting the residents at the property on parental visits as these visits usually take place off site, however, if this did occur, these meetings will be organised and monitored to ensure that they are staggered and limited to one meeting taking place at once.
- The children/resident bedrooms will have locks.
- The resident will not have access to the staff office unless a member of staff is present and has invited them in.
- General nursing care at the property is unlikely.
- The applicant has experience in running children's homes and owns one other in Bucknall, Stoke on Trent.
- The home will be OFSTED registered.



- The applicant has contacted Stoke-on-Trent Social Services in regards to potentially housing children from the local area and is currently engaging with commissioning and social work teams.
- The proposed care home is to house “Low Risk” children and each resident will have different needs and requirements for support. “Low Risk” refers to children with learning disabilities and Autism spectrum disorders from the age of 5 to 18, hence the needs and requirement are different.

3.3 The application files including the drawings, report and other details of the proposal together with consultation and notification responses can be viewed on the Council website at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=178964>

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

4.1 SMD/2023/0139: Conversion of garage into two-bed dwelling. Approved June 2023. Not implemented.

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

5.1 The Development Plan comprises:

Adopted Staffordshire Moorlands Local Plan - Sep 2020

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

- SS1 Development Principles
- SS7 Cheadle Area Strategy
- H1 New Housing
- DC1 Design Considerations
- T1 Development and Sustainable Transport

National Planning Policy Framework (NPPF).- July 2021

Para 11: Presumption in Favour of Sustainable Development

Section 5: Delivering a Sufficient Supply of Homes

Section 12: Achieving Well Designed and Beautiful Places

#### **6. CONSULTATIONS**

6.1 A site notice was posted on a lamp-post on the eastern edge of the site on 25.6.24 inviting comments within 21 days from the date it was posted. Letters were also sent out to adjacent residential properties shortly after the new application was received and further letters were sent out to several other residential addresses in the area on 16.7.24. The deadline for comments was 7.9.24.

**Public response to consultation**

6.2 Sixty eight letters of objection have been received from local residents and the following points have been raised:

- Increase in traffic from staff, visiting families and social workers and taxi's to school, leading to highway safety issues due to the narrow road with no footway or turning area
- Inadequate access for emergency, waste collection and delivery vehicles affecting highway safety and causing damage to gardens
- Increase in noise from increased vehicles particularly at staff change over times including at anti-social hours
- Lack of facilities on the housing estate for the occupants including a children's play area
- Impact on nearby house values, ability to sell and insurance costs
- Out of keeping with family residential area
- Safety concerns affecting children and vulnerable adults in the area
- No assurances of safety of residents within the building
- Strain on oversubscribed schools, doctors and dentists in the area
- The site could become a bigger commercial/business premises which would disrupt quiet family area
- The loss of two standard dwellings in an area of housing undersupply including bungalows and family houses
- Would worsen existing anti-social behaviour which occurs in the area
- There is a legal covenant on the estate which prevents business uses
- The parking standards require an ambulance bay for a care home and there is inadequate space for this

6.3 A petition has also been received with 120 signatures from objectors. There is a covering letter which states the strong objections are on the grounds of 1) the proposed bungalow would differ from that approved due to there being no dividing curtilage, parking spaces increased from two to four and was approved to improve the housing stock; 2) estate comprises six cul-de-sacs with no footways causing no off-road parking and obstruction to residents and pedestrians and 3) there would be disturbance to all residents due to shift pattern changes, additional workers, deliveries and emergency services.

### **Cheadle Town Council**

6.4 Cheadle Town Council resolved to object to this application due to highway concerns and vehicle movements associated with the property. Having heard from numerous members of the public and Town Councillors the Committee also have concerns regarding the amount of available parking spaces and the availability of a required ambulance bay. They have received representation that there is a covenant associated with the property which would not allow such a change of use and therefore this should be properly investigated.

### **SCC Highways Authority**

6.5 Recommendation Summary: Acceptance

Site Visit Conducted on: 20-Jun-2024

Personal Injury Collisions;

Current records show that there were not any Personal Injury Collisions on Millers View within 50 metres of the property from 30/12/2019 to 29/12/2022.

Background;

The property is located on Millers View (Road No. D1424), an unclassified road which is subject to a 30-mph speed limit. Millers View serves residential properties, there are streetlights but no footways.

Comments on Information Submitted;

The application is for a change of use to convert a residential dwelling, current use class C3 into a residential institution for the care of children, proposed use class C2. An existing detached garage which has approval granted for a 2-bedroom bungalow (SMD/2023/0139) is included in this application for change of use.

The property is a 4-bedroom, detached property situated on Millers View and benefits from off highway parking (driveway). It would appear the attached garage has been converted into an office. The property will retain 4 bedrooms that will consist of 3 children's bedrooms and 1 staff bedroom. Parking for 3 vehicles (driveway) is identified on the submitted plan DWG-\_1001-04.11 REV A.

No extensions to the property are proposed.

The submitted questionnaire states that a maximum of 4 children would live at the house and bungalow, with a maximum of 4 carers at any one-time including sleeping overnight, except at change over times.

Parking;

The existing use class is C3 dwellinghouses the proposed use class would be C2 residential institutions. Staffordshire Moorlands Parking Standards state for a Detached /Semi-Detached property of 4 or more bedrooms (use class C3) requires 3 spaces (2.4 x 4.8m) and a property of up to 3 bedrooms requires 2 spaces, for residents and visitors within the curtilage of the dwelling. As residential use class C3 5 spaces (in total for both properties) are required.

Staffordshire Moorlands Parking Standards state for Residential Care Establishments (use class C2) – 1 garage or parking space per resident staff, plus 1 space per non-resident staff present at peak working times, plus 1 space per 3 bed spaces for visitors.

There will be a maximum of up to 4 children living at the house and bungalow, with a maximum of 4 carers at any one-time including sleeping overnight, under the Parking Standards use class C2 5 spaces are required.

It is proposed to provide a total of 7 parking spaces which is above the number of spaces required for either use class. DWG-\_1001-04.11 REV A.

It is considered the proposal would not have a detrimental impact on the highway. I

therefore have no objection to the proposal (application number SMD/2024/0241).

Note to Planning Officer;

It was noted that only 1 bedroom is identified for staff, it is unclear where the 3 remaining staff will be accommodated.

It would be entirely possible and reasonable for 3 children to be living in a 4-bedroomed dwelling and 1 child to be living in a 2-bedroom dwelling, as part of a family group under its current planning use.

## **SMDC Environmental Health**

6.6 No objection subject to conditions to control the hours of works and measures during the works phase, details of lighting to be submitted for approval and a restriction on delivery hours. General comments are provided as follows:

Noise - The proposed use is for children with autism, it is not clear from the application what this might mean from a noise impact perspective but with good quality care and good sound insulation installed into the building noise break/intrusion can be minimised. Noise transfer from room to room should also be given consideration in order to maintain good amenity for other occupiers of the home and the potential for adverse noise breakout from each room.

Advisory - The developer should pay due regard for the need to be compliant/adhere to Building regulations Approved Document E and BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings (special note should be made to Section 7.7.5 and Annex H). It would be advisable to appoint a buildings acoustics specialist to conduct a site specific assessment of the site to ensure this building is future proofed for all uses permitted under this permission. It might be prudent to impose a sound insulation scheme as a condition of development (Consult Environmental Health if required).

Childrens' Homes Statutory Requirements – Ofsted is the regulator of children's homes and we would advise consultation is made with them prior to permission being granted.

## **Staffordshire Police Designing Out Crime Officer**

6.7 As with all residential care homes for children, amongst other factors that contribute towards the successful operation of the home (or otherwise), a tremendous amount would depend upon:

- the professionalism, care and experience of the staff;
- how well they bond/engage with and relate to the children in their care;
- effective management oversight of the home;
- the historical context, experience and nature of the children;
- the placement of an appropriately risk-assessed children who get on sufficiently well with each other, each with a suitable individual care plans in place;
- all underpinned by adherence to robust and effective staff policies (including in-house conflict resolution) and operating procedures.

There are also standard requirements on the part of care home operators to adhere to the 'Children Missing from Home and Care' Joint Protocol between Staffordshire and Stoke-on-Trent Local Authorities & Staffordshire Police and they will need to be registered with Ofsted (which the applicant indicates will be the case) who are the appropriate regulatory authority and subsequently overseen by them with all the necessary checks and balances in place that they require to ensure the efficient running and management of the home for the benefit of those children who would be placed there.

A basic overview of the proposed nature and operation of the care home is provided within the Children Care Home Questionnaire, and no doubt Ofsted will need to satisfy themselves in more detail as part of their registration process. In terms of any potential adverse impact upon neighbours, much would be likely to depend upon the nature of the children who would be placed there, but in some ways, this could be viewed as being little different to a conventional family setting. Expectations of behaviour placed upon children and effective supervision by staff will be important factors in this regard too. The detached nature of the dwelling coupled with a small number of immediate neighbours possibly has an advantage over terraced or semi-detached properties in terms of reducing possible noise impact. The rear garden appears to be enclosed, which is important, as it is for any residential property. A good level of enclosure can allow for greater supervision and less opportunity for missing episodes. Consequently, the applicant should ensure that this is suitably addressed.

The view of the Local Policing Team has been sought in relation to this proposed change of use application. A thorough internal response has been received from a local officer, which places the proposed home as a low to medium risk. In terms of low risk, there is nothing to suggest that community tensions are heightened or are likely to be heightened with the introduction of a residential care home. Similarly, there are no known ongoing or planned police operations that would place the care home or residents at risk, nor is there anything to suggest that the establishment of a residential care home at the location is likely to put any current or future police operations in jeopardy. In terms of local crime statistics, in broad terms, Cheadle compares favourably with the rest of the county, with an overall crime rate 16% lower. However, of concern is the fact that the most common crime offences are violence against the person and sexual offences. Historically, there have been issues with younger persons becoming involved in disputes between one another and also larger groups/gangs. These factors consequently suggest a low to medium risk in terms of local crime.

In terms of vulnerable addresses or others of note in the immediate vicinity, this would be classed as medium risk. There are two other residential care homes for young persons within the near vicinity of the application location. Of particular concern, one of the care homes has children who regular going missing and who are deemed to be at risk of sexual or criminal exploitation. There is a concern given the close proximity of the care homes to one another that interaction between respective children could encourage behaviour that places them at increased risk of exploitation and harm. There is also a vulnerable address a relatively short distance away from the proposed site of the residential care home, where the occupant has significant alcohol issues and historically has been linked to looked-after persons frequenting

the address, albeit the resident is not currently residing at that address.

The proximity to Tean Road recreation ground also sits within the medium risk category as it relates to a proposed care home setting. For a number of years, this has been the location for the vast majority of anti-social behaviour reports around the Cheadle area and clearly provides ample opportunity and an ideal location for vulnerable persons to frequent and associate with one another. There is also limited CCTV at this location. The relative proximity to large rural expanses to the proposed site, which would prevent unique challenges for any reported missing episode for the occupants given the nature of the search site would be a concern. Local knowledge would suggest that the relatively isolated location, including the small size of Cheadle would increase the risk of the propensity of the residents to seek modes of transport to visit the city/further afield.

Clearly there are a number of aspects in relation to the vicinity and locality, which raise some general and more specific police concerns around their potential adverse impact upon children placed at the proposed care home, albeit it is noted in the Children Care Homes Questionnaire states that the home would be for low risk children. Consequently, these risks that looked-after children may be subject to should be given due consideration in the Local Authority's determination of the suitability of the location for such a home. They would undoubtedly be risks that any care home operator would need to be aware of, and from which, they would need to assiduously endeavour to protect those in their care.

### **SMDC Waste Collection Service**

6.8 No issues regarding waste collections.

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

### **Introduction**

7.1 The main issues with the proposal are as follows:

- The principle of the proposal.
- The impact on the character and appearance of the area
- The impact on the residential amenities of the area.
- The impact on highway safety.

### **The principle of the proposal**

7.2 The Cheadle Area Strategy, Policy SS7 of the Local Plan, in respect of housing, aims to expand the role of Cheadle as a significant service centre and a market town and that this will be achieved through, inter alia, the expansion of the housing market area and community provision by, inter alia, Increasing the range of available and affordable house types and higher market housing, including for first time buyers and families.

7.3 Policy H1 states that new housing should provide for a mix of housing sizes,

types and tenure including a proportion of affordable housing and where appropriate housing for special groups, to meet the needs and aspirations of the current and future population having regard to the Area Strategies.

7.4 The government planning guidance, the NPPF, states with regard to housing in para 63, “within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.”

7.5 The change of use of the 4-child care home is in line with the above policies and guidance which encourage a mix of housing including care accommodation. There are no policies or parts of policies which specifically restrict the provision of care accommodation. The proposal would lead to the loss of a family home and a potentially a two-bed bungalow (there is an extant permission for the conversion of the garage for this purpose) and given there is a deemed undersupply of housing in the District, this could be seen as a disadvantage. However, due to the December 2023 updated NPPF, the Council is no longer required to demonstrate a five-year housing land supply which reduces the weight in favour of retaining the dwellings. In any case, although the loss is still a disadvantage, the impact on the housing stock would be minimal and it is considered the advantage of the provision of required care accommodation would outweigh the loss of the two dwellings. The site is within the Development Boundary of a town and close to a town centre with good access to shops, services, schools, supermarkets and public transport via walking or cycling. It is in a sustainable location. The principle of the proposal is therefore deemed to be acceptable.

### **The impact on the character and appearance of the area**

7.6 The only external alterations would be the insertion of windows and a front door on the garage building as part of the conversion. Planning permission was granted in 2023 for the conversion of the garage into a 2-bed bungalow dwelling which also included such works. The design of the fenestration is not out of keeping with the character and appearance of the building. Although the application is for the change of use to a care home, the resultant appearance of the site would remain as two detached dwellings with parking areas and garden areas to the front. The proposal would not lead to any significant impact on the character and appearance of the area as a residential housing estate and would comply with Policy DC1 of the Local Plan.

### **The impact on the residential amenities of the area**

7.7 Many of the objection letters received from local residents raised noise and disturbance as concerns. The proposal would lead to a maximum of four children and four staff in total occupying the two buildings at any one time. This is not a significant difference in the number of adults and children that could typically be occupying the 4-bed family house and approved 2-bed bungalow. The children to be cared for are deemed to be “low risk” and there is no evidence that the proposal

would lead to significant additional noise and disturbance that would be detrimental to the residential amenities of the adjacent neighbours. The Environmental Health Section of the Council does not object to the application and recommends additional noise insulation works only as an advisory rather than a condition. It is not considered that a condition requiring such works is necessary or reasonable.

7.8 Noise and disturbance from vehicles movements of visiting staff, other professionals, staff change over and deliveries was also mentioned in the objection letters. However, it is not considered the total vehicle movements arising from the change of use would not be significantly different to the typical movements arising from the use of 4-bed family home and separate 2-bed dwelling (which could easily be occupied by a family with one child) where trips to work/shops and/or school runs from as many as four vehicles twice a day and also deliveries, could occur. Furthermore, the applicants state that any need for on-site meetings with other professionals are to be minimised and that team meetings and meet-ups between the care children and families or other visitors would take place off-site.

7.9 Overall, the proposal would not significantly harm the residential amenities of the area and would comply with Policy DC1 in this respect.

### **The impact on highway safety**

7.10 As mentioned above, the predicted vehicle movements arising from the change of use would not be significantly different to the current situation if the approved use of the garage as a dwelling was implemented and the 4-bed house was occupied. The local highways authority has raised no objection to the application. There are seven parking spaces within the site on two separate driveways and there is space to turn on the cul-de-sac, as is the current situation. Based on the number of staff, the staffing arrangements and visits from other professionals, the local highways authority recommend a need for five parking spaces plus a space for an ambulance in compliance with the Council's Parking Standards applying to such care homes. Given that there are seven spaces which could be used for all of these purposes, the parking provision for the proposed use is deemed to be sufficient and would not lead to any significant parking on the roads to the detriment of highway safety. The proposal therefore complies with policies DC1 and T1 in this respect.

### **Other Points**

7.11 Anti-social behaviour and the safety of local residents was raised as a concern in a number of the objection letters received. The children to be cared for are deemed to be "low risk" by the proposed care home operator (also the owner of the site). The Council consulted Staffordshire Police Designing Out Crime Officer on the application. The officer identifies a "low to medium" risk but this applies to the care home occupants and there are no concerns raised regarding risks to local residents as a result of the proposal in this location. Instances of anti-social behaviour in the area has been commented on including on the adjacent recreation ground. There is no evidence that the introduction of this particular care facility for up to four "low risk" children in this location would exacerbate anti-social behaviour.



7.12 It is re-iterated that Staffordshire Police has stated:

*“The view of the Local Policing Team has been sought in relation to this proposed change of use application. A thorough internal response has been received from a local officer, which places the proposed home as a low to medium risk. In terms of low risk, there is nothing to suggest that community tensions are heightened or are likely to be heightened with the introduction of a residential care home. Similarly, there are no known ongoing or planned police operations that would place the care home or residents at risk, nor is there anything to suggest that the establishment of a residential care home at the location is likely to put any current or future police operations in jeopardy.”*

7.13 Regarding the safety/level of care of the children, the applicant has confirmed that the care home will be OFSTED registered as required and that this is the regulatory body for the operation of the care provision.

7.14 The issue of a covenant applying to the property which prevents the change of use to business/commercial purposes is purely a legal matter and not a material planning consideration. The grant of any planning permission for the care home does not override such a covenant and its legal requirements. This is a matter that would need to be tackled separately by the applicants.

7.15 The impact on nearby house values is also not a planning matter and in any case, there is no evidence that the proposal would have an impact on this.

7.16 It is not considered the proposed care home would lead to any additional strain on local services in relation to the current authorised use of the site a 4-bed and 2-bed dwelling.

7.17 In response to the comment that the site could become a bigger commercial/business premises which would affect a quiet family area, conditions can be applied to restrict the site to the exact care facility applied with and restrict the number of children and staff occupying the premises at any one time.

## **Conclusion and Planning Balance**

7.18 The proposed change of use of the residential site to a care home of this scale would be acceptable in principle and does not conflict with any planning policies and guidance in the Local Plan or NPPF. The impacts of this particular care facility with four children and up to four overnight carers in this residential area are not considered to be dissimilar to those of the operation of the current 4-bed family home with the approved adjacent two-bed bungalow in terms of visual amenity, residential amenity, traffic and highway safety or on local services and infrastructure. The size and layout of the buildings and premises with ample parking areas at the front and well enclosed rear garden of appropriate size are considered to be suitable for the proposed use. The proposal would comply with the Council's Local Plan and the NPPF and therefore the application is recommended for approval.

## **8. RECOMMENDATION**

**A. That planning permission be granted subject to the following conditions:**

**1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**Reason:-**

**To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)**

**2. The development hereby approved shall be maintained in complete accordance with the submitted plans and specifications as follows:-**

**Location Plan**

**1001-04.03**

**1001-04.09**

**1001-04.11**

**1001-04.18**

**Reason:-**

**To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.**

**3. The site shall not be occupied by more than four children aged between 8 and 16 and four care home staff at any one time.**

**Reason:-**

**In the interests of protecting the character and amenities of the area.**

**3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the site shall not be used for any other business or commercial purpose or any other use falling within Class C2.**

**Reason:-**

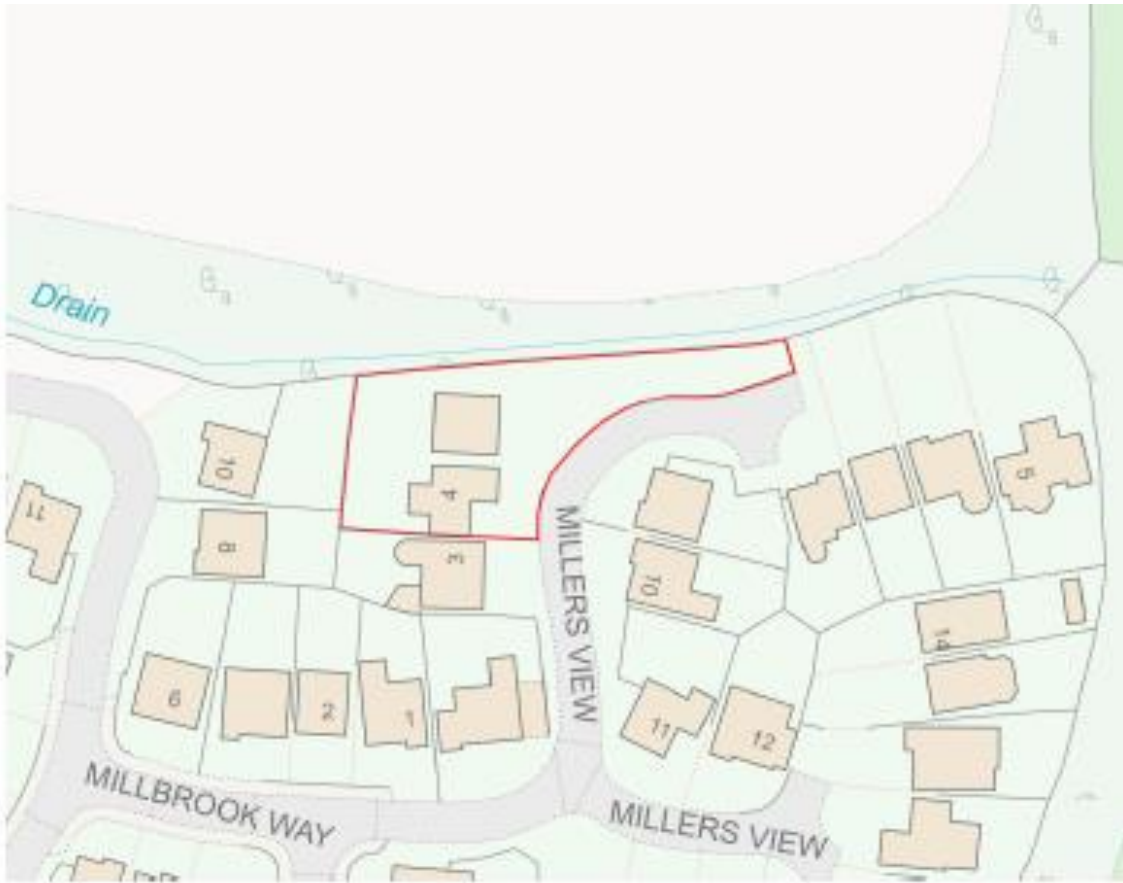
**To ensure the satisfactory implementation of the proposal and in order that any changes within the same use class can be reviewed in terms of the need for car parking and potential impacts on neighbouring properties.**

**4. Prior to the commencement of the use, all the parking spaces shown on the approved drawings shall be provided in a bound and porous material and shall retained unobstructed as parking spaces for the lifetime of the development.**

**Reason:-**

**In the interests of highway safety.**

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



This page is intentionally left blank

## STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL PLANNING APPLICATIONS COMMITTEE

19<sup>th</sup> September 2024

Application No:	SMD/2024/0249	
Location	33 Cruso Street, Leek, ST13 8BJ	
Proposal	Change of use from C3 residential property of 5 bedrooms to a large dwellinghouse in multiple occupation for up to 7 people.	
Applicant	Dr Mark Page, Parrott & Page Ltd	
Agent	None.	
Parish/ward	Leek	Date registered: 22.05.2024
If you have a question about this report please contact: Chris Johnston tel: 01538 395400 ext. 4123 <a href="mailto:christopher.johnston@staffsmoorlands.gov.uk">christopher.johnston@staffsmoorlands.gov.uk</a>		

### REFERRAL

The application is before committee as it is locally controversial with several letters of objection from local residents received.

#### 1. SUMMARY OF RECOMMENDATION

**APPROVE with Conditions**

#### 2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site is within the Development Boundary of Leek and is a short distance to the west of the town centre in primarily a residential area characterised by large numbers of Victorian red-brick terraced houses. The site comprises an end-of-terrace dwelling occupying the corner of John Street to the south and Cruso Street to the west and the main entrance into the house is off this street, although the adjoining row of terraced houses faces John Street. There is another row of terraced houses on the opposite side of John Street and also to the north and south of the site which face Cruso Street. To the other side of Cruso Street to the west is a children's play area and Victoria Court, a small modern cul-de-sac housing estate. The house on site has five bedrooms, with three on the first floor and two within the roofspace above. Within the site there is a small rear yard area with a side boundary alongside Cruso Street. To the rear of the site is an alleyway running along the backs of the John Street terraced properties and connects onto Cruso Street. The site is not in the Leek Conservation Area.

#### 3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 This is a full planning application to change the five-bedroom house into a 7 (seven) x single-occupancy bedroom House in Multiple Occupation (HMO). There would be no external alterations or any internal reconfiguration and the only changes would be the use of the two front reception rooms on the ground floor as bedrooms (there are five further bedrooms on the upper floors which would remain as bedrooms). There is a dining room and kitchen in rear part of the ground floor which would be retained as communal living/kitchen space. A covering letter has been submitted with the application with gives further details, including the following:

*“Although off-street parking is not present at this property, off-street, secure bicycle storage is proposed as part of this application for 4 bicycles, together with secure, off-street refuse and recycling storage facilities.”*

3.2 Regarding bin storage, a separate email was submitted from the applicant which states: *“The bins are currently stored on the pavement near to the garden boundary. The proposed bin store would be within the garden of the property where there will be a secure space for recycling and black bin waste.”*

3.3 The application files including the drawings, report and other details of the proposal together with consultation and notification responses can be viewed on the Council website at: <http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet>

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

4.1 None.

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

5.1 The Development Plan comprises:

Adopted Staffordshire Moorlands Local Plan - Sep 2020

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

- SS1 Development Principles
- SS5 Leek Area Strategy
- H1 New Housing
- DC1 Design Considerations
- T1 Development and Sustainable Transport

National Planning Policy Framework (NPPF).- July 2021

Para 11: Presumption in Favour of Sustainable Development

Section 5: Delivering a Sufficient Supply of Homes

Section 12: Achieving Well Designed and Beautiful Places

#### **6. CONSULTATIONS**

6.1 A site notice was posted and displayed on Cruso Street adjacent to the site on 2.7.24 inviting comments within 21 days from the date it was posted. Letters were also sent out to adjacent residential properties shortly after the new application was received and 21 days was given for comments in response.

##### **Public response to consultation**

6.2 Seven letters of objection have been received from local residents and the following points have been raised:

- There is existing parking congestion and the proposal would make this worse, to the detriment of highway safety
- The HMO would be out of keeping with the area which comprises a children's play area, family homes and homes for the elderly
- There are two other HMOs in the area and another would lead to further anti-social

- behaviour problems
- The loss of a family home which are in demand in the area
- House values in the area will be affected

6.3 A petition against the proposal was received with 35 signatures from residents of John Street, Cruso Street and Victoria Court. This had a covering letter re-iterating the parking and highway safety concerns.

### **Leek Town Council**

6.4 No objection to the application, but concerns raised by residents about parking should be addressed in the decision making, otherwise the application could be deemed un-neighbourly.

### **SCC Highways Authority**

6.5 Recommendation Summary: Conditional

Site Visit Conducted on: 27-Jun-2024

### **NOTES TO PLANNING OFFICER**

Site is an existing large dwelling in a residential area of predominantly terraced type dwellings. There is no existing off street parking available or proposed. The site is approximately 400m from Leek town centre, 600m from Morrisons supermarket, 800m from the bus station and 300m from the nearest bus stop. Cycle parking is proposed. Site is in a sustainable location. Proposal will not have a severe effect on the highway.

### **SMDC Environmental Health**

6.6 No objection subject to conditions relating to the “construction phase”, artificial lighting and bin storage. The following general comments were also provided:

- *Asbestos: A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition/renovation of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements:*  
<http://www.hse.gov.uk/>
- *Noise Transfer between units is addressed under Building regulations Resistance to sound:* Approved Document E  
<https://www.gov.uk/government/publications/resistance-to-sound-approved-document-e>
- *Housing standards – the proposed HMO will be subject to housing inspections if granted permission and will require a licence*

### **SMDC Waste Collection Service**

6.7 No issues regarding waste collections.

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

### **Introduction**

7.1 The main issues with the proposal are as follows:

- The principle of the proposal.
- The impact on the character and appearance of the area
- The impact on the residential amenities of the area.
- The impact on highway safety.

### **The principle of the proposal**

7.2 The Leek Area Strategy, Policy SS5 of the Local Plan, aims to consolidate the role of Leek as the principal service centre and a market town and support its regeneration and states that this will be achieved by, inter alia, continuing to meet the housing and community needs of Leek and its rural hinterland by, inter alia, “increasing the range of available and affordable house types, including for first time buyers and older people.”

7.3 Policy H1 states that new housing should provide for a mix of housing sizes, types and tenure including a proportion of affordable housing and where appropriate housing for special groups, to meet the needs and aspirations of the current and future population having regard to the Area Strategies.

7.4 The government planning guidance, the NPPF, states with regard to housing in para 63, “within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.”

7.5 The proposal looks to create a 7-person shared House in Multiple Occupation (HMO) in a standard 5-bedroom house. This type of accommodation is largely suited to large groups of friends who want to live together and also typically occupied by students in house-shares, not least as this is an affordable option. The surrounding area is dominated by houses suitable for families, couples or single persons. There is large number of 3-bed dwellings. A search of the Planning History did not reveal the presence of any approvals for HMO's on Cruso Street or John Street. It is considered that the addition of an HMO in this location would be in line with the aims of the above planning policies in creating a mix of house types and tenures to suit all different types and groups of people. The loss of a standard family size dwelling is not considered to significantly harm the overall supply of such housing in the area given the large number of such houses in the area already.

7.6 There are no planning policies which restrict the number of HMO's anywhere in the District. The proposal is in line with the above policies and there is no conflict with any of the other planning policies. It is therefore considered the principle of the proposal is acceptable.

### **The impact on the character and amenities of the area.**

7.7 There would be no impact on the character and appearance of the area as there would be no physical external changes anywhere at the site and with the only notable change on the drawings being the use of two ground floor reception rooms as bedrooms. The proposal would comply with Policy DC1 of the Local Plan in this respect.

### **The impact on residential amenity**

7.8 The use of a 5-bed house as a 7-bed HMO, would not give rise to any potential increase



in noise and disturbance affecting adjacent residents. The Environmental Health Section does not object to the application. Noise and disturbance can easily arise from a large family with several children which could be accommodated at the house without the requirement of a planning application. The proposed seven bedrooms are intended to be single-occupancy and a condition can be added to restrict the actual number of occupants of the HMO to seven in order to restrict the impacts of the new use on the surrounding area.

7.9 In terms of the residential amenities or living conditions of the future occupants of the HMO, the rooms are intended to be single occupancy and the sizes of all of the bedrooms would meet the width and overall area thresholds for single bedrooms set out in the government's Nationally Described Space Standards (NDSS). In fact, some of the rooms would meet the standards for double bedrooms. There would be shared communal living and kitchen areas and there is also private outdoor space to the rear.

7.10 The proposal would not harm the residential amenities of the area and therefore complied with Policy DC1 in this respect.

### **The impact on highway safety.**

7.11 All of the objection letters received from local residents raised parking congestion and the associated impacts on highway safety as a main concern. Although there may be current congestion as expected in high density residential areas such as terraced streets, it is not considered the use of a standard 5-bed house as a 7-bed single-occupancy per room HMO would lead to a significant increase in the number of vehicle movements in the area. A large family living in a 5-bed house could have three cars. HMOs are typically occupied by students or groups of friends and is not expected that all occupants will have a vehicle. The site is in a very sustainable location close to a town centre, large supermarket and regular public transport and so there is no great reliance on car travel. The local highways authority does not object to the application. It is not considered the proposal would lead to a significant increase in vehicle movements in the area that would lead to detriment to highway safety in compliance with policies DC1 and T1 of the Local Plan.

### **Other Matters**

7.12 The objection letters raise other points in addition to the highway safety/parking concerns. One letter raised the issue of anti-social behaviour. This is not a material planning consideration and in any case, there is no evidence that HMO's would exacerbate such problems in the area. The impact on house values is also not a material planning consideration and again there is no evidence that such impacts would occur as a result of nearby HMO's.

7.13 The Environmental Health Section recommends conditions which seek to minimise impacts on the amenities of the area during the construction phase. However, this is solely a change of use application with no proposed works and therefore it is not necessary to apply such conditions. Another condition requests details of all artificial lighting. However, there does not appear to be a need for additional lighting arising from a HMO than a standard family home and therefore it is also considered that such a condition is unnecessary. Another condition requests details of bin storage. However, it is not clear that the use of the site as a 7-bed HMO would lead to any further waste issues to the detriment of the area in relation to a 5-bed family home. The Waste Collection Service do not consider there are any waste issues with the proposed HMO. An informative will be added to ensure suitable areas in the rear yard should be used for this purpose.

### **Conclusion and Planning Balance**

7.14 The proposal is acceptable in principle in that it would add to the mix of housing in the area in line with housing policies of both the Local Plan and NPPF. It would also not lead to any harms to the visual or residential amenities of the area and would not lead to any detriment to highway safety. Overall, it would comply with the Council's Local Plan and the NPPF and therefore the application is recommended for approval with a condition to restrict the total number of occupants to seven.

## **8. RECOMMENDATION**

**A. That planning permission be granted subject to the following conditions:**

**1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**Reason:-**

**To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)**

**2. The development hereby approved shall be provided in complete accordance with the submitted plans and specifications as follows:-**

**104**

**105**

**106**

**108**

**109**

**Reason:-**

**To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.**

**3. No more than 7 single bedrooms shall be provided in the building hereby permitted as shown on Drawing 105. The bedrooms shall be occupied solely by one person and shall not be used by any other persons as their sole or main residence**

**Reason:-**

**In the interests of protecting the character and amenities of the area and highway safety**

**4. Prior to the commencement of the use, the secure cycle storage shown on page 4 of the covering letter included in the planning application shall be provided within the application site and shall be retained unobstructed as cycle storage for the lifetime of the development.**

**Reason:-**

**In the interests of sustainable travel.**

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



This page is intentionally left blank

## STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL PLANNING APPLICATIONS COMMITTEE

19<sup>th</sup> September 2024

Application No:	SMD/2024/0309	
Location	Springfields Farm, Hulme Lane, Werrington, ST3 5BH	
Proposal	Retention of toilet block	
Applicant	Mr C Taylor	
Agent	Rob Duncan Planning Consultancy Ltd	
Parish/ward	Werrington	Date registered: 03.07.2024
If you have a question about this report please contact: Chris Johnston tel: 01538 395400 ext. 4123 <a href="mailto:christopher.johnston@staffsmoorlands.gov.uk">christopher.johnston@staffsmoorlands.gov.uk</a>		

### REFERRAL

The application is before committee as all previous applications relating to the change of use of the site to an ice cream/food sales with seating have also been decided at committee.

#### 1. SUMMARY OF RECOMMENDATION

**APPROVE with Conditions**

#### 2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site is in the countryside to the south of Werrington, about half a kilometre from the village development boundary and which is reached via country lanes from the village. It comprises part of a farm, Springfield Farm, located on the east side of Hulme Lane. Within the site is a typical modern agricultural storage building (with a blockwork base and a mix of metal sheeting and timber cladding above), with a footprint of approx. 18 x 14 metres, which faces the road and the farm access, off the lane, which is also included in the red line application site and from where the building is clearly visible, being set back about 30m from the road. The building is now being used as an ice cream and hot food sales counter with seating areas/café use and there is also an outdoor seating area to the north-east of the building. An access drive leads from the access to the front of the building where there is a yard and there is also a track around the north side of the building leading to rear hard-standings to the east of the building and also further south of the building which are being used as parking areas for the new sales/café use. To the south of the building are other farm buildings between the front and rear yard areas. The farmhouse is a short distance to the south-west of the site and faces the lane. To the north of the property to the other side of an adjacent field lies three detached dwellings next to the lane to the west. To the east of the field lies another farm accessed via a long farm track off the lane which runs to the north of the field. More open land lies to the south and east of Springfield Farm and also to the other side of Hulme Lane to the

west. The site is in the Green Belt.

2.2 The red-line application site is restricted to the access connected to the lane and which loops around the north and rear of the building to the car parking area, also included. At the southern end of the car park, also included within the red line is a timber-clad toilet block (marked “Welfare facility building”) with two large cubicles, a low mono-pitch metal roof and an access ramp to a hard-standing in front of the building flanked by timber balustrading. The block is adjacent to farm buildings to the west and south.

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

3.1 This is a full planning application to retain the toilet block, which constitutes unauthorised development which requiring planning permission. This is therefore a “retrospective” planning application. A supporting letter has been submitted with the application which states the following:

*The toilet block is used for purposes ancillary to the operation of the existing retail / café premises on the site, and constitutes a modest structure that has been located in a very discreet position to the rear of the existing buildings on the site.*

*The toilet block provides a much needed facility, not only for customers to the site, but also for members of staff. Without on-site toilet facilities staff members would need to travel away from the site to use other facilities, and then return to site, which is nonsensical. The toilet block is consequently considered appropriate and necessary to support the approved uses on the site.*

3.2 The application forms state the foul drainage is via an existing mains sewer.

3.3 The application files including the drawings, report and other details of the proposal together with consultation and notification responses can be viewed on the Council website at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=179369>

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

SMD/2023/0422: Conversion of former agricultural building to retail use and associated formation of parking area and vehicular access improvements (part retrospective). Approved. January 2024.

SMD/2024/0147: Change of use from retail to mixed use of retail and cafe within Use Classes E(a) and E(b). Approved. June 2024.

SMD/2024/0310: Retrospective change of use of land to garden and retention of patio and steps. Pending.

SMD/2024/0388: Variation of Condition 17 of SMD/2024/0147 relating to the temporary use of field to the north. Pending.

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

5.1 The Development Plan comprises:

Adopted Staffordshire Moorlands Local Plan - Sep 2020

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

- SS1 Development Principles
- SS10 Other Rural Areas Strategy
- E1 New Employment Development
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- T1 Development and Sustainable Transport

National Planning Policy Framework (NPPF).- July 2021

Para 11: Presumption in Favour of Sustainable Development

Section 6: Building a Strong Competitive Economy

Section 7: Ensuring the Vitality of the Town Centre

Section 12: Achieving Well Designed Places

Section 13: Protecting Green Belt Land

## **6. CONSULTATIONS**

6.1 A site notice was posted and displayed on Hulme Lane, a short distance to the north of the site access on 16.7.24 inviting comments within 21 days from the date it was posted. Letters were also sent out to adjacent residential properties shortly after the new application was received and 21 days was given for comments in response.

### **Public response to consultation**

6.2 Two nearby residents have objected to the application, raising the following points:

- No new buildings should be allowed on this Green Belt site
- Existing buildings could be re-used for this purpose.
- Use of unsuitable septic tank which could affect a nearby stream

6.3 One further local resident has submitted a letter neither supporting or objecting but questioning the means of foul drainage given that the properties in the area are not considered to be served by mains drainage and states that a suitable septic tank for commercial purposes should be used.

**Werrington Parish Council**

6.4 Comments not received.

### **SCC Highways Authority**

6.5 Recommendation Summary: Acceptance

Site Visit Conducted on: 10-Jul-2024

### **NOTES TO PLANNING OFFICER**

Application is to retain a toilet block for use as part of the ice cream farm and cafe use.

This would be an integral and essential part of the ice cream farm/cafe use and will have no additional effect on the highway over the ice cream farm/cafe use.

### **SMDC Environmental Health**

6.6 No objection.

### **Severn Trent Water**

6.7 Comments not received.

### **SMDC Waste Collection Service**

6.8 Comments not received.

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

### **Introduction**

7.1 The main issues with the proposal are as follows:

- The impact on the openness of the Green Belt.
- The impact on the character, appearance and amenities of the area.
- The impact on highway safety.

### **Whether or not the proposal amounts to inappropriate development in the Green Belt.**

7.2 The site is in the Green Belt and Policy SS10 of the Local Plan, the strategy for the countryside, states there will be strict control over inappropriate development in the Green Belt. The NPPF in paragraphs 149 and 150 lists the exceptional types of development which are not inappropriate in the Green Belt and which are therefore not harmful to its openness. New buildings for commercial purposes (or in this case, to assist with or are linked to commercial purposes) are not listed. The toilet block building is therefore deemed to be inappropriate development in the Green Belt and the NPPF states it should not be approved unless there are "very special circumstances" which are considered to outweigh the harm to the Green Belt.



7.3 It is considered that such circumstances exist. Clearly there is an essential need for toilet facilities for both customers and staff of a café and ice cream parlour in order for it to operate as business and in particular for this café given its countryside location where no such public toilets exist in the vicinity.

7.4 However, in order to minimise the impact on the openness Green Belt, it needs to be considered if such facilities could be provided within the existing café building or any other building at the property for that matter, alleviating the need for a new building. When questioned about this, the applicant's agent gave the following response to justify the need for a new building:

*"The applicant's other buildings are used for agricultural storage, machinery, implements etc. so are not suitable for the proposed development. This site has been chosen since it is directly located adjacent to existing drainage connections. Providing toilets in the cafe would not only reduce available commercial floorspace but would also entail significant works in providing new drainage infrastructure, hence this location being chosen."*

7.5 The particular level of harm to the openness of the Green Belt needs to be considered. The building has been placed on an existing area of hardstanding adjacent to much larger farm buildings. It occupies a footprint of less than 10sq.m and has a max height of 2.8m when measured from the ground of the yard. It is considered the impact on the openness of the Green Belt is very limited. Furthermore, it should also be pointed out that the enlargement of buildings in the Green Belt is not deemed to be inappropriate providing that this would not be disproportionate in relation to the original building. The café building has had no previous extensions. If the toilet block was attached to the café building as an extension there would be no lesser impact on the openness of the Green Belt than the current detached structure.

7.6 Ultimately, it is considered that the need for toilet facilities at the café, the drainage infrastructure reasons for a toilet block in this location, together with the other factors listed above, including minimal size and relationship to adjacent much larger buildings are cumulatively sufficient to amount to the "very special circumstances" which outweigh the particular level of harm to the openness of the Green Belt, which is considered to be minimal.

7.7 The principle of the detached toilet facilities building is therefore accepted in accordance with the NPPF (Section 13) and policies SS10 and E1 of the Local Plan.

#### **The impact on the character and amenities of the area.**

7.8 The building has been tucked away behind the group of large modern agricultural storage buildings. It is not visible from the road or from the public footpaths to the west or from the south. It would be difficult to spot from the nearest public footpaths or roads to the north or east, the nearest of which is a public footpath crossing fields about 400m to the east. From this direction it would be seen against the backdrop of much larger and higher metal-sheeted buildings and the timber materials exactly match those of the back wall of the nearby café building.

The building does not harm the character and appearance of the area, compliance with policies SS10 and DC1 of the Local Plan.

7.9 It does not harm the residential amenities of the area as the nearest residential properties (other than the farmhouse within the same property) are located at least 80 metres to the north-west of the building. The building therefore complies with Policy DC1 in this respect.

### **The impact on highway safety**

7.10 No objection has been raised by the local highways authority. The toilet block has displaced one parking space. However, this space has relocated at the far south end of the car park adjacent to the building to the south of the toilet block. Twenty two spaces were approved for the main car park area to the rear of the café and the twenty two spaces still exist following the provision of the toilet block. The building does not lead to any further pressures to park on the road at busy times and is therefore does not result in any additional harm to highway safety. There is therefore no conflict with Policy T1 of the Local Plan.

### **Other Points**

7.11 From the letters received by local residents there appears to be some dispute with the method of foul drainage from the toilet block, with it being claimed that no mains foul drainage exists. However, the application form states that foul sewage is to be disposed of via main sewer. The applicant also claims that there is drainage infrastructure in the vicinity of the toilet building and that there were previously toilets in this location (hence the reason for the chosen location of the building).

### **Conclusion and Planning Balance**

7.12 The unauthorised toilet building is not significantly harming the openness of the Green Belt or the visual or residential amenities of the area. It complies with the Council's Local Plan and the NPPF and therefore it is recommended that retrospective planning permission is granted to retain the structure.

## **8. RECOMMENDATION**

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

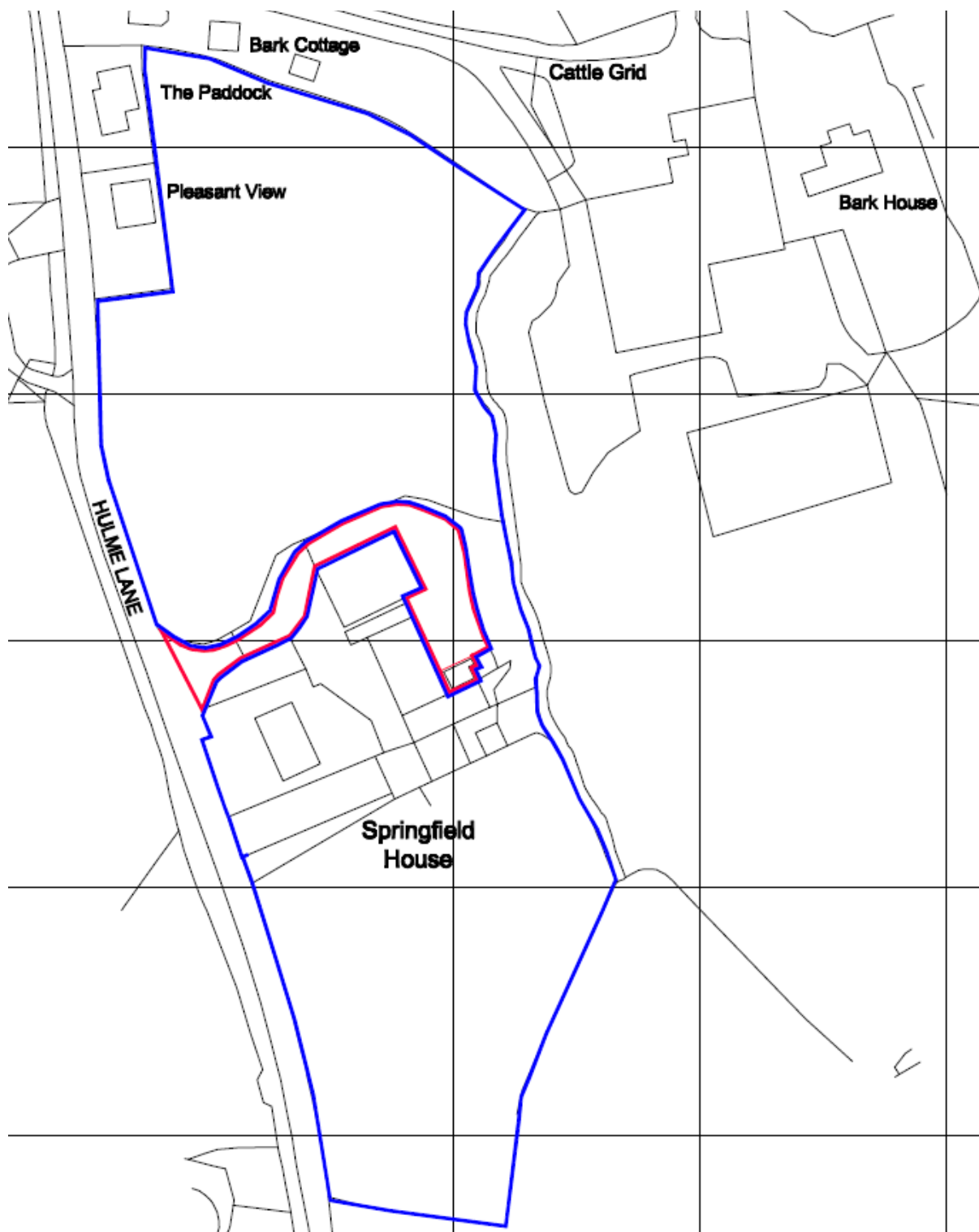
**1. The development hereby approved shall be maintained in complete accordance with the submitted plans and specifications as follows:-**

**Location Plan 1895 02 Revision A  
Plan, Elevations and Section 1895 01**

**Reason:-**

**To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.**

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



## STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL PLANNING APPLICATIONS COMMITTEE

19<sup>th</sup> September 2024.

<b>Application No:</b>	SMD/2023/0574	
<b>Location</b>	Hillcroft Froghall Road Froghall ST10 2HQ	
<b>Proposal</b>	Extensions to Dwelling and Replacement Outbuildings with Landscaping Works	
<b>Applicant</b>	Mr and Mrs Edlin	
<b>Agent</b>	DBD Architectural Consultancy	
<b>Parish/Ward</b>	Ipstones	<b>Date registered</b> 21.12.2023
<b>If you have a question about this report please contact:</b> Mrs L. Jackson <a href="mailto:lisa.jackson@staffsmoorlands.gov.uk">lisa.jackson@staffsmoorlands.gov.uk</a>		

### REFERRAL

The application is brought to Planning Committee at the request of Cllr Malyon to consider matters relating to the extent of the domestic curtilage. .

### SUMMARY OF RECOMMENDATION

**Refuse**

#### 1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

1.1 The application site is a two-storey, detached dwelling known as Hillcroft, Froghall Road Froghall. The property sits within a large parcel of land and benefits from a number of outbuildings. There is vehicular access linking the property directly with Froghall Road and space within the site for parking and turning. The dwelling faces towards the south. Land to the front of the dwelling drops in level, offering extensive views towards Froghall and beyond.

1.2 For the purposes of planning policy consideration the application site is located within the open countryside and outside of any settlement boundary, but is not within the Green Belt. The area is also identified as a High Risk coal development area and a Nature Conservation site. The northernmost part of the applicant's land is within a SSSI and Moseymoor Wood.

#### 2. DESCRIPTION OF THE PROPOSAL

2.1 The application proposes extensions and alterations to the house and the erection of an outbuilding. The proposed two-storey side extension and the ground floor rear extension would be constructed using matching plain clay tiles and the walls would be finished with render. The ground floor rear extension would have a shallow sloping roof whilst the two-storey side extension would have a twin hipped roof arrangement. The scheme also includes the demolition of a brick and upvc

framed, flat roof porch at the rear of the house and its replacement with a porch constructed using a timber frame sat upon a dwarf brick wall with plain clay roof tiles. All windows are to be replaced with anthracite grey frames. The proposed extensions and alterations would see the dwelling benefitting from a lounge, snug, utility/boot room, pantry, WC and open plan kitchen/dining area. At first floor level the dwelling would benefit from four bedrooms (master with ensuite) and a separate bathroom. The plans also show the intention of removing the principal bay window and replacing it with outwards opening French doors and smaller windows each side of the new door.

2.2 The second part of the application is the proposed construction of a three bay, timber outbuilding with plain clay tiles to match the dwelling. The outbuilding would have two open-fronted bays which the plans identify as a car port whilst the third bay would have outwards opening doors and be used as a shed/garage. The outbuilding footprint would measure 9.2m wide and would be 5.9m deep. The ridge would be approximately 4.7m high.

The proposed Site Plan shows a proposed patio at the front of the house, the removal of all existing outbuildings and the formation of a driveway leading to the new outbuilding.

2.3 The application is accompanied by the following documents;

- Design and Access Statement
- Coal Mining Risk Assessment
- Arboricultural Impact Report
- Bat Activity Report
- Preliminary Ecological Appraisal

The application, the details attached to it, including the plans, any comments made by residents and the responses of consultees can be found on the Council's website by using the following link:-  
<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=175865>

### **3. RELEVANT PLANNING HISTORY**

None.

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

4.1 The following Staffordshire Moorlands Local Plan policies are relevant to the application:-

- |        |  |
|--------|--|
| ▪ SS1  | Development Principles                           |
| ▪ SS2  | Settlement Hierarchy                             |
| ▪ SS3  | Future Provision and Distribution of Development |
| ▪ SS10 | Other Rural Areas Strategy                       |
| ▪ H1   | New Housing Development                          |
| ▪ DC1  | Design Considerations                            |
| ▪ DC3  | Landscape and Settlement Setting                 |
| ▪ NE1  | Biodiversity and Geological Resources            |
| ▪ NE2  | Trees, Woodland and Hedgerows                    |
| ▪ T1   | Development and Sustainable Transport            |

- Appendix 2 Parking Guidance

4.2 The National Planning Policy Framework is relevant in the consideration of the application, including sections;

Section 2:	Achieving sustainable development
Section 4:	Decision making
Section 5:	Delivering a sufficient supply of homes
Section 6:	Building a strong, competitive economy
Section 9:	Promoting sustainable transport
Section 12:	Achieving well-designed and beautiful places
Section 15:	Conserving and Enhancing the Natural Environment

#### National Planning Policy Guidance

#### Supplementary Planning Guidance

1. Design Principles for Development in the Staffordshire Moorlands
2. Space About Dwellings

#### Supplementary Planning Document

1. Staffordshire Moorlands Design Guide
2. Developer Contributions.

### **5. CONSULTATIONS CARRIED OUT**

Site Notice: Expired.

Neighbour consultation period: Expired.

Letters of representation: No representations received.

Ipstones Parish Council: Considered the above application at the latest meeting on 21st August 2024, reviewing recently amended plans, and decided to support approval of the development. They also wished to comment that they felt there had been no commercial activity at the property and that the area of garden had been in situ as a garden for as long as any of the councillors could recall.

Arboricultural Officer (SMDC): Awaited

Staffordshire Wildlife Trust: Awaited.

Severn Trent Water: Due to a change in processes, we no longer look at extensions under the planning application process (all Local Planning Authorities were advised of this last year). All extensions are dealt with by Building Regulations, and if an asset is affected by the works, then the applicant will need to contact STW:

If the site is domestic, please contact: the Buildover team within Networks Solutions team at STW to discuss the proposals. The email address for the Buildover team is: [building.over@severntrent.co.uk](mailto:building.over@severntrent.co.uk)

If the site is commercial, please contact: the Asset Protection team at STW to discuss the proposals. The email address for the Asset Protection team is: [Asset.Protection@severntrent.co.uk](mailto:Asset.Protection@severntrent.co.uk)

Canals and River Trust: The application site is located to the west of the Caldon Canal. The canal sits in a cutting here and the application site adjoins the crest of the cutting slope and is elevated some 10- 12m above the level of the canal. The proposed development will involve construction operations in proximity to the crest of the cutting slope and such works do have the potential to alter or increase loadings on the cutting and risk destabilising the slope. As you will be aware, land stability is a material planning consideration and is referred to in paragraphs 180 (e) and 189 of the NPPF and is the subject of more detailed discussion in the NPPG (see <https://www.gov.uk/guidance/land-stability>). We consider that this advice and guidance is clear in identifying that the planning system has a role to play in minimising the risk and effects of land stability on property, infrastructure and the public.

We appreciate that the issue of land stability can be complex and often also involves other regimes such as Building Regulations and legislation such as the Party Wall Act 1996. However, the NPPF is clear that planning decisions should ensure that new development is appropriate for its location in the context of avoiding unacceptable risks from land instability and being satisfied that a site is suitable for its new use, taking account of ground conditions and land instability.

In particular, paragraph 190 of the NPPF is clear that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. To address this, we consider that a detailed methodology for the design and construction of the foundations of the extensions and outbuilding including cross sections showing the site and the canal cutting slope should be secured via a planning condition. The methodology should demonstrate that the proposed development (including any undertaking operation of construction plant or machinery near to the cutting will not surcharge the cutting slope or otherwise present a risk of adversely affecting its stability. The Trust is willing to provide you with technical support and assistance in discharging such a condition in due course.

#### Condition

No development shall take place until a Method Statement detailing the design and means of constructing the foundations of the extensions and outbuilding hereby permitted (and including cross sections showing the position and depth of foundation excavations relative to the adjacent Caldon Canal cutting slope) has first been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall demonstrate that the development will not adversely affect the stability of the adjacent cutting slope either during or after construction. The development shall thereafter only be carried out in accordance with the agreed Method Statement.

#### Reason



In the interests of avoiding the risk of creating land instability arising from any impacts from excavations and other construction operations which could adversely affect the stability of the adjacent Caldon Canal cutting slope in accordance with the advice and guidance on land stability contained in paragraphs 180, 189 and 190 of the National Planning Policy Framework and in the National Planning Practice Guidance. A pre-commencement condition is necessary as the Construction Method Statement is required to inform construction operations from the outset.

We also note that the application documents indicate that surface water is to discharge to soakaways, but no details are provided to show their location or to confirm the suitability of the ground for infiltration. It is important that no new soakaways are located near to the crest of the cutting slope as the action of a soakaway can adversely affect slope stability. We ask that full details of the design and location of all new soakaways together with confirmation that the ground is suitable in the form of percolation test results are secured via a suitably worded planning condition.

Environmental Health: Environmental Health have no objection to the proposed development subject to conditions. Coal Mining (High Risk). The site is in a high risk coal mining area, with an old shaft recorded around 40m from the proposed site. The primary risk from the development is from ground / mine gas / geotechnical issues associated with unrecorded workings beneath the site. A ground gas and unexpected contamination condition is included, however, in this instance. The site also sits in a radon affected area (3-5%) and will be required to install basic radon protection. Therefore, given the acceptance of the scheme by the Coal Authority, and the need for radon protection measures. It would be acceptable to assume a moderate gas risk and instal appropriate measures without a gas risk assessment.

Highways (Staffordshire County Council): Recommendation Summary: Acceptance. Site Visit Conducted on: 28-Feb-2024

Application is for an extension to an existing dwelling. Access is through existing access off B5053 Froghall Road. Froghall Road at the access point is on a steep gradient and is tortuous in its alignment. The access is on the outside of a tight bend. Vehicle speeds at this point are low due to the gradient and alignment. The access location on the outside of a bend maximises available visibility. Visibility to the west/south is the secondary direction, vehicles are travelling up a steep gradient around a tight bend in a necessarily low gear. Addition of a bedroom to increase from 3 to 4, would increase parking requirement by 1 space. There is adequate space within the site to allow three vehicles to park and turn within the curtilage. Addition of a single bedroom would not significantly intensify use of the access. Proposal will not have a severe impact on the highway. Current records show that there were no Personal Injury Collisions on Froghall Road within 215m either side of the property access in the previous five years.

The Coal Authority: The Coal Authority's Planning & Development Team considers that the content and conclusions of the Coal Mining Risk Assessment report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application. Informative notes are requested.

The application site falls partly within the Coal Authority's defined Development High Risk Area. Therefore, within the site and surrounding area there are recorded coal mining features present at surface or shallow depths. The risk these features may pose should be considered as part of the planning process. More specifically, the Coal Authority's information indicates that the site lies in area where historic unrecorded underground coal mining is likely to have taken place at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. As you will be aware, applications for householder development, such as the proposed extensions to the existing dwelling, fall under Part A of our exemptions list. We therefore assume that you have consulted us on the basis that the proposal will entail the construction of a replacement outbuilding which would appear to be located at least partly beyond the domestic curtilage to the property (following the demolition of the existing outbuildings which appear to have once been used for agricultural purposes).

The application is accompanied by a Coal Mining Risk Assessment report (December 2023, prepared by Sladen Associates). Based on a review of relevant sources of coal mining and geological information, the report acknowledges that the Crabtree coal seam may have been worked beneath the site at shallow depth beneath the site. However, it concludes that due to the depth of the seam (and the resulting amount of overlying rock cover) and the age of any unrecorded workings, any such workings present pose a very low risk of future surface subsidence. As such, no specific further works are proposed in this regard.

The report does, however, highlight that the presence of unrecorded mine entries within the site cannot be ruled out. It goes on to recommend that vigilance should be maintained during ground works for any anomalous ground conditions that may represent an unrecorded mine entry. Should any such feature be encountered on site, this will require appropriate remediation in accordance with details permitted under a Coal Authority Permit.

Minerals and Waste (Staffordshire County Council): No comment. Reasoning Due to the relevant extracts from the Standing Advice, the Mineral and Waste Planning Authority have no comments regarding this application as it is Exempt from Policy 3. Since the adoption of the Minerals Local Plan for Staffordshire, there has been a significant change in the Coal Authority's approach to safeguarding coal as a mineral resource. They no longer request that development plans include policies to safeguard the surface coal resource or ask that prior extraction can be considered where surface coal is present. As a result, we no longer object to planning proposals on the grounds of safeguarding coal resources.

In addition, certain categories of application are exempt from minerals safeguarding policies because they are very unlikely to have an impact on any underlying minerals, or because the principle of the development has already been approved. This includes applications for the alterations and extensions to existing buildings or for change of use of an existing development.

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

### **Policy Context and Principle of Development**

6.1 The Local Planning Authority is required to determine applications 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. The Staffordshire Moorlands Local Plan 2020 is the adopted Local Plan for the district.

6.2 Policy SS1 of The Staffordshire Moorlands Local Plan states that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands; this echo's the stance of the National Planning Policy Framework. The Local Plan aims to deliver a wide range of development and includes support in principal for domestic developments.

6.3 Local Plan policy SS10 gives some support for *'extensions or additional domestic outbuildings to existing dwellings provided they are appropriate in scale and design and do not have a detrimental impact on the existing dwelling and the character of the rural area. The Council will assess schemes having regard to the original dwelling, in cases where cumulative change has occurred.'* SS10 also stipulates that priority is given *'to the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape.'*

6.4 The first issue to consider is whether the proposals are acceptable in principle. Support can often be given to domestic developments such as extensions and outbuildings but within the open countryside domestic developments must be contained within the domestic curtilage of the dwelling otherwise the scheme would trigger a change of use of land and potentially result in harmful encroachment into the open countryside.

### **Design and Visual Impact (Character and Appearance)**

6.5 Local Plan policy DC1 requires that all developments shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the character and heritage of an area. Development should be of a high quality, adding to the value of a local area, incorporating creativity, be designed to respect the site and its surroundings and promote a positive sense of place and identity. Policy DC3 cites *'resisting development which would lead to prominent intrusion into the countryside.'*

#### Rear extension, porch, new hipped roof and amendments to the principal bay window.

6.6 The rear extension and porch are acceptable in terms of design and their proposed siting. The simple pitched roof above the kitchen extension together with matching tiles and render will ensure the addition sits comfortably against the existing house. The size of the kitchen extension is not an issue, proportionately the addition would have a subordinate relationship with the existing house and visually will have very little impact upon the surrounding area due to its location at the back of the house. The existing porch will be replaced by an improved structure. A timber frame upon a dwarf brick wall and sloping tiled roof will improve the appearance of this part of the property. Again the addition would be well-proportioned and would not result in any adverse visual harm to the existing dwelling or surrounding area. The replacement of the first floor flat roof with one of hipped design is a visual improvement. There are no objections to this part of the proposal. Alterations to the principal bay window raise no concerns, the shape of the bay window will remain but

the large window would be replaced with French doors and smaller windows on both sides.

### Side Extension

6.7 In its own right there are no design objections to the side extension. The addition would use matching render and roof tiles to tie in with the existing house and have a twin-hipped roof arrangement to ensure the ridge height remains lower than the existing. When viewed from the front of the house, the side extension would have a subordinate relationship with the house in terms of its lower ridgeline and modest width/projection distance from the side wall of the house.

6.8 No planning history can be found relating to any previous extensions. The rear porch has the appearance of the being an extension due to its flat roof and upvc style frame, however the plinth bricks are a good match to those of the existing house so it might be the case that the upper part of the structure has historically been replaced. The two storey flat roof section of the dwelling may also be an addition, at least at upper floor level. These potential additions have been considered in terms of the Local Plan policy SS10 requirements where the council must consider previous extensions at the time of assessing new proposals, in this case it is considered that all of the proposals together with any previous additions do not result in the character of the original dwelling being lost. Indeed the amendments to the rear of the house will improve its appearance.

6.9 The concern with the side extension part of the proposal is that the land upon which the two-storey extension would sit does not appear to be within domestic curtilage and would therefore result in an encroachment into the open countryside which Local Plan policy DC3 *'resisting development which would lead to prominent intrusion into the countryside,'* seeks to avoid. The following aerial photographs show the application property from 1999 onwards. It is clear that the land at the side of the house where the proposed extension would be sited, is not domestic curtilage. Both the photographs show a clear division between the house and the land to the east. Members will see on site that there is a drystone wall running along the side of the house, roughly a paths width away from the side wall and runs around the detached single garage at the rear of the house. Although the quality of the 1999 photograph is not as good as the others it does show the dividing wall. The photographs also show the piece of land being open to the fields to the south. Whilst it is concluded that the side extension is acceptable in terms of design, this part of the scheme cannot be supported due to the domestic encroachment and subsequent visual harm to this part of the open countryside.

### 2018-2021 aerial photo



2015-2018 aerial photo (below)



2011 aerial photo (below)



2006 aerial photo (below)



1999 aerial photo (below)



### Outbuilding

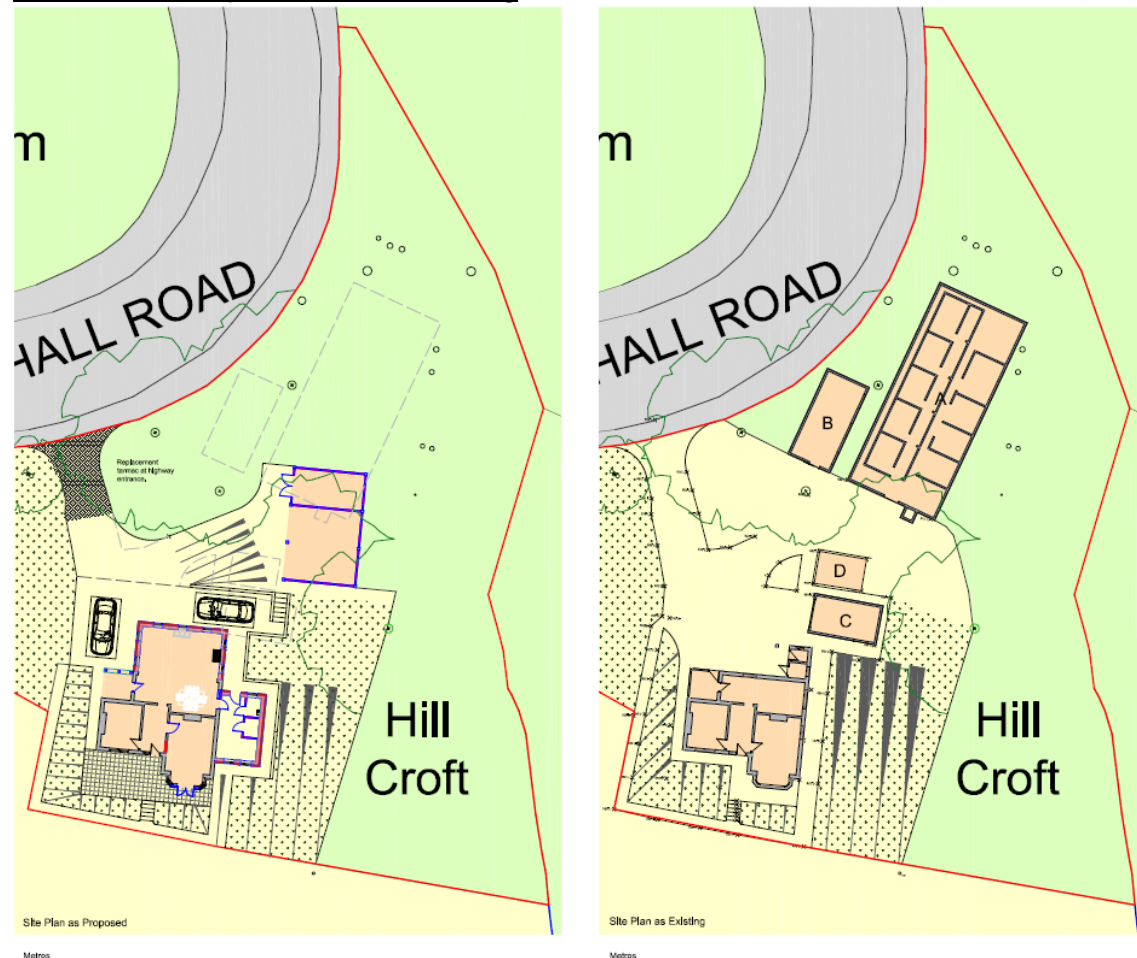
6.10 The proposal is to demolish all existing outbuildings and for the erection of a large, detached, timber clad car port/garage with a tiled roof. Two of the three bays would be open at the front, the third bay would be secured, having a set of outwards opening doors. There is some concern about the size of the building, at 9.2m wide, 5.9m deep and with a ridge height of approximately 4.7m high this would be a very large and bulky building with overlarge roof and, according to the proposed site plan, would sit upon raised land. Supplementary Planning Guidance (SPG) stipulates that garages should appear subordinate to the dwelling and that they should 'be modest in size and height to reflect its purpose as an ancillary domestic outbuilding.' Local Plan policy DC1 requires proposals to respect their site and surroundings. In this instance it is considered that the building is excessively large and competes with the size of the existing house.

6.11 A further issue with the garage building is its location. Similar to the issues surrounding the proposed side extension and the extent of domestic curtilage, the proposed garage is also considered to be situated outside of the domestic curtilage. The site plan below shows outbuildings A, B, C and D. Building A is ruinous, it is not domestic. Building B is a timber storage shed, there is no planning history relating to this building. Building C is clearly domestic and is seen on site within the confines of the boundary wall. Building D is also ruinous and consists only of a few courses of brickwork. The domestic curtilage boundary appears to follow the boundary wall on the eastern side of the house (referred to previously within the report whilst



assessing the proposed side extension) and continues between buildings C and D. The ruins of buildings A and D and the positioning of building B clearly read as separate from the domestic curtilage. The new building would sit outside of the domestic curtilage, it is clearly not a replacement domestic use building.

#### Site Plan As Proposed and As Existing



#### Amenity

6.12 The application site is within a relatively isolated area in terms of proximity to neighbouring dwellings. For this reason there are no neighbour amenity impacts to consider.

#### Highways/Access

6.13 The National Planning Policy Framework and Local Plan policies DC1 and T1 require that all development proposals secure safe and suitable access to a site whilst making a contribution towards meeting parking requirements and ensuring that all new development can be satisfactorily accommodated within the highway network. The application does not propose any alterations to the existing vehicular access. The existing house is a three bedroom dwelling, the proposed extensions would increase this number to four which would trigger the councils adopted parking standards of securing three parking spaces. The County Highways Officer's consultation response can be read in full within section 5 of this report. Importantly

the Highways officer states there is adequate space within the site to allow three vehicles to park and that the addition of a single bedroom would not significantly intensify the use of the access. To conclude, there are no objections to the application in terms of highways impact.

## **Coal**

6.14 The application site is located within a High-risk coal development area. The application has been accompanied by a Coal Mining Risk Assessment. The Coal Authority has assessed the Risk Assessment and confirms that the assessment is sufficient for the purposes of the planning system, that it meets the requirements of the National Planning Policy Framework in demonstrating that the application site is, or can be made safe and stable for the proposed development. In the event of the application being approved, the Coal Authority has requested that two informative notes are added to the decision notice.

## **Trees and Ecology**

6.15 The application is accompanied by an Arboricultural Impact Report, Tree Survey site plan, Bat Activity Survey and a Preliminary Ecological Appraisal. There are no tree preservation orders on the application site however there are many trees within the site which are identified on the Site Plan. Consultation responses from the Arboricultural Officer and Staffordshire Wildlife Trust are awaited. Members will be made aware of any comments received via the Late letters representations.

## **Environmental Health**

6.16 There are no objections relating to Environmental Health matters. The Environmental Health Officer notes the high risk coal development area and the recommendations of The Coal Authority as well as stating that the 'primary risk from the development is from ground/mine gas/geotechnical issues associated with unrecorded workings beneath the site.' Environmental Health recommend a ground gas and unexpected contamination condition, a condition to restrict the times/days in which noisy activities can be undertaken on site and a condition to control any potential pollution such as no burning of waste on site and suppressing dust.

## **7. CONCLUSION AND PLANNING BALANCE**

7.1 There are no objections to the design of the proposed two-storey side extension, the rear extension, replacement roof, porch or alterations to the principal bay window for the reasons outlined earlier within the report. There are concerns about the size of the proposed outbuilding. Furthermore, the two-storey side extension and the detached outbuilding cannot be supported due to their proposed positioning outside of the domestic curtilage. The side extension and outbuilding would encroach beyond the domestic curtilage into the open countryside to the detriment of its open character and rural appearance. Adopted Local Plan policies SS1, SS10, DC1 and DC3 seek to support developments which contribute positively to the environment and enhance the countryside. Extensions and outbuildings should be appropriate in scale and not have a harmful impact upon the character of a rural area. Notably the Local Plan stipulates that development should be resisted which would lead to a prominent intrusion into the countryside.

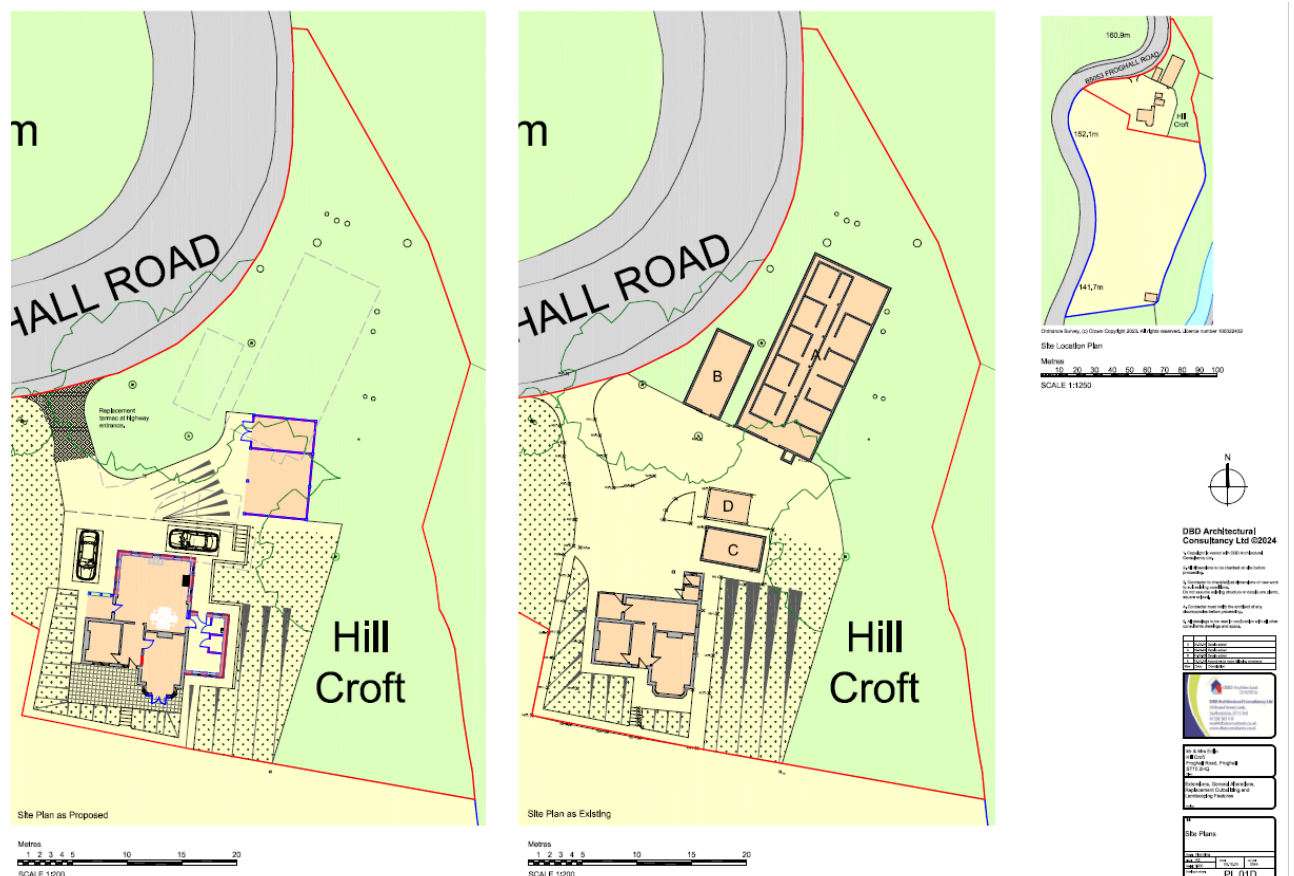


## 8. OFFICER RECOMMENDATION

That the application be refused for the following reason(s):

1. By reason of their location outside of the domestic curtilage, the proposed two-storey side extension and detached outbuilding would encroach and lead to a prominent intrusion into the open countryside to the detriment of the openness and character and appearance of the area. The application is therefore contrary to policies SS1, SS10, DC1 and DC3 of the Staffordshire Moorlands Local Plan.
2. Supplementary Planning Guidance (SPG) stipulates that a garage should appear subordinate to the dwelling and that it should 'be modest in size and height to reflect its purpose as an ancillary domestic outbuilding.' Local Plan policy DC1 requires proposals to respect their site and surroundings. By reason of its size, the proposed outbuilding is excessively large and competes with the size of the existing house.

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



This page is intentionally left blank

## STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL PLANNING APPLICATIONS COMMITTEE

19<sup>th</sup> September 2024

<b>Application No:</b>	SMD/2024/0274	
<b>Location</b>	62 Rakeway Road, Cheadle	
<b>Proposal</b>	Proposed Ground floor extension, first floor balcony, and loft conversion at 62 Rakeway Road Cheadle.	
<b>Applicant</b>	Mr Greg Powell	
<b>Agent</b>	N/A	
<b>Parish/ward</b>	Cheadle Town Council	<b>Date registered</b> 10 <sup>th</sup> June 2024
<b>If you have a question about this report please contact:</b> Reuben Berriman e-mail: <a href="mailto:reuben.berriman@highpeak.gov.uk">reuben.berriman@highpeak.gov.uk</a>		

### REFERRAL

The application is a Full – Householder and is referred to Committee as the applicant is related to an elected member, Cllr Mike Haines, Councillor for Cheadle South East.

### 1. SUMMARY OF RECOMMENDATION

**Approve subject to conditions**

### 2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The site is a domestic dwellinghouse fronting Rakeway Road, in Cheadle, and its associated curtilage. The site is in a suburban, edge of town location, on the southeast edge of Cheadle town. The site bounds the Cheadle 5 Public Right of Way to the west, beyond which is No. 58 Rakeway Road. to the east is No. 64 Rakeway Road, and to the south the site bounds No. 12 and 14 Derwent Drive. The site falls within the Cheadle Development Boundary.
- 2.2 The application is a re-submission following officer delegated refusal of a similar proposal under SMD/2023/0369.

### 3. DESCRIPTION OF THE PROPOSAL

- 3.1 The proposal seeks permission for a single storey front extension, as well as a first floor Juliet balcony and three rooflights on the front elevation. The application also proposes a loft conversion and a non-opening obscure glazed Juliet balcony on the west gable end side elevation at second floor level. On the rear elevation, three obscure glazed roof lights are proposed.

- 3.2 The application, the details attached to it, including the plans, any comments made by residents and the responses of consultees can be found on the Council's website at:-

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=179174>

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

- SMD/2023/0369. Description: Proposed Ground floor extension, first floor balcony, and loft conversion. Decision: Refused.
- SMD/1999/0153. (Old Reference: 99/01311/REM) Description: Dwelling (application for reserved matters). Decision: Approved.

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

##### **Local Plan (adopted 9<sup>th</sup> September 2020)**

SS1 Development Principles  
SS2 Settlement Hierarchy  
SS7 Cheadle Area Strategy  
DC1 Design Considerations  
T1 Development and Sustainable Transport

##### **National Planning Policy Framework December 2023**

Paragraph(s) 1 -14, 47, 131, 135.

Section(s) 4 – Decision making, 12 – Achieving well designed and beautiful places.

##### **Adopted Supplementary Planning Documents/Guidance (SPD/G):**

- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

#### **6. CONSULTATIONS CARRIED OUT**

##### **Public**

- 6.1 The site notice expired on the 10<sup>th</sup> July, and the neighbour notification letters expired on 19<sup>th</sup> August after a re-consultation period of 21 days following amended plans being received.
- 6.2 Following the re-consultation of the amended plans, three neighbour representations were received, two in objection and one neither stating objection or support.
- 6.3 Issues raised related to:

- Overdevelopment of the site
- Concerns that the obscure glazing and non-opening windows will be reverted to clear and opening
- Development not in keeping with the surrounding area
- Overlooking & privacy

#### **Cheadle Town Council**

6. Cheadle Town Council would in principle support the application with the assurances that the window elevations meet the guidelines in relation to the neighbouring properties.

#### **Severn Trent Water**

6. No consultation response received

#### **SCC Highways**

6. No consultation response received.

### **7. POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE**

#### **Principle of Development and Main Issues**

- 7.1 In its general approach, in accordance with policy SS1, the Council expects the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in the Local Plan shall be approved without delay, unless material considerations indicate otherwise.
- 7.2 Policy SS2, The Settlement Hierarchy for the borough, states that Towns accommodate half of the District's population and the majority of the District's services and facilities. The spatial strategy seeks to focus future growth in these settlements. These settlements are defined by a Development Boundary, in which development is acceptable in principle.
- 7.3 Policy SS7 sets out the Cheadle Area Strategy and confirms that the Council and its partners will seek to expand the role of Cheadle as a significant service centre and a market town by expanding the housing market area and community provision. Development in Cheadle in principle is acceptable, as long as it complies with Policy DC1.

#### **Design – impact on character and appearance**

- 7.6 Policy DC1 requires development to be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area; and be designed to respect the site and its surroundings

and promote a positive sense of place and identity through its scale, height, density, layout, siting, character and appearance. Paragraphs 131 and 135 of the NPPF outline what is expected of good design and required for the development of high quality, beautiful places, and provides for a high standard of amenity for existing and future users. Staffordshire Moorlands District Council's Design Guide SPD outlines the Council's expectations in respect of design and states that extensions should harmonise with the parent building. For a development to be considered appropriate in terms of its size and massing, the Council would universally expect to see extensions subordinate to the dominance of the original building.

- 7.7 Amended plans were received which mitigated the design concerns from the original submission, notably the removal of a front extending balcony, and the lean-to nature of the roof of the single storey front extension. The front balcony was changed to a Juliet balcony, and the roof of the front extension is now shown as being dual pitched, to match the roof design of the existing front facing gable. The amended plans show a subordinate front extension, and an acceptable balcony, which respects the dominance of the original dwelling. The pitched roof of the front extension ties the development in with the existing in design terms, and the addition of the Juliet balcony on the front elevation is not deemed to be unacceptable in design terms. The rooflights on the front elevation are not considered to be detrimental to the property in design terms as they would be permitted development.

### **Amenity**

- 7.8 Policy DC 1 states that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD. In particular, new development should protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution.
- 7.9 Concerns were raised by neighbours about the impact the proposal would have on local residential amenity in terms of loss of privacy and overlooking. Amended plans have been received which aim to mitigate any harm as a result of the proposed development. The Juliet balcony on the side elevation which would face No. 58 Rakeway Road has been amended to be obscure glazed and non-opening, which will ensure that the privacy of No.58 is maintained at its current level, and that the additional room in the loft of No. 62 has sufficient natural light. While this detail is specified on the plans, a condition shall be added to ensure that the Juliet balcony remains non-opening and obscure glazed for the life of the development, in order to ensure the ongoing preservation of neighbour amenity.
- 7.10 The rooflights on the rear roof slope are obscure glazed as to preserve the amenity of the neighbours to the rear. Non-obscure glazed rooflights would be considered permitted development on this roof slope, and therefore the obscure

glazing of these lights is more than adequate for the amenity of neighbours. The proposal is therefore acceptable in terms of amenity.

### **Highway Safety**

- 7.11 Paragraph 104 of the NPPF states that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. Policy T1 seeks to provide safe and sustainable access and ensure that development does not lead to an increase in on street parking. The proposal will increase the number of bedrooms from three to four, and SMDC Parking Guidance states that a dwelling with four or more bedrooms must be able to demonstrate three parking spaces (2.4 x 4.8 metres). The site plan, as well as a site visit, confirm that the dwelling can accommodate three vehicles, and therefore is compliant with Policy T1.

### **Other matters**

- 7.12 Neighbours have raised concerns that this proposal amounts to overdevelopment of the site as the site was originally only granted permission for a bungalow. The planning history of the site shows that planning permission was granted for a new dwelling on this site in 1992 under application number: SMD/1999/0153 (Old Reference: 99/01311/REM). The plans included in this application clearly show the house as it is in its present form, with two stories. Therefore, the proposed development is not considered overdevelopment of the site, due to the relatively minor additions and alterations to the property in terms of additional volume and floor area.

## **8. CONCLUSION AND PLANNING BALANCE**

- 8.1 The proposed development is in the Cheadle Development Boundary, in which development is acceptable in principle. The proposal is therefore acceptable in principle.
- 8.2 In this case the development raises no concerns in terms of design, amenity, or highway safety, and is compliant with local and national policies, as well as the SPD's, and is therefore acceptable on all of those grounds. The development is therefore considered acceptable development, and the recommendation is for approval.

## **9. RECOMMENDATION**

### **A That planning permission be granted subject to the following conditions:-**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be carried out in accordance with the details as submitted in the application form and submitted specifications and as

shown in drawings:

Proposed Development Location Plan, Proposed Development Site Plan – Revision B, X1173 – AL(0)08 Rev B, X1173 – AL(0)09 Rev B, X1173 – AL(0)10 Rev B, and X1173 – AL(0)11 Rev B.

**Reason:** To ensure that the development is carried out in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of doubt.

3. The external facing and roofing materials shall match in colour, form and texture to those of the existing building and there shall be no variation without the prior consent in writing of the Local Planning Authority.

**Reason:** To ensure that the works harmonise with the existing development.

4. The Juliet balcony shown on the hereby approved plan, number X1173 – AL(0)11 Rev B, shall remain non-opening and obscure glazed for the life of the development.

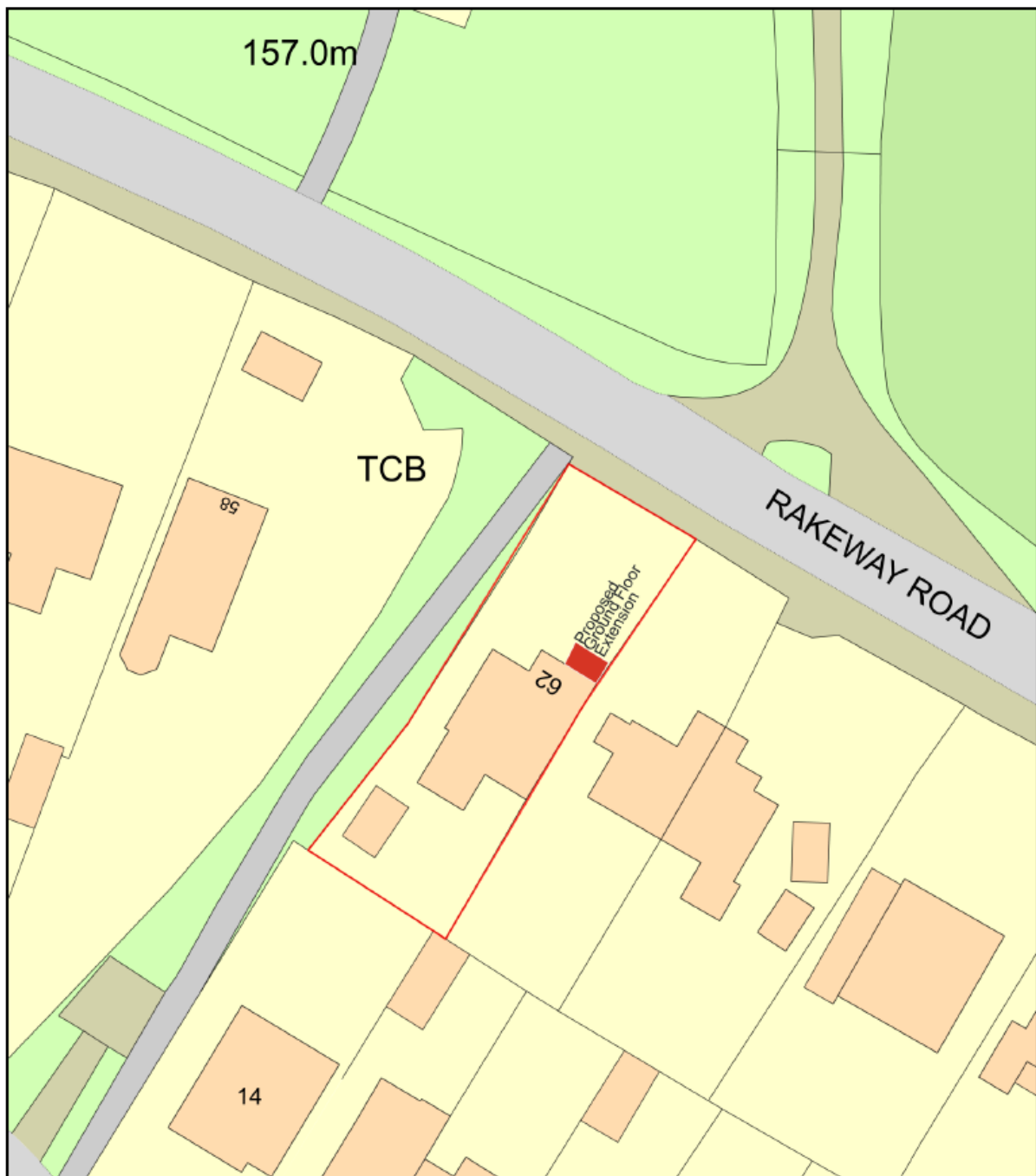
**Reason:** To ensure that the development is carried out in accordance with the submitted details and approved plans, and to protect the amenity of the neighbouring property and in compliance with Policy DC1.

#### Informative

The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. There are not judged to be any adverse implications for neighbours or wider public amenity and street scene. Amendments were agreed with the agent in the course of the determination in accordance with the approach to decision making as advocated in the National Planning Policy Framework at paragraph 38.

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





This page is intentionally left blank

By virtue of paragraph(s) 2, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank