

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

24 January 2019

Application No:	SMD/2018/0773	
Location	Briar Clough, Clay Lake, Endon, Staffordshire, ST9 9DE	
Proposal	Proposed demolition of existing dwelling and construction of 2 new dwellings	
Applicant	Mr Rushton	
Agent	Mr David Woodfine, Tarpey Woodfine Architects	
Parish/ward	Endon & Stanley/Brown Edge & Endon	Date registered 10.12.2018
If you have a question about this report please contact: John Williamson -Email john.williamson@staffsmoorlands.gov.uk ; Tel: 01538 395400 Ext: 4922; Mob: 07812981964		

REFERRAL/CONTEXT

The application has been submitted to Committee for consideration as a recent (similar) application on the same site had been called-in to, and determined by, committee.

The applicant has sought to address concerns raised by members in respect of the previously refused application (SMD/2018/0455) with the amended submission.

1. SUMMARY OF RECOMMENDATION

Approve with conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site comprises an existing two-storey detached dwelling with extensive garden area. The site is being divided from the original larger site of 'Briar Clough'. The planning history shows that planning permission was granted for a replacement dwelling on the original, larger site sited in a different location to the original dwelling. Following a change in national and, subsequently, local Green Belt policy, the original dwelling, 'Briar Clough', remains on the current application site and this is the building proposed to be demolished as part of this application.

2.2 The Council has accepted that the site lies 'within the village of Endon' for the purposes of Green Belt policy (see Officer Report for SMD/2017/0469). There are residential properties either side of the application site and opposite it on the northern side of Clay Lake. There is open countryside to the rear of the site.

2.3 The site is located within the Green Belt and Low Risk development Area with a Tree Preservation Order (LR006A004) applied to trees located mainly in the rear half of the site, as defined in the Core Strategy.

3 DESCRIPTION OF THE PROPOSAL/CONTEXT

3.1 The application seeks full planning permission for “*proposed demolition of existing dwelling and construction of 2 new dwellings.*”

3.2 As noted above, the applicant has sought to address concerns raised by members regarding the previously refused application (SMD/2018/0455). Details of the changes are provided below in the design section of this report. It is considered that design and impact on the street-scene/character of the area is the key issue, which needs to be considered in the context of the Green Belt issues.

3.3 The application consists of demolishing the existing dwelling located within the site, sub-dividing the site and erecting 2 No. detached dwellings (1 No. in each of the plots created). The proposed dwellings are both two-storey with some accommodation in the roof space. Both are designed with gables at the front and rear and the roof ridge running north-south (front to rear). Each will have its own access off Clay Lake. On-site parking and turning areas are provided within each proposed plot and the plots readily accommodate 3 No. cars in each.

3.4 The application and all details associated with it can be found on the Council’s website at:

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=127461>

4 RELEVANT PLANNING HISTORY

4.1 SMD/2018/0455 – Proposed demolition of existing dwelling and construction of two new dwellings. Refused, 22.11.2018.

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=124916>

4.2 SMD/2017/0469 – Retrospective permission for changes made to dwelling granted under permission 10/00981/REM (SMD/2010/0884). Approved, 09.11.2017

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=115656>

4.3 SMD/2016/0283 – Removal of condition 3 of planning permission 10/00981/REM (SMD/2010/0884) and condition 5 of planning permission 09/00386/OUT. Approved, 31.08.2016

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=103854>

4.4 SMD/2010/0884 – Erection of replacement detached dwelling and garage (Reserved Matters). Approved, 12.01.2011

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=14820>

4.5 SMD/2009/0266 – Detached replacement dwelling (outline) including consideration of access and landscaping. Approved, 17.06.2009

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=12979>

4.6 SMD/2001/0934 – Erection of dwelling (Outline). Refused, 08.02.2002

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=2197>

5 PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises:

- Staffordshire Moorlands Local Plan (Adopted 1998)
- The Staffordshire Moorlands Local Development NPPF Core Strategy (Adopted March 2014)
- The Minerals Local Plan (Adopted December 1999) Saved Policies 2007
- Staffordshire & Stoke-on-Trent Joint Waste Core Strategy (Adopted March 2013)

Staffordshire Moorlands Local Plan (1998)

5.2 Development boundaries within the 1998 Adopted Local Plan are still in force until such time as they are reviewed and adopted through the site allocations process. Public consultation on specific site allocations has now commenced.

Adopted Staffordshire Moorlands Local Development Framework (LDF) (26th March 2014)

5.3 The Staffordshire Moorlands Local Development Framework (LDF) is a District wide development plan which replaces the Staffordshire Moorlands Local Plan to provide a framework for delivering development up to 2026. The Core Strategy is the key LDF document. It is a strategic District wide plan which influences how and where the Staffordshire Moorlands will develop in the future. It sets out what the Council would like to achieve in each of the main towns and the rural areas outside of the Peak District National Park. The Core Strategy provides the framework for future LDF documents which will then identify specific sites for development in the District (Site Allocations Development Plan Document) and provides detailed guidance to supplement the policies (Supplementary Planning Guidance).

5.4 The following Core Strategy (CS) policies and Supplementary Planning Documents are relevant to the determination of the application:-

- SS1 - Development Principles
- SS1a -Presumption in Favour of Sustainable Development
- SS2 – Future Provision of Development
- SS3 – Distribution of Development
- SS4 – Managing the Release of Housing Land
- SS6 – Rural Areas
- SS6a - Larger Villages Area Strategy
- SS6c – Other Rural Areas Strategy
- SS7 – Churnet Valley Area Strategy
- SD1 – Sustainable Use of Resources
- SD3 – Carbon Saving Measures in Development
- SD4 - Pollution and Flood Risk
- H1 - New Housing Development
- H2 - Affordable and Local Housing Needs
- DC1 - Design Considerations
- DC3 - Landscape and Settlement Setting
- C1 - Creating Sustainable Communities
- R1 – Rural Diversification
- R2 – Rural Housing
- NE1 - Biodiversity and Geological Resources
- T1 - Development and Sustainable Transport

SPD – Space About Dwellings

SPD – Design Principles for Development

National Planning Policy Framework – July 2018

National Planning Practice Guidance

Emerging Staffordshire Moorlands Local Plan

National Policy Guidance

5.5 Paragraph 48 of the newly adopted NPPF states that:

“...decision-takers may also give weight to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Local Plan process

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

5.7 In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public was held in October 2018. Additional information is to be submitted to the Inspector after which Modifications will be required; the Proposed Main Modifications will be subject to public consultation. The timescale for the adoption of the Local Plan currently remains as Spring 2019. At this point it will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

5.8 In this context, the Council’s position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF will be noted where appropriate.

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as examination in public has been undertaken.
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question. The level of outstanding objections to each policy indicates the amount of weight to be given to each of the policies at this stage in the process.
- The degree of consistency of policies with the NPPF – At this stage, the Council considers the submitted version of the Local Plan to be sound and policies are deemed to be consistent with the NPPF. As noted above, additional information is to be submitted along with Modifications.

Emerging Policies

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

- SS1 - Development Principles
- SS1a - Presumption in favour of sustainable development
- SS2 - Settlement Hierarchy
- SS8 – Larger Villages Area Strategy
- SS10- Other Rural Areas Strategy
- SD1 – Sustainable Use of Resources
- SD3 – Sustainable Measures in Development
- SD4 - Pollution and Water Quality
- SD5 – Flood Risk
- H1 - New Housing Development
- H2 - Housing Allocations
- H3 - Affordable and Local Housing Needs

- DC1 -Design Considerations
- DC3 -Landscape and Settlement Setting
- C1 – Creating Sustainable Communities
- NE1 -Biodiversity and Geological Resources
- NE2 Trees and Woodlands
- T1 -Development and Sustainable Transport

6 CONSULTATIONS, PUBLICITY & REPRESENTATIONS

Site notice	Expiry date for comments: 09.01.2019
Press notice	Expiry date for comments: N/A
Neighbours	Expiry date for comments: x/x/2019

Neighbour/public comments

6.1 1 No. representation has been received, details of which can be read on file. A summary of the objections is provided below:-

- The development will be out of keeping with the rest of Clay Lake
- It is noticeable that the footprints of the houses have been reduced (compared with the previous application). Two small houses are not acceptable on this plot; all other houses on Clay Lake are large single individual houses
- Clay Lake is not an estate. Two identical properties are out of keeping.
- The distances from the proposed dwellings to Briar Clough and Heather Clough may be acceptable on a housing estate but they are not acceptable for an area of individual houses
- The garages on each of the dwellings have been omitted, making the houses appear smaller. However, there is still space at the side of the dwellings for a future planning application garages.
- Another access on the bend outside the development onto Clay Lake is a concern re highway safety
- The applicant in my opinion is not an honourable man...looking at previous planning applications...Briar Clough was completed not in accordance with the approved plans and protected trees were cut down without permission...The original Briar Clough was meant to be demolished after completion of the new house but this was not carried out...and subsequently planning permission was granted to retain the original Briar Clough which now he wants to demolish.

Consultee responses

Endon with Stanley Parish Council

6.2 No comments received as of 15.01.2019. However, it is noted that the PC had no objections to the application recently refused (SMD/2018/0455).

SMDC Highway Authority

6.3 No comments received as of 15.01.2019. However, it is noted that the Highway Authority had no objections to the application recently refused (SMD/2018/0455), subject to conditions and informatives. The previously recommended conditions and informatives are copied below.

Conditions

- (1) The development hereby permitted shall not be brought into use until details of the 2.4mx43m visibility splays in both directions at the proposed access and to the west at the existing access have been submitted to and approved in writing by the Local Planning Authority. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development being brought into use.*
- (2) The development hereby permitted shall not be brought into use until the access drives rear of the public highway has been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5m back from the carriageway edge in accordance with details to be first submitted to and approved in writing by the Local planning authority. The access shall thereafter be surfaced in accordance with the approved details.*
- (3) The proposed new access points shall be ungated.*
- (4) The development hereby permitted shall not be brought into use until the proposed access to the site within the limits of the public highway has been completed.*
- (5) The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plans. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.*
- (6) The garages indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.*
- (7) Before the proposed development is brought into use, details shall be first submitted to and approved in writing by the Local Planning Authority indicating dropped pram crossing opposite the access of the western-most dwelling. The dropped pram crossing shall thereafter be provided before the western-most dwelling is first occupied.*

Reasons

All - To comply with NPPF (2018) paragraph 108; to comply with SMDC Core Strategy Policy DC3; in the interests of highway safety.

5 & 6 - To provide adequate parking and turning areas.

- 7 - To provide pedestrian access to the existing footway system; to comply with SMDC Core Strategy Policy T1 and T2; to provide facilities for pedestrians; to encourage and facilitate alternative means of transport.

Informatives

- a. The dropped crossing to the site shall be constructed/reconstructed in accordance with the submitted drawing and SCC requirements. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place, 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to nmu@staffordshire.gov.uk)
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>
- b. The condition requiring off-site highway works (pram crossing) shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.
<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

Notes to Planning Officer

- There is no footway on the frontage of the site at this point of Clay Lake. The dropped pram crossing on the north side of Clay Lake opposite the access of the western-most dwelling is required to allow pedestrian and particularly pushchair/wheelchair access to the existing footway.

SMDC Environmental Health

6.4 No comments received as of 15.01.2019. However, it is noted that the Environmental Health Dept had no objections to the application recently refused (SMD/2018/0455), subject to conditions and informatives. The previous comments, conditions and informatives are copied below.

Potential Areas Of Environmental Concern

1. Noise (during & post construction)
2. Dust during construction
3. Potential Contamination

4. Waste

General Comments

6.5 *No objection in principle.*

6.6 *Asbestos: Any redundant on site buildings may well have asbestos containing materials (ACM) in their fabric (e.g. asbestos roof) To ensure no future asbestos contamination, as a result of demolition a “Demolition or refurbishment asbestos survey” and risk assessment should be carried out prior to the demolition of these 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/>. This is included as an advisory.*

6.7 *Nuisance: The proposed development is close to existing properties so care needs to be taken during the construction phase to ensure these activities do not cause unreasonably disruption to the neighbours enjoyment of their properties.*

6.8 *If consent is granted the following conditions are recommended:*

Conditions

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

08:00 - 18:00 hours (Monday to Friday)

08:00 - 13:00 hours (Saturday)

No working is permitted on Sundays or Bank Holidays.

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

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

2. The development, including demolition hereby permitted, shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement should include the following details:-

I. A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.

II. Details of wheel washing facilities. All demolition/construction vehicles shall have their wheels cleaned before leaving the site;

III. a scheme for recycling/disposal of waste resulting from the demolition/construction works;

IV. the responsible person (e.g. site manager / office) who could be contacted

in the event of complaint;

Once approved, all relevant activities on the site should be carried out in accordance with Construction and Environmental Method Statement throughout the course of the development.

Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

Reason: To protect the amenities of the area from dust

3. In the event that contamination, including surface coal measures, 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 exists 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. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

Reason (common to 4 & 5): 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.

5. 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.

Reason: To protect the amenities of the area.

Advisory Notes/Informatives

- *Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.*
- *A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>*
- *Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance.*
- *Information on Coal Mining Risk Assessment can be found on the UK government Website:<https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments>*
- *Any approved foul drainage system should meet the British Standard 6297:2007+A1:2008: Code of practice for the design and installation of drainage fields for use in wastewater treatment <http://www.bsigroup.com>*
- *Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>*
- *During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.*
- *. The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils <http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>*
- *Building Research Establishment Guidance Document ‘Control of Dust from Construction and Demolition Activities’ (BR456)*
- *If required, contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Planning Policy Statement 23 and the CLR Report Series*
- *Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.*

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

SMDC Arboriculture

6.9 No comments received as of 15.01.2019. However, it is noted that the Arboricultural Officer had no objections to the application recently refused (SMD/2018/0455), subject to conditions and informatives. The previous comments, conditions and informatives are copied below.

Initial Response

6.10 *Summary: Overdevelopment with regard to required replacement protected tree planting and shading/overbearing impact of existing protected trees.*

6.11 *A Tree Report and Survey is submitted with the application. However, this is dated 17.02.2009, and is drafted under the auspices of the now-superseded 2005 edition of British Standard 5837 which was updated/replaced in 2012; this Tree Report, in a very slightly revised form dated 14.04.2009, was that which*

accompanied the outline planning application 09/00386/OUT. The outline application did not submit or seek approval of layout, and therefore this Tree Report did not assess the impact on trees arising from any specific development. There have since been changes in relation to trees at the site, not least the recent felling of the large mature Beech tree denoted as T6 in the Tree Report. Obviously, given its age, the Tree Report also does not refer to the current application for 2 detached dwellings. In view of the circumstances outlined above, this Tree Report must be considered out of date and largely irrelevant with respect to the current application.

6.12 Until recently, T6 was a very large (>20m tall, >1m stem diameter) Beech tree situated within the current application site; the stump remains in situ, approximately within a metre or two of the north-west corner of the proposed footprint position of the western-most new dwelling. This tree was protected as T28 under TPO No. LR.6, but its recent felling was authorised by consent granted on 08/12/2017 due to a notable decline in crown condition, evidence of limb shedding and a cavity to the main stem, with further decline anticipated and a tree of such size and in such condition therefore inappropriate to retain in proximity to a busy road and surrounding residential properties.

6.13 Consent to fell the Beech T28 was conditional upon its replacement by a new standard Beech tree, not yet carried out, which is required to be planted as close as reasonably practical to the position of the original tree before the end of the forthcoming dormant season (November 2018 to February 2019 inclusive).

6.14 The proposed development would prevent replacement planting in accordance with this requirement, or elsewhere on the frontage of the application site. Given the massive stature and dominant visual presence of the original tree prior to felling, it was considered important to ultimately re-establish such amenity by requiring a replacement tree of similar potential mature size in a similar position near the road frontage. Therefore planting a replacement tree in the rear garden of one of the proposed plots (realistically the eastern-most plot, as the rear garden of the westernmost plot is already largely dominated by existing mature, protected trees – about which more is commented below) would not achieve the same level of public amenity value.

6.15 There is a mature ‘Kanzan’ flowering Cherry and an early-mature Rowan to the site highway frontage boundary, neither of which is protected. The application site plan is not explicit about whether these are to be retained or removed, but given the extent of proposed demolition and new development close to them, it is likely that both would suffer significant damage if retained. These trees are situated directly beneath overhead electric wires, and indeed the Cherry shows evidence of past topping presumably to address encroachment. In any event, these two trees are not considered to be significant nor to have substantial retention value, and I would have no objection to their removal.

6.16 Existing mature trees towards the rear of the application site, and beyond in the retained garden to the existing new ‘Briar Croft’ dwelling, are indicated on the application’s site plan, and are protected within Area A4 under TPO No. LR6. The Root Protection Zone of the closest of these, a mature Sycamore denoted T7 in the application’s Tree Report, is indicated and is presumably derived from measurement

in the outdated 2009 report, although in practice is unlikely to be of substantially greater radius – possibly up to around 0.5m greater. The footprint of the closest, western-most proposed dwelling is shown just outside the indicated RPZ of T7, which may in practice be just inside if the tree has made any detectable increase in stem diameter in the intervening years, although it is considered that the proposed development would be unlikely to have greatly significant direct impact on this tree given adequate temporary protection measures during construction.

6.17 However, this tree T7 would nonetheless dominate the rear garden of this plot, and being located only some 6.5m directly in line with the living room principle window, and with its crown also likely to be almost brushing the rear elevation outside main bedroom windows, this tree is likely to be perceived as overbearing by occupants. In addition, T7, being some 18m tall and in conjunction with several other mature Sycamores of equivalent stature immediately behind T7, to the southern side of the proposed dwelling and its garden, would cast considerable shade over the garden and into the rear accommodation of this plot, and to a lesser degree the second plot. In consequence, the shady and heavily restricted outlook from both rear of dwelling and garden is considered likely to lead to pressure for felling and/or substantial crown reductions which would be much more difficult to reasonably resist in the event that planning permission is granted and which would have a detrimental impact on the public amenity value provide by these trees and on the character of the local area.

6.18 In conclusion, given the constraint on accommodating a replacement tree for the recently felled Beech T6/T28, and the shading/overbearing detrimental impact on outlook and living conditions likely to lead to pressure for further felling and/or lopping, it is considered that the current application amounts to over-development of what otherwise might appear to be a suitably sized site for two plots.

6.19 Alternatives possibly worth consideration (subject of course to other planning issues) could include to substantially scale down the footprint size of the dwellings, perhaps even semi-detached, or to go for a single more centrally positioned but potentially larger footprint dwelling – which might be more in keeping with the general character of the area – but in either case the layout should allow plenty of space for planting (and subsequent growth to mature size) of a replacement Beech tree near the frontage (but set back well away from the overhead electric wires) and give careful thought to internal room layout and principal windows in order to minimise shading and overbearing impact on outlook arising from the trees to the rear.

Subsequent comments

6.20 Further to my previous comments...the agent has submitted an amended proposed site layout plan (Drg. No. 1042_111 Rev C).

6.21 The footprint of the western-most of the two proposed new dwellings has been moved forwards towards the road, and this would ensure that the footprint would be completely outside the Root Protection Area of the mature Sycamore T7 to the rear – including any increase in RPA since the original tree survey of 2009. There would therefore be no significant direct physical impact on this (or any other)

tree arising from the proposal as amended, assuming the implementation of appropriate temporary tree protection barriers during construction, which of course can readily be conditioned.

6.22 This footprint re-positioning has also slightly increased the clearance of the rear elevation from the crown of the tree. Whilst the tree will remain dominant in the rear garden of this plot, it is considered that the additional clearance and on-going control of the TPO, together with resolution of other issues (see above and below) now makes the scheme acceptable on balance with regard to tree impacts and relationship between dwelling and trees. The LPA would retain control over any future work proposed or carried out to this tree, as it would remain under the protection of TPO No. LR.6. Whilst minor pruning may be considered acceptable from time to time in order to maintain an appropriate minimum clearance from the proposed dwelling if built and avoid direct encroachment, the applicant – and any subsequent owners/occupiers – would nevertheless need to accept that this tree would be a relatively dominant feature in the rear garden and rear outlook from the house, and applications for subsequent felling or substantial crown reduction to mitigate these issues would be unlikely to be approved.

6.23 My discussions with the agent included consideration of whether the western-most proposed new dwelling could be “handed” to locate its garage on its western side, but I understand that site levels required for vehicle access to the garage in relation to the road would not readily accommodate this. Nevertheless, if this could be achieved it would be worth considering, as such an arrangement would further ease the dominance of the Sycamore T7 in the outlook from the main living accommodation at the rear of the dwelling.

6.24 The TPO consent granted in December 2017 for the felling of the previous mature Beech (T6 in the applicant’s 2009 tree report, and protected as T28 under TPO No. LR.6) requires replacement planting “as close as reasonably practical” to the position of the original tree. At the time, it was envisaged that this would be perhaps within a metre or two of the original tree’s position (i.e. not requiring physical removal of the tree stump, unless the owner wishes to do so anyway). The objective would be to secure replacement planting in a similarly prominent position near the site frontage, so that ultimately at maturity the replacement tree could potentially provide a similar level of public amenity value.

6.25 This subsequent planning application for 2 dwellings would in practice prevent such replacement planting this close to the old stump position, as it would be within the denoted car parking area for the western-most new plot, and also much too close to the western elevation of its proposed dwelling to allow the tree to achieve even semi-mature size without a need for repeated crown reductions and/or a risk of structural damage.

6.26 However, the agent has identified 3 potential alternative positions for the required replacement Beech tree, in the context of the development now proposed. One of these options is to the rear of the eastern-most proposed new dwelling, and one to the rear of the garage/dwelling of the existing new house at Briar Clough, but it is considered that both of these are set too far back from the road frontage, with substantial intervening existing or proposed buildings, and so would not allow the

tree to achieve such significant public amenity value if planted in either of these positions.

6.27 The third option, meanwhile, is close to the Clay Lake frontage, but just to the west of the existing access to the existing new house. This is little more than a drive's width from the old tree stump, so would be within the spirit of the required "as close as reasonably practical" location. It would be set back far enough from the highway boundary so as not to impinge on drivers' visibility when emerging from the access, and would be far enough from existing and proposed dwellings to have the space to grow and develop to maturity. Being prominently close to the frontage, the replacement tree would provide an increasingly significant level of public amenity/street-scene contribution as it establishes and matures.

6.28 Overall, and on balance, I therefore now consider the application to be acceptable with regard to potential impact on, and relationship with, important/protected trees, but would request that the following conditions be imposed in the event that planning permission is granted:

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

2. Before the commencement of development (including any demolition, site clearance, site stripping, site establishment or formation of new access) temporary protective fencing and advisory notices for the protection of the existing trees to be retained shall be erected in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations, and shall be retained in position for the duration of the period that development takes place, unless otherwise agreed by the LPA. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed by the LPA.

Note

6.29 If planning permission is granted, further confirmation to the applicant can be given under TPO administrative procedures in relation to the precise position of the required replacement Beech tree.

SMDC Waste (Operations)

6.30 AES waste collection service has no issue with the current planning application.

Severn Trent Water

6.31 With Reference to the above planning application the company's observations regarding sewerage are as follows.

6.32 As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

6.33 Severn Trent Water advises that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

7 POLICY, MATERIAL CONSIDERATIONS AND PLANNING BALANCE

Policy Context

7.1 The Local Planning Authority is required to determine planning applications in accordance with the development plan, unless there are material circumstances which indicate otherwise. The Council's Development Plan is formed of the Core Strategy (CS) Development Plan Document (adopted March 2014) and the Saved Local Plan Proposals Map/Settlement Boundaries (adopted 1998), which remains in force until the Council's Local Plan is adopted.

7.2 Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' as contained within the National Planning Policy Framework (the Framework) where: (1) planning applications that accord with policies within the Core Strategy will be approved without delay and (2) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, the Council will grant planning permission unless:-

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. (Para 11 NPPF July 2018).

7.3 The policies contained in the Framework are supplemented by the National Planning Practice Guidance (NPPG), which is also a material consideration in the determination of this application.

Principle of Housing Development in the Green Belt

7.4 Policy SS1 of the CS requires development to contribute positively to the social, economic and environmental aspects of Staffordshire Moorlands. This is to be achieved by, inter alia, providing a mix of quality housing types and tenures (including affordable homes) whilst maintaining the distinct character of the Staffordshire Moorlands, its individual towns and villages and their settings; development should protect or enhance the natural and historic environment of the District and provide easy access to jobs, shops and transport services.

7.5 As noted, policy SS1a of the CS states that planning applications that accord with the CS will be approved without delay, unless material considerations indicate otherwise.

7.6 Policy SS2 of the CS states that provision will be made for 6000 additional dwellings to be completed between 2006 and 2026.

7.7 Policy SS3 of the CS outlines how housing development is to be distributed across the District, with 28% of the total of planned new housing to be located across the 'rural areas'.

7.8 Policy SS4 of the CS deals with managing the release of land for housing across the District. It is noted in the policy that in the Green Belt levels of new housebuilding is to be restricted up to 2016 but there would be limited granting of permissions on 'windfall' sites.

7.9 Policy SS6 of the CS covers the 'rural areas', sub-divided into 'larger villages', 'smaller villages' and 'other rural areas'; a total of 1680 new dwellings are to be provided across the 'rural areas'.

7.10 Policy SS6a of the CS relates to 'larger villages'. Endon is classified as one of the 'larger villages' in the settlement hierarchy. As noted above (para 2.2) the Council has previously accepted the application site as being within the village of Endon for Green Belt policy purposes (see Officer Report for SMD/2017/0469), though it is noted that the settlement boundary of Endon shown on the proposals map doesn't include the application site (the boundary is directly in front of the site).

7.11 Policy SS6c of the CS relates to 'other rural areas' outside of the 'larger' and 'smaller' villages and comprises countryside and Green Belt outside of development boundaries. The policy states that development in such areas shall either: a) meet an essential local need, b) support rural diversification and sustainability of rural areas or c) promote sustainable tourism or enhance the countryside. The policy also notes that strict control will be exercised over inappropriate development in the Green Belt, allowing only for exceptions as defined by Government policy.

7.12 Policy H1 of the CS states that new housing development should (inter alia) provide for a mix of housing sizes, types and tenure (including a proportion of affordable housing as set out in policy H2 and appropriate housing for special groups in accordance with the Area Strategies). The policy also allows for a degree of

residential development on windfall sites (up to 9 No. dwellings in towns and larger villages and 5 No. dwellings in smaller villages) within the infill boundaries.

7.13 Section 5 of the NPPF deals with delivering a sufficient supply of homes in order to *“boost significantly the supply of homes”* (para. 59).

7.14 Section 9 of the NPPF deals with protecting Green Belt land. At the outset, new buildings in the Green Belt are deemed to be inappropriate development and should be refused unless there are very special circumstances. There are exceptions to this general proposition, one of which is *“limited infilling in villages”*.

7.15 Hence, in summary, taking account of key CS policies and policies in the Framework re housing development and Green Belt, the proposed development is for 2 No. dwellings. The site location is within the ‘other rural areas’, as defined in the CS settlement hierarchy, and located within the Green Belt. However, the application site has been accepted by the Council as being within the Village of Endon for the purposes of the application of Green Belt policy. The site constitutes a windfall site. Given the planning history of the application site, the size of the site, the context of the existing surrounding residential properties and the extent of the proposed development, it is considered that the proposal constitutes *“limited infilling in a village”* and as such satisfies one of the exceptions for new buildings in the Green Belt. Hence, the proposal is deemed to be acceptable in principle.

7.16 As noted above, para 11 of the Framework states, inter alia, that development proposals which accord with an up-to-date development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most relevant are out of date, planning permission should be granted, unless: i) *“the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”* or ii) *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies if this Framework as a whole.”* Green Belt is deemed to be one of the aspects covered by point ‘i’ above.

7.17 Paragraph 144 of the Framework explains that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ 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.

7.18 A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. As noted above, exceptions to this include *“limited infilling in villages”* and it is concluded that the proposal complies with this exception.

7.19 Given that there is no conflict with paragraph ‘11 d) i)’ of the Framework planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole – the so called *“tilted balance”*. That is not to say that such policies are no longer relevant nor does it alter the status afforded to these policies being part of the Development Plan. However in such

cases the weight attributed to out of date policies is a matter for the decision-maker, but it needs to be balanced against the provisions of the Framework as a whole.

Highway safety and sustainable transport

7.20 Policy T1 of the CS seeks to support development which reduces the reliance on the private car for travel journeys and reduces the need to travel generally. Development should be close to and not detrimentally impact upon the highway network; sites should be located to enable a range of sustainable travel modes to be used. Section 9 of the Framework seeks to promote sustainable transport.

7.21 As noted, the application seeks permission for 2 No. dwellings with an individual access for each property to be taken from Clay Lake and turning area and parking spaces being provided within each site.

7.22 The Highway Authority did not raise any objections to the previous proposal on the grounds of Highway safety, (subject to conditions and informatives as outlined above). Although no garages are proposed as part of the current application it is considered that this does not alter the conclusions previously reached by the Highway Authority.

7.23 It is considered that the proposal would not detrimentally impact on the surrounding highway network, would provide a safe means of access to/from the dwellings and is able to provide appropriate levels of on-site parking along with being able to provide suitable refuse storage and collection arrangements.

7.24 The application site is located approx. 1k from the edge of Endon village centre, which has a range of facilities and services such as a village store, Doctors Surgery, Pharmacy, Children's Nursery, Primary School, Hair Salon, Café, a few Churches, Scout Group premises and Public House; there is a Secondary School also approx. 1k from the site and there are buses available providing access to/from e.g. Hanley. There is a footpath on the opposite side of road from the site which would enable future residents to walk into the village centre (and around the area) from the site; cycling in the area would also be feasible. Hence, the site is sustainably located and modes of transport other than private motor vehicles could be used for some trips. Consequently the proposed development would accord with CS policy T1 and section 9 of the Framework.

Design, impact on the street-scene and the character & appearance of the area

7.25 As noted, policy SS1 of the CS seeks, amongst other things, to ensure development contributes positively to the environment, maintains the distinctive character of the Staffordshire Moorlands District and the individual towns & villages and their settings. Policy DC1 of the CS requires, amongst other things, all development to be well designed, reinforce local distinctiveness, positively contribute to or compliment the special character and heritage of the area and be of high quality respecting the site and its surroundings, including scale, layout, character and appearance. Within the SPD 'Design Principles for Development' the following points are noted:

- a) *new development should always have regard to its surroundings so that it is appropriate and blends with the scale, proportions, materials and character of the buildings of the area, and*
- b) *new buildings should relate to existing buildings in terms of scale and proportion, massing and materials and should derive their inspiration from local tradition.*

7.26 Para 124 of the Framework states that good design is a key aspect of sustainable development.

7.24 As noted, the application seeks permission for demolition of the existing dwelling and construction of 2 No. detached dwellings, with access points off Clay Lake and turning and parking areas within the plots.

7.25 A recent application (SMD/2018/0455) was refused, as resolved by the Committee. The reason for refusal is copied below:

The proposed development of 2 No. dwellings within the application site is considered to be out of keeping with the street-scene and the character and appearance of the area. The street is characterised by relatively large properties in relatively large plots. Inserting 2 No. dwellings into the application site, which would readily accommodate 1 No. dwelling, would comprise over-development of the site. The impact would be harmful to the street-scene and consequently the character and appearance of the area. Therefore the proposal would not accord with Core Strategy policies DC1 and DC3, both of which, inter alia, seek to protect or enhance the character of the area. The identified environmental harm results in the proposal being an un-sustainable form of development which therefore does not accord with Core Strategy policy S1a or the concept of sustainability at the heart of the National Planning Policy Framework, which is a significant material consideration.

7.26 The Agent for application SMD/2018/0455 attended the planning committee at which the application was refused. His understanding of the debate was that, as well as the principle of constructing 2 No. houses on the site rather than one, members thought the properties were a little large and provided limited space between them, which reduced the openness and consequently resulted in the proposed dwellings impacting on the street-scene and the character and appearance of the area.

7.27 It is reiterated that the change in National and subsequently Local Green Belt policy and the exception of “*limited infilling in villages*” allows in principle for the development of 2 No. dwellings on the site. The key consideration is therefore the design and impact on the street-scene/character of the area.

7.28 The street-scene and character of Clay Lake needs some consideration to provide the context for appraising the current application. Clay Lake runs from Leek Road, in the east, and merges into Breach Road to the west, at the top of the hill. It is acknowledged that most of the properties along Clay Lake are detached, mainly two-storey, and some have relatively large plots. However, it is noted that a) there is a terraced row of 4 No. dwellings at the western end of Clay Lake, on the northern side, b) there is a pair of semi-detached dwellings on the eastern side of Clay Lake

approx. half-way between Leek Road and the application site, c) that there are a few bungalows (e.g. 'Woodheyes', 'Dane Heights' previous Annex. – both sited towards the eastern end of Clay Lake on the northern side of the road), d) the plot sizes of properties along Clay Lake are of varying sizes, ranging from e.g. 'Holly Cottage' plot of approx. 560 sqm, to the plot of 'Kings Croft' at 3,100 sqm; two of the properties on the opposite side of Clay Lake to the application site, but not far from it, to the north-east, i.e. 'Blencathra' and 'Tree Tops', have plots measuring approx. 530 sqm and 590 sqm respectively and e) the sizes of the dwellings along Clay Lake also varies and as noted, there are some terraced properties and a few bungalows.

7.29 The application site measures approx. 1,340 sqm in total and the 2 No. proposed plots measures approx. 690 sqm and 640 sqm respectively. Hence, the sizes of the 2 No. proposed plots are both larger than some of the existing plots on Clay Lake. The proposed dwellings are two-storey with habitable rooms in the roof space. The footprints of the dwellings each measure approx. 95 sqm. Again, given the variation in the sizes of properties along Clay Lake the sizes of the proposed dwellings are smaller than some but larger than others.

7.30 Apart from the terraced properties referred to, the rest of the properties along Clay Lake are set back from the footpath/carriageway. The existing property on the application site abuts the carriageway verge. The proposed dwellings are set-back from the carriageway which is a feature more in keeping with the existing pattern along Clay Lake.

7.31 The current submission has reduced the size of the proposed dwellings thereby increasing the space between them and improving the sense of openness. The reductions primarily consist of removing the two-storey side gables from the eastern side of each dwelling; these aspects previously were approx. 3m wide and included single garages on the ground-floor and a bathroom, en-suite and dressing room on the first floor. Hence, the mass of the proposed properties is reduced and the space between them is increased. Consequently the ratio of plot size to built form is increased. Apart from this significant change the architectural design detail of form and fenestration etc. remains very similar to the design of the previous dwellings. The 2 No. dwellings are now identical, though they are set-back varying distances from the front, northern boundary. The proposed plot sizes and footprint sizes have been detailed above. The ridge heights are approx. 9.7m from ground level. Both properties have 3 No. bedrooms on the first-floor and a home office and study rooms in the roof space (which could be used as bedrooms, given their size). There are 3 No. en-suite rooms and a bathroom. The ground-floor provides living, kitchen/dining, snug and utility areas. Hence, the dwellings are not 'small' dwellings. The external elevations are to be brick and the roofs are to be plain clay tiles. Clay Lake wends up a hill; the submitted street-scene shows the proposed dwellings to be lower than 'Briar Clough' and higher than 'Heather Clough'. The designs of properties along Clay Lake are varied and there is a mix of materials, but primarily brick elevations.

7.32 Bearing in mind the design details of the proposed dwellings, the materials to be used, their respective sizes, their respective plot sizes, the set-back from the road and comparisons with other properties along Clay Lake re design, size and plot size, it is considered that the proposed dwellings are in keeping with the street-scene and

therefore would have an acceptable impact on the character and appearance of the area. Bearing the points in mind it is considered that the applicant has addressed the reason for refusal on application SMD/2018/0455 and that the proposed development accords with CS policies SS1, DC1 and DC3, the SPD 'Design Principles for Development' and section 12 of the Framework (esp. paras 125, 127 & 130).

Arboricultural, Landscape and biodiversity issues

7.33 Policy DC1 of the CS requires all development to be well designed and reinforce local distinctiveness, which includes, amongst other things, appropriate landscaping. Policy NE1 of the CS seeks to conserve and enhance the biodiversity and geological resources of the District. Section 15 of the Framework seeks to protect and enhance the natural environment.

7.34 As noted by the Arboricultural Officer on the previous application (SMD/2018/0455), although an up-to-date tree survey wasn't submitted with the application there is no requirement for one at this stage. Details of landscaping could be secured via conditions. Bearing in mind the comments of the Arboricultural Officer and the recommended conditions and informatives it is concluded that there are no significant arboricultural or landscaping issues that would warrant a refusal.

7.35 Given the location of the site and its particular features it is considered that there are no significant ecological aspects that would be harmed as a result of the proposal.

7.36 Bearing the above points in mind it is considered that the proposal accords with the arboricultural, landscaping and ecological tenets of CS policies DC1 & NE1 and section 15 of the Framework.

Impact on residential amenity

7.37 Policy DC1 of the CS seeks, amongst other things, to protect residential amenity. Bullet point 'f' of para. 127 of the Framework requires a good standard of amenity for all existing and future occupants of land and buildings to be achieved.

7.38 The neighbouring properties nearest to the site are a) the dwelling known as 'Heather Clough', to the east, and b) the new 'Briar Clough' to the west (owned by the applicant). The reduction in the size of both dwellings from the previous application results in the proposed dwelling nearest to 'Heather Clough' being further away from 'Heather Clough'. It is acknowledged that there is a difference in levels between the sites. The resultant gap between the western side elevation of 'Heather Clough' and the eastern side elevation of proposed dwelling 'A' (i.e. the dwelling closest to 'Heather Clough') is now approx. 7.6m at the nearest point. The roof of the proposed dwelling closest to 'Heather Clough' slopes away from 'Heather Clough'. The 2 No. properties are not directly in line with each other. There is substantial hedging and shrubbery along the boundary between the 2 No. sites. The only windows on the eastern facing side elevation of the dwelling closest to 'Heather Clough' serve the kitchen on the ground-floor and an en-suite room on the first-floor. It is acknowledged that there would be some loss of sunlight to the rear garden area

of 'Heather Clough' from late afternoon/evening. However, bearing in mind all the above factors, it is considered that the proposed development would not harm the amenities of the occupants of 'Heather Clough' (re loss of light, privacy or overbearing impact) to a degree that would warrant a refusal.

7.39 The western facing side elevation of proposed dwelling 'B' is sited approx. 13.5m from the eastern side gable of 'Briar Clough' (the property the applicant lives in). Proposed dwelling 'B' is set forward of 'Briar Clough'. There are 2 No. small windows on the western facing side gable of property 'B' that serve habitable rooms, x1 on the ground-floor (secondary lounge) and x1 on the first-floor (en-suite). Given a) the orientation of proposed western facing gable of dwelling 'B' and the eastern facing gable of 'Briar Clough', b) the distance between these gables, c) the limited window opening and their position on the gable of 'Briar Clough' and the resultant angle to the 1 No. small habitable room window on the western facing gable of proposed property 'B', it is considered that the proposed development would have little impact on the amenities of the occupants of 'Briar Clough'.

7.40 Bearing all the above factors in mind it is considered that the proposed development would have a limited and acceptable degree of impact on the amenities of neighbouring properties. It is also considered that the amenities of future occupants of the proposed dwellings would be of a satisfactory level. As such, the proposal accords with the amenity tenets of CS policy DC1 and bullet point 'f' of para. 127 of the Framework.

Drainage, surface water run-off and flooding

7414 Seven Trent Water (STW) does not object to the application and no conditions are recommended. The submitted plans depict rainwater soakaways to flow with the lie of the land, towards the brook at the rear of the site.

7.42 Bearing in mind the consultation response from STW it is considered that there are no known drainage or flooding issues that would result from the application. The proposal therefore accords with CS policy SD4 and section 14 of the Framework.

6 PLANNING BALANCE

8.1 As outlined above, the application is to be determined in accordance with the Development Plan, unless there are material considerations that indicate otherwise. It has been concluded above that the proposed development is acceptable in principle within the exceptions of Green Belt policy and local housing policies.

8.2 It has also been concluded that the proposed development is also acceptable, subject to a range of conditions and informatives, in respect of design, impact on the street-scene/character of area, impact on neighbour amenity, highway safety, impact on arboricultural matters, landscaping and ecology and there are no drainage or flooding issues. The proposal would provide a small contribution to the housing needs of the area, which is of some social benefit, and there would be some economic benefits stemming from the construction phase, future occupants contributing to the local economy and resultant council tax and new homes bonus. It

has been noted that the Council cannot currently demonstrate a 5 year supply of housing land.

8.3 Bearing in mind all the factors discussed above, the proposed development would constitute a sustainable form of development that accords with CS policy SS1a (sustainability) and the concept of sustainability at the heart of the NPPF.

8 RECOMMENDATION - APPROVE

A. It is recommended that planning permission is granted subject to any outstanding consultations and the conditions and informatives outlined below.

Conditions

- 1. Development to begin within 3 years.**
- 2. Development to be undertaken in accordance with approved plans.**
- 3. Samples of materials (brick and roof tile).**
- 4. The development hereby permitted shall not be brought into use until details of the 2.4m x 43m visibility splays in both directions at the proposed access and to the west at the existing access have been submitted to and approved in writing by the Local Planning Authority. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development being brought into use.**
- 5. The development hereby permitted shall not be brought into use until the access drives rear of the public highway have been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5m back from the carriageway edge in accordance with details to be first submitted to and approved in writing by the Local planning authority. The access shall thereafter be surfaced in accordance with the approved details.**
- 6. The proposed access points shall be un gated.**
- 7. The development hereby permitted shall not be brought into use until the proposed access to the site within the limits of the public highway has been completed.**
- 8. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plans. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.**
- 9. Before the proposed development is brought into use, details shall be first submitted to and approved in writing by the Local Planning Authority of a dropped pram crossing to be located opposite the access of the western-most**

dwelling. The dropped pram crossing shall thereafter be provided before the western-most dwelling is first occupied.

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

08:00 - 18:00 hours (Monday to Friday)

08:00 - 13:00 hours (Saturday)

No working is permitted on Sundays or Bank Holidays.

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

11. The development, including demolition hereby permitted, shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement should include the following details:-

I. A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.

II. Details of wheel washing facilities. All demolition/construction vehicles shall have their wheels cleaned before leaving the site;

III. a scheme for recycling/disposal of waste resulting from the demolition/construction works;

IV. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;

Once approved, all relevant activities on the site should be carried out in accordance with Construction and Environmental Method Statement throughout the course of the development.

Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

12. In the event that contamination, including surface coal measures, 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 exists 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. Following

completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

14. 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.

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

16. Before the commencement of development (including any demolition, site clearance, site stripping, site establishment or formation of new access) temporary protective fencing and advisory notices for the protection of the existing trees to be retained shall be erected in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and shall be retained in position for the duration of the period that development takes place, unless otherwise agreed by the LPA. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed by the LPA.

17. Prior to commencement of development details of existing ground and proposed ground and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

Informatives

- i) The LPA has worked with the applicant to secure a sustainable form of development. Para 38 pf the NPPF has been adhered to.

- ii) The dropped crossing to the site shall be constructed/reconstructed in accordance with the submitted drawing and SCC requirements. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place, 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to nmu@staffordshire.gov.uk)
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>
- iii) The condition requiring off-site highway works (pram crossing) shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.
<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>
- iv) The responsibility for safe development and secure occupancy of the site rests with the developer.
- v) A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing building(s). 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/>
- vi) Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance.

- vii) **Information on Coal Mining Risk Assessment can be found on the UK government Website: <https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments>**
 - viii) **Any approved foul drainage system should meet the British Standard 6297:2007+A1:2008: Code of practice for the design and installation of drainage fields for use in wastewater treatment <http://www.bsigroup.com>**
 - ix) **Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download <http://archive.defra.gov.uk/environment/quality/local/legislation/cn/ea/documents/statnuisance.pdf>**
 - x) **During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.**
- **The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils <http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>**
 - **Building Research Establishment Guidance Document ‘Control of Dust from Construction and Demolition Activities’ (BR456)**
 - **If required, contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Planning Policy Statement 23 and the CLR Report Series**
 - **Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.**
 - **The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become and “appropriate person”. In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.**
 - **Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems**

are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

- During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes
 - The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.
 - Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.
- x i) The applicant is advised to contact Steve Massey, Arboricultural Officer, to agree procedures (under TPO administrative procedures) in relation to the precise position of the required replacement Beech tree.
- x ii) Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.
- B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal), prior to the decision being issued the 'Operations Manager-Development Services' has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee,

provided that the changes do not exceed the substantive nature of the Committee's decision.

