

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

17th October 2019

Application No:	SMD/2019/0005	
Location	Land off Black Lane, to the east of Nos 4 and 5 The Plain, Whiston	
Proposal	Erection of 4 dwellings	
Applicant	Mr Peter Bull	
Agent	Mr Jim Malkin JMI Planning	
Parish/ward	Kingsley / Churnet	Date registered 8 th Jan 2019
If you have a question about this report please contact: Arne Swithenbank tel: 01538 395578 or e-mail arne.swithenbank@staffsmoorlands.gov.uk		

REFERRAL

The application is a Full Minor and is referred to Committee at the request of former Cllr Ivor Lucas (who was a serving Councillor at the time) in order for committee to consider in particular the impact on the character and appearance of the area and drainage and flooding.

1. SUMMARY OF RECOMMENDATION

Approve with conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 This is a c.0.14ha site to the NE corner of the smaller village of Whiston. It comprises recently disturbed ground which has subsequently re-vegetated with generally ruderal species, brambles and shrubs. It appears in the recent past to have been cultivated as garden land or allotments associated with nos. 4 and 5 The Plain. These are two storey vernacular stone built cottages forming a terrace which stands in a dip beyond the NW corner of the site. The applicant regards the land as “unused domestic curtilage”.

2.2 The northern edge of the site is bounded by a high embanked section of one of the former Caldon Tramways dating from the late 18th / early 19th C. The site is also slightly embanked along its eastern boundary where there is a track way and beyond which is a modest sized pond (both track and pond being outside the site). A single-track lane borders the southern boundary of the site and alongside this is the high stone wall of buildings associated with Whiston Hall. There is an overall slope trend rising from west to east and the site is very uneven in parts.

2.3 Access to the site is via the track on the southern side which links to Black Lane a short distance (c.75m) to the east.

2.4 In terms of the wider landscape and setting the site is largely cut off from views in or out. The site is though intimately related to the immediate surrounding features as described above. The former tramway on the north edge of the site is recorded in the Staffordshire Historic Environment Record as: "The third of four successive tramways between Caldon Canal and the Cauldon Low Quarry. Work began on its construction 1802 and was completed in 1804".

3. DESCRIPTION OF THE PROPOSAL

3.1 The proposed development would comprise a row of four traditionally styled terraced dwellings of three bedrooms each. They would be aligned to face westerly in parallel with numbers 4 and 5 The Plain with some c.23m separating the front elevations from the rear elevations of nos. 4 and 5 The Plain. Access would be via a single width private track which serves 4 and 5 The Plain and also land / property beyond (east) of the application site.

4. RELEVANT PLANNING HISTORY

4.1 SMD/2018/0309 – outline application for the erection of 2 dwellings including provision of car parking for 4 vehicles – approved.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The development plan comprises the adopted Staffordshire Moorlands Core Strategy Development Plan Document (26th March 2014) and supporting evidence documents.

Core Strategy Development Plan (Adopted 26th March 2014),

S01	Spatial Objectives
SS1	Development Principles
SS1a	Presumption in Favour of Sustainable Development
SS6b	Smaller Villages Area Strategy
SS6c	Other Rural Areas Area Strategy
DC1	Design Considerations
DC3	Landscape and Settlement Setting
R2	Rural Housing
NE1	Biodiversity and Geological Resources
T1	Development and Sustainable Transport

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

- Space About Dwellings SPG
- Design Principles SPG

Core Strategy Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

National Planning Policy Framework (NPPF) July 2018

Paragraphs	1 – 14
Section 4	Decision making
Section 12	Achieving well designed places
Section 15	Conserving and enhancing the natural environment
Section 16	Conserving and enhancing the historic environment.

Local Plan Submission Version (February 2018)

SS1	Development Principles
SS1a	Presumption in Favour of Sustainable Development
SS9	Smaller Villages Area Strategy
SS10	Other Rural Areas Area Strategy
DC1	Design Considerations
DC3	Landscape and Settlement Setting
H1	Rural Housing
NE1	Biodiversity and Geological Resources
T1	Development and Sustainable Transport

Local Plan process

5.2 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.

5.3 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 November 2018 to determine whether the Local Plan is sound and legally compliant. Subject to the findings of the appointed inspector, the Local Plan is expected to be adopted later in 2019. At that point, it will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

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

- The stage of preparation: the Local Plan is now at an advanced stage of preparation as the Council has submitted it to the SoS for examination;
- The extent to which there are unresolved objections to relevant policies: this varies depending on the policy in question. Where reference is made in this report to any emerging policies the level of outstanding objections to each policy will be noted and recommendation made as to the amount of weight to be given to the policies at this stage in the process;

- The degree of consistency of policies with the NPPF: given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

6. CONSULTATIONS CARRIED OUT

Public

- 6.1 Neighbour consultations x 1 for response by 31st January 2019.
Site notice posted for responses by 8th February 2019.
– none

Parish Council

- 6.2 Kingsley Parish Council – recommends refusal: the application is not sustainable as there is no bus route, no school and there are potential drainage issues.

SMDC Conservation Officer

- 6.3 Considers a maximum terrace length of three dwellings of this size more appropriate in relation to nos 4 and 5 The Plain; materials should be stone reflecting the stone of all adjacent buildings; each unit should have a chimney rather than just the two as shown centrally positioned.
- 6.4 The site is an area of heritage significance due to its location adjacent to a line of the Cauldon Tramways. At this point the tramway is marked by the Whiston incline and the Brakesmens' cottages on this site were built to house the brakesmen and their families. The 1804 line had cottages for brakesmen at the top of each of the three main inclines. The site also lies within the setting of Whiston Hall and has an historic fishpond to the east. The significance of the site is explained in the recent Historic England/Staffs County Council document 'Caldon Low Early Railways' by Marion Barter. There may be other structures on the site of heritage significance associated with the tramways. No objection in principle to development on this site but the siting, form and appearance needs to be informed by the surrounding historic character with a vernacular form of development using stone and clay tile.

SMDC Ecology

- 6.5 The application is accompanied by ecology survey reports and a proposed Ecology Construction Management plan. There are no overriding considerations subject to conditions to adhere to the proposed management plan.

Severn Trent Water

- 6.6 Advise that the proposal has minimal impact on the public sewerage system and therefore there are no objections to the proposals and no requirement for a drainage condition to be applied.
- 6.7 Severn Trent Water advise that there may be a public sewer located within the application site. Although their statutory sewer records do not show any public sewers within the area specified, they say 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 – cover by informative.

7. POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE

Policy Context

- 7.1 In its general approach, in accordance with policies SS1 and SS1a, 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 Core Strategy shall be approved without delay, unless material considerations indicate otherwise.
- 7.2 Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether: (a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or (b) specific policies in that Framework indicate that development should be restricted.
- 7.3 The Development Plan for the Staffordshire Moorlands District Council consists of the Adopted Staffordshire Moorlands Core Strategy Development Plan Document (March 2014) with regard also being given to the provisions of the National Planning Policy Framework (NPPF); the Council's adopted Supplementary Planning Guidance documents: 'Space About Dwellings' and 'Design Principles' and the Council's Core Strategy Supporting Evidence Document: Landscape and Settlement Character Assessment (2008). Development boundary mapping remains for the present time as approved under the Staffordshire Moorlands Local Plan (September 1998).

Principle of Development and Main Issues

- 7.4 Policy SS6b lists Whiston as a Smaller Village. The policy provides "only for appropriate development which enhances community vitality or meets a local social or economic need of the settlement and its hinterland." It will do this, inter alia, by:
- Enabling new housing development which meets a local need, including affordable housing (in accordance with policy H2);
 - Allowing for rural exceptions housing in appropriate locations on the edge of settlements (in accordance with policy H2). This will be additional to the housing provision for the rural areas.

- 7.5 The SS6b Smaller Villages supporting text at paragraph 8.1.66 states that: “These settlements will continue to be subject to Green Belt or countryside policies but in addition some limited infilling and re-development is considered acceptable. In order to guide development an Infill Development Boundary will be defined around these settlements within which appropriate development will be allowed. These boundaries will be more tightly drawn than Development boundaries to accommodate infilling or re-development but to restrict peripheral expansion.”
- 7.6 In other words the aim of the infill boundary under Policy SS6b would be to define locations of acceptable infill but avoid outward spread. Whiston is one of only a few of the smaller villages for which an infill boundary was adopted as part of the Core Strategy (2014) – a carry forward from the 1998 Local Plan. In the Local Plan submission version (2018) the proposal for infill boundary lines has been dropped in favour of a more flexible criteria-based infill policy. This approach continues to be carried forward in the Council’s adopted main modifications (September 2019). As this remains out for further consultation and as there have previously been objections still only limited weight can be given to this approach.
- 7.7 Being outside of the in-fill boundary the current CS Policy SS6c (rural areas) applies to this site. This restricts new build housing to that “essential to local needs”, and that “supports the rural diversification and sustainability of the rural areas” in accordance with H2, H3 and R2. However, as noted the in-fill boundary for Whiston is considered out-of-date and the policy has not yet been finalised to take full account of the level of housing development required by the Core Strategy. Those sections of CS policies that relate to the supply of housing are also considered to be out of date as per NPPF requirements. In these circumstances, this significantly reduces the weight that can be afforded to the scheme’s conflict with CS policies SS6b, SS6c, H1 and R2, which seek to restrict development in the rural areas outside of defined boundaries.
- 7.8 The Local Plan submission version Policy SS9 area strategy for smaller villages is to allow an appropriate level of sensitive development which enhances community vitality. Development on a large scale would be unsustainable in these villages, as it will generate a disproportionate number of additional journeys outside the villages and may undermine the spatial strategy. Development will be strictly controlled in order to ensure that the character and life of the settlement is not undermined.
- 7.9 Emerging Local Plan Policy H1 refers to development in smaller villages being acceptable where it is well related to the existing pattern of development; where it will not create or expand ribbon development or lead to a sporadic pattern of development; and where the development will not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character and appearance of the countryside.
- 7.10 However, as noted, only limited weight can be attached to these Local Plan submission version policies at this stage. Furthermore, at present the Council

cannot demonstrate a 5 year supply of housing. In these circumstances, the presumption in favour of sustainable development as set out in the Core Strategy and Paragraph 11 (d) of the NPPF applies and permission should be granted unless either protective policies of the NPPF provide a clear reason for refusing the development; or, there would be significant and demonstrable harm to outweigh the benefits of the proposed housing provision, which is set against a backdrop of significant housing shortfall within the district. The site is not constrained by any of the restrictive policies referred to in the footnote to paragraph 11 and therefore the application falls to be determined under the second provision and should be granted permission unless there would be significant and demonstrable harm to outweigh the benefits (the so-called 'tilted balance').

- 7.11 Policy R1 expects a balanced consideration of the extent to which a proposal protects and benefits rural qualities and supports rural economic and community needs stating that, "appropriate development should not harm the rural character and environmental quality of the area".
- 7.12 In summary CS policy SS6b would not originally have supported the development but due to being out of date and due to the Council's weak housing supply the weight attributable to SS6b is reduced; limited weight can be given to the emerging Local Plan which adopts a more flexible criterion based approach. Accordingly, in the absence of a 5 year supply of housing, the application should be determined in accordance with the presumption in favour of sustainable development. There are no restrictive policies in the NPPF which apply and indicate that development should be refused and therefore the application should be approved unless there would be significant and demonstrable harm to outweigh the benefits (the so-called 'tilted balance'). It is in this context that outline consent has been granted for the two dwellings under SMD /2018/0309 establishing partial acceptability in principle – but noting the scheme now comprises four dwellings.

Design

- 7.13 In design the proposal adopts traditional approaches. This is important in this setting with 4 and 5 The Plain and the stone walled building of the Whiston Hall estate all adjacent. The application proposes brick with stone quoins and cills etc. Stone would be more appropriate – as advised by the Conservation Officer – rather than brick and could be required by condition. Again as advised by the Conservation Officer a condition to require a chimney stack per dwelling would also be important.

Visual Impact

- 7.14 Giving consideration to the impact of a residential development at this location on the character, setting, and appearance of the area, the development would be contained by existing buildings on two sides and by the embankment to the former tramway on the north. There are few if any public views of the site from its surroundings and it would not create a prominent intrusion on the countryside nor, subject to design details as discussed, would the development have a significant adverse impact on the character and appearance of the countryside. The scheme is judged consistent with emerging policy H1.

Amenity

- 7.15 A separation of at least 22m is shown from the rear elevation of No. 5 The Plain which accords with the adopted Space About Dwellings requirements. An east – west orientation avoids the Whiston Hall building to the south having any overbearing impact on the principal outlooks of the two proposed dwellings. Sufficient space is available to provide adequate garden and parking including for 4 The Plain.

Ecology

- 7.16 The site has characteristics of having been former garden or allotment land that has been allowed to develop un-managed in recent years and this is borne out by the 2006 air photo which shows a gardened site of mown lawns and cultivated beds with trees and shrubs to the east and north. On this basis ground vegetation survey has not been required but the applicant has submitted site survey information in respect of badgers and Great Crested Newts. A Construction Ecology Management Plan has been submitted which provides a basis for development to proceed with appropriate safeguards in place for protected species.

Sustainability of Location

- 7.17 CS Policy T1 states that the Council will promote and support development which reduces the reliance on the private car for travel journeys, reduces the need to travel generally and helps deliver the priorities of the Staffordshire Local Transport Plan, where this is consistent with other policies.
- 7.18 Whiston has a limited range of facilities/services, including a village hall, a playground, football pitch and a church. In the dismissed appeal ref. APP/B3438/A/14/2222450 for a single dwelling at Whiston Eaves Lane dated 15th October 2014, the Inspector considered the further social role of sustainability, stating that it encompassed: “accessible local services that reflect the community’s needs and support its health, social and cultural well-being. Whilst there is no dispute that there are bus services that serve the village, these are limited. The new dwelling is family sized and there is a high probability that school aged children would be resident of it. There is no school bus service from Cheadle High School to Whiston. On this basis, it is highly likely that there would be a high dependency on the private car to access schools within the area. Once in the car, it is likely that parents would travel further afield to access their place of work, shops and services in nearby towns, rather than use public transport. Furthermore, there are no evening bus services to or from the village which would allow residents to travel by public transport and participate in cultural activities in nearby towns”. The Inspector here also found that “A new dwelling on the site would significantly change the character of this open, undeveloped field into an extension of ribbon development along the lane. This would be harmful to the approach into the village along the lane, and would be harmful to the character and appearance of this rural area.”
- 7.19 Appeal ref. APP/B3438/W/17/3187025, which was against the Refusal for a single dwelling at Land between Brook Cottage and Sneyd Arms, Ashbourne

Road, Whiston was allowed in a decision dated 14th February 2018. The Inspector recognised that: “Whiston is a designated smaller village where limited infill development could take place in accordance with Policy SS6 and SS6b of the Core Strategy. Whilst I can only place limited weight upon the proposed settlement boundary within the emerging Site Allocations DPD, the appeal site does relate well functionally to the core of the village and has the village bus stop right outside of it”. Furthermore, “The proposed development would not lead to a peripheral expansion of the village which would be, according to the Core Strategy, a factor in the setting of appropriate settlement boundaries for the smaller villages. Furthermore, the proposed development would not be isolated development in the countryside, and would be consistent with paragraph 55 of the Framework which seeks to locate rural housing where it will maintain or enhance the vitality of rural communities, for example where development in one village may support the services in a village nearby”.

- 7.20 The 2018 appeal decision found that the scheme for a single dwelling represented infill development and related well functionally to the village of Whiston. It should be noted that recent cuts to rural bus services in Staffordshire mean that Whiston is no longer served by a public bus route. The nearest stop is in Froghall a walking distance of some 2km along a busy main road with extended steep inclines in parts and lacking pavement.

Other Matters / Heritage

- 7.21 Paid for pre-application advice was sought in respect of a draft scheme prior to the current scheme being submitted and the advice has in the main been incorporated. It remains the officer view that chimneys to each dwelling or at least three of the four should be incorporated as befits the rural vernacular of the location and stone should be used rather than brick and stone.

Conclusion and Planning Balance

- 7.22 At the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, it sets out that, in circumstances such as this, where the Council cannot demonstrate a five year housing land supply, with the consequence that policies relating to the supply of housing are not up-to-date, 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, or where specific NPPF policies indicate otherwise.
- 7.23 In principle some small scale residential development is accepted as appropriate in policy terms in a smaller village provided it fits in without undue harm to the character and rural qualities of the location. Broadly this is the case both under the current CS and under the submission LP. Given the current undersupply of housing in the District any adverse impacts identified would need to “significantly and demonstrably outweigh the benefits” (NPPF 11. d. ii). Despite the site not being included in the in-fill boundary it is well framed to two sides by existing development and also by topography which screens and contains the location strongly to the undeveloped sides.

- 7.24 The present in-fill boundary is dated being long in place without review. Given that in the submission LP there is a move to not have any defined infill boundary for smaller villages and, giving this the limited weight which acknowledges this may yet change, an uncompromising adherence to the CS in-fill boundary may be considered too strict if the site, as is the case here, appears to have connection with the layout of the village and not result in harmful peripheral or ribbon extensions to it.
- 7.25 Subject to conditions the proposal is found acceptable, in terms of setting and rural landscape, heritage, neighbour amenity, ecology and highways.
- 7.26 Whether the location is a sustainable one for new residential development is an important and ultimately determinative consideration as, notwithstanding the lack of housing supply, NPPF 11.d.i would lead to a recommendation for refusal if questions of sustainability amounted to a clear reason to do so.
- 7.27 It is noted that the dismissed appeal (cited above) which found sustainability concerns also raised wider concerns about the impacts on location and setting. The allowed appeal in contrast found the location acceptable in terms of sustainability and also made the compelling point that the Council's adopted Policy establishes that some limited developments can be accepted in principle – ie. the CS has not ruled out at least some development. The present proposal being found acceptable on all other counts it is considered appropriate to recommend for approval as it is limited to just two dwellings and therefore clearly small scale and proportionate to a smaller village and thus consistent with the policy provision. On that basis it is not considered that the adverse impacts in terms of sustainability alone are sufficiently substantial and demonstrable as to tip the "tilted balance" in favour of granting consent towards refusal. Accordingly the proposal is recommended for approval.

8 RECOMMENDATION

A. Approve 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:

Location Plan A3496 rev A

Plan of proposed scheme 1118/1; 1118/2; 1118/3

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. Notwithstanding the submitted details and condition 2 above the external facing materials shall be natural stone and the roofing materials

shall be Staffordshire blue clay tiles and there shall be no variation without the prior consent in writing of the Local Planning Authority.

Reason: To ensure that the works are in keeping with adjacent development.

4. Notwithstanding the submitted details and condition 2 above revised details shall be submitted to show the inclusion of a chimney stack for each dwelling to be approved in writing by the Local Planning Authority and the development shall be completed in accordance with the design details as subsequently approved in writing and thereafter be retained for the life of the development.

Reason: To ensure that the works are in keeping with adjacent development.

5. The development shall be implemented in accordance with the levels details as submitted in drawings S190606150 70 and S190606150 71 read in conjunction with levels survey 32660_T_REV1. There shall be no variation in these levels without the written approval of the Local Planning Authority.

Reason: In order to ensure the satisfactory appearance of the development and its appropriate relationship to the site and adjoining land.

6. The development shall be carried out at all times in accordance with the submitted construction ecological management plan May 2019 and in accordance with the recommendations contained at section 6 of the Great Crested Newt Method Statement Report April 2019.

Reason: in the interests of biodiversity and protected species

7. All pointing shall be of a strength and style appropriate to the type of walling materials used (see SMDC leaflet on pointing) and shall not include 'tuck', 'strap' or 'recessed' pointing.

Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area.

8. All eaves and verges shall be formed from pointed stone work up to the intersection with the roof slopes to match the existing structure without recourse to box work or barge boards. Reason: To protect and enhance the visual integrity and vernacular appearance of the building as a non-designated heritage asset.

9. All rainwater goods shall be of metal or wood to a profile suited to the building's heritage character. Reason: To protect and enhance the visual integrity and vernacular appearance of the building as a non-designated heritage asset.

10. No tree within the site shall be cut down, uprooted or destroyed, nor shall any tree be topped or lopped, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

Reason: In the interests of the visual appearance of the development and the amenities of the area.

11. Within three months of the commencement of development details of all boundary treatments and hard landscaping, vehicular access, surfacing, parking and turning areas and bin storage shall be submitted to the Local Planning Authority for written approval and prior to the first occupation of the development shall be completed in accordance with the design details as subsequently approved in writing and thereafter be retained for the life of the development.

Reason: In the interests of the visual appearance of the development and the amenities of the area; to comply with NPPF Paragraph 108; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

12. Notwithstanding the submitted details and condition 2 above the landscaping layout of the development shall be amended to eliminate the section of driveway which extends generally northerly beyond the pull-in parking spaces proposed to serve 4 The Plain

Reason: In the interests of the visual appearance of the development and the amenities of the area.

13. The development shall take place incorporating a minimum of two purpose-made bat roost boxes on or integral to the building walls and positioned in accordance with the guidance specific to the product. The bat boxes shall be installed prior to the first coming into use of the development.

Reason: in the interests of maintaining biodiversity and to safeguard the population of European Protected Species.

14. At any time during and following the completion of the development all exterior lighting installations shall be erected only in accordance with the protocols contained in the Institute of Lighting Engineers document "Guidance for the Reduction of Obtrusive Lighting" (2005) and the Bat Conservation Trust's "Artificial Lighting and Wildlife Interim Guidance: Recommendations to Help Minimise the Impact of Artificial Lighting" (2014).

Reason: to minimise disturbance by artificial light to protected species including bats and minimise sky-glow across the site and in the interests of the visual appearance of the development and the amenities of the area.

15. In the event that contamination, including surface coal measures, is found at any time

when carrying out the approved development it shall be reported in writing immediately to the Local Planning Authority. Development shall not continue further until an investigation and risk assessment has been completed in accordance with a scheme which shall have been agreed in writing with 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 continue further 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 has been agreed in writing by the local planning authority. All remediation measures identified in the agreed and approved remediation scheme shall be implemented prior to bringing the development into first use, and a verification report that demonstrates the effectiveness of the remediation carried out shall have been produced, and shall be approved in writing by the Local Planning Authority prior to first occupation of the development.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Classes A; B; C; D; E; F and G and Part 2 Classes A and B other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, to ensure that adequate private or shared amenity space is retained within the curtilage of the building and to protect the Green Belt.

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

Informatives

1. Coal informative
2. All wild birds including their nests and eggs are protected by law. It is an offence, with certain exceptions, to kill, injure or take wild birds or to take, damage, or destroy their nests or take or destroy their eggs. Site clearance, building alterations and/or demolition cannot therefore take place where there are birds nesting. Typically this will be in the period mid February to mid August. As this development involves vegetation clearance and/or demolition and/or other activities which would be damaging to any nesting birds present the work should avoid the bird nesting season so far as possible. If such work is to take place in the nesting season an ecologist experienced in bird nesting habits should first be engaged to advise on and ensure that the intended work can legally take place.
3. The application has been determined in accordance with Policies: SS1; SS1a; SS2; SS4; SS6c; SD1; SD4; H1; DC1; DC3; C1; R1; R2; NE1 and T1 of the Core Strategy Development Plan and the NPPF.

4. This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

10. APPENDICES TO THE REPORT

10.1 The link below to the Council's website is where the detail of this application can be viewed.

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=127128>

4 The Plain, Black Lane, Whiston – location plan

