

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**23<sup>rd</sup> July 2020**

|  |  |                                    |
|--|--|------------------------------------|
| <b>Application No:</b>   | SMD/2019/0460                                |                                    |
| <b>Location</b>  | Land Rear of No's 30-34 Church Lane Checkley |                                    |
| <b>Proposal</b>  | Erection of a detached, two-storey dwelling. |                                    |
| <b>Applicants</b>  | Mr J. Bevan                                  |                                    |
| <b>Agent</b>   | Mr R. Duncan                                 |                                    |
| <b>Parish/Ward</b>   | Checkley                                     | <b>Date registered</b> 07/08/2019. |
| <b>If you have a question about this report please contact:</b> Mrs L. Jackson<br><a href="mailto:lisa.jackson@staffsmoorlands.gov.uk">lisa.jackson@staffsmoorlands.gov.uk</a> |  |                                    |

**SUMMARY OF RECOMMENDATION**

Approve subject to conditions and informative notes.

**REFERRAL**

The application is brought before Planning Committee at the request of Cllr P. Roberts due to the site being within a Conservation Area and the number of objections against it.

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

- 1.1 The application site is a rectangular shaped parcel of grassland which sits to the rear of numbers 30-34 Church Lane Checkley. The land contains a number of agricultural shelters which have a temporary appearance/nature and hens and a tractor have been viewed on the site. The site is bounded by timber fencing, post and wire fencing and hedgerow/planting. An agricultural gate allows access to the land. Land levels within the site do not vary significantly, and there is a downwards slope from the north to the south. Fields further to the south have a slightly steeper slope. There are residential dwellings to the north and north-east and the Red Lion public house further towards the north-west. The application site can be viewed from a number of surrounding dwellings and from the back of the Red Lion from its car park and beer garden.
- 1.2 For the purposes of planning policy consideration the application site is located on the edge of Checkley Village. The site is technically designated as open countryside (not Green Belt), with the northern boundary of the application site lying adjacent to the Checkley Village Development Boundary line. The land is within the Checkley Conservation Area. There are no immediately adjacent Listed Buildings/structures but there are some within the village itself including dwellings and the church and its boundary wall. There are no on-site protected trees and the site is not within any known floodzone.

## 2. DESCRIPTION OF THE PROPOSAL

- 2.1 This is a full planning application for the erection of a two-storey, detached dwelling on a rectangular shaped plot of land to the rear of numbers 30-34 Church Lane Checkley. The proposed two-storey dwelling would have ground floor accommodation consisting of lounge, study, WC, utility room and open plan kitchen/dining room. First floor accommodation would provide four bedrooms (one with en-suite) and a separate bathroom. Apart from a ground floor (secondary) lounge window, all other window and door openings would be located within the front and rear elevations. Principal bedroom windows would be at the front of the house. There would be a centrally positioned front door, underneath a mainly open-sided, pitched roof porch. Arched head detail would be above the ground floor windows and doors. First floor windows would sit directly beneath the eaves line. A single garage with lean-to roof would be attached to the north-east facing side elevation. Vehicular access to the site would be on land between the pub and 30 Church Lane. On-site parking would be provided at the front of the house as well as the garage and garden/amenity space to the rear. The applicant has confirmed he is happy to accept pre-commencement conditions.
- 2.2 The application the details attached to it, including the plans, any comments made by residents and the responses of consultees can be found on the Council's website at:-

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=130283>

## 3. RELEVANT PLANNING HISTORY

None.

## 4. PLANNING POLICIES RELEVANT TO THE DECISION

- 4.1 **Core Strategy Development Plan Document (Adopted 2014)**
- |      |  |
|------|--|
| SS1  | Development Principles                           |
| SS1a | Presumption in Favour of Sustainable Development |
| SS6  | Rural Areas                                      |
| SS6b | Smaller Villages Area Strategy                   |
| SS6c | Other Rural Areas Area Strategy                  |
| SD1  | Sustainable Use of Resources                     |
| SD4  | Pollution and Flood Risk                         |
| H1   | New Housing Development                          |
| DC1  | Design Considerations                            |
| DC2  | The Historic Environment                         |
| DC3  | Landscape and Settlement Setting                 |
| R1   | Rural Diversification                            |
| R2   | Rural Housing                                    |
| NE1  | Biodiversity and Geological Resources            |
| T1   | Development and Sustainable Transport            |

## Supplementary Planning Guidance

1. Design Principles for Development in the Staffordshire Moorlands: New Dwellings and Extensions to Dwellings.
2. Space About Dwellings

## Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

## **Emerging Staffordshire Moorlands Local Plan**

4.2 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.

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 is ongoing in order to determine whether the Local Plan is sound and legally compliant. Hearing sessions were conducted in October 2018 and the Inspector issued his initial post-hearing advice in January 2019 which set out some actions for the Council and a range of modifications that would be necessary to make the plan sound. The full schedule of modifications was agreed by the Council and the subject of public consultation between 18th September 2019 and 31st October 2019. The schedule consisted of modifications that the Inspector has deemed necessary to make the Local Plan sound. Following the consultation, the Inspector concluded that further hearing sessions were necessary to consider; proposals for safeguarded land at Gillow Heath in Biddulph, housing land supply, Local Green Spaces in Cheddleton (Ox Pasture), Biddulph (Dorset Drive and implications for the emerging neighbourhood plan) and Blythe Bridge. They were held on 4<sup>th</sup> and 5<sup>th</sup> February.

On 27<sup>th</sup> February, the Inspector issued his post hearing advice. Key recommendations in the letter include:

- The proposed safeguarded land at Gillow Heath, Biddulph should be removed. Neither should the site be allocated for housing as requested by the landowners as the case for exceptional circumstances has not been met. The land will remain Green Belt as per the Local Plan Submission Version agreed by the Council in June 2018;
- No further housing allocations in Biddulph are required;
- No further amendments to the housing trajectory are required aside from pushing back the predicted commencement of the Wharf Road, Biddulph site (excluding BDNEW) until 2022/23.
- Monitoring of housing supply will determine if a full or partial Local Plan review is required within 5 years;
- Land at Ox Pasture (Cheddleton) and Dorset Drive (Biddulph) should revert back to the Local Green Space designations as per the Local Plan Submission Version as agreed by the Council in June 2018;

- Other modifications were considered during the recent hearings sessions are necessary to make the plan sound, including; updating neighbourhood area housing requirements (Policy SS4) to reflect the latest monitoring data, updating the employment land area for the Tunstall Road allocation to reflect the masterplan and other adjustments to the wording of Policy SS4 and Policy DC2.

No further representations will be sought by the Inspector. As such, the Local Plan policies as proposed to be modified in September 2019 along with the Inspector recommended revisions (February 2020) provide a strong indication of the final policies likely to be adopted in the Local Plan. The Inspector's final report is expected within 2 months and will reflect the post hearing advice. The Council will be able to consider the adoption of the Local Plan at this point. As such, the plan is at a very advanced stage of preparation with some of the key outstanding objections now having been resolved following the February 2020 hearing sessions.

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 considered below:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the main modifications have been subject to consultation
- The extent to which there are unresolved objections to relevant policies this varies depending on the policy in question – the Inspector wishes to explore outstanding objections on a limited number of issues at the February hearing sessions further before drawing conclusions.
- The degree of consistency of the relevant policies in the emerging plan to this Framework – policies have been modified to address soundness issues identified by the Inspector to date. It is the Council's view that the policies (as modified) are consistent with national policy. The Inspector has yet to draw final conclusions, particularly on the matters subject to further hearing sessions.

Given the above, the majority of policies (as modified) can be given substantial weight

|            |  |
|------------|--|
| SS1        | Development Principles                           |
| SS1a       | Presumption in Favour of Sustainable Development |
| SS4        | Strategic Housing and Employment Land Supply     |
| SS9        | Smaller Villages Area Strategy                   |
| SS10       | Other Rural Areas Strategy                       |
| SD1        | Sustainable Use of Resources                     |
| SD4        | Pollution and Water Quality                      |
| SD5        | Flood Risk                                       |
| H1         | New Housing Development                          |
| DC1        | Design Considerations                            |
| DC2        | The Historic Environment                         |
| DC3        | Landscape and Settlement Setting                 |
| E1         | New Employment Development                       |
| H1         | New Housing Development                          |
| NE1        | Biodiversity and Geological Resources            |
| T1         | Development and Sustainable Transport            |
| Appendix 8 | Parking Guidance                                 |

## National Planning Policy Framework

Including sections;

- 2: Achieving sustainable development
- 5: Delivering a sufficient supply of homes
- 6: Building a strong, competitive economy
- 9: Promoting sustainable transport
- 11: Making effective use of land
- 12: Achieving well-designed places
- 15: Conserving and enhancing the natural environment
- 16: Conserving and enhancing the historic environment

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

5.1 A Site notice has been displayed and neighbouring properties notified.

|                        |  |
|------------------------|--|
| Site Notice            | Consultation period expired: 17/09/2019                                  |
| Press Notice           | Cheadle and Tean Times. Expired on 11/09/2019.                           |
| Neighbour Notification | Two rounds of consultation undertaken. Final round expired on 13/02/2020 |

Public Comments: Since submission of the application, 9 representations received as well as a 59 name petition which all object to the application. The received comments can be summarised as follows;

#### Individual representations

- This is a Conservation Area, development here would detract from the natural beauty of the area;
- Impact upon natural habitat;
- Greenfield land houses a number of small animals which could be an attraction to users of the pub and would be preferable to residential development;
- Dwelling would be on agricultural land;
- Area would lose its village look if a new house was built here;
- Dwelling is out of line with other properties so is not an infill development;
- Existing views over the open fields would be lost;
- Property would disrupt outlook and harm privacy;
- Decrease the value of surrounding dwellings;
- Loss of privacy;
- Noise concern from vehicles close to other dwellings as well as construction traffic;
- Future planning applications and concern that the pub is closed;
- Application brings no positives to local residents;
- Development will benefit only the proposer, not local residents;

- New building will not be made with reclaimed resources and so would seem not to add to the special character of the village;
- New development should be built using period materials, some surrounding development has allowed non period materials and this has set a precedence;
- Developer ought to be prepared to loose personal profit to ensure that the development is befitting to its surroundings;
- Local people, with what are "essential" jobs, with lower earnings, would not be able to purchase a four bedroom property within a Conservation Area;
- This is not affordable housing;
- Additional housing could be considered where there is existing infrastructure and amenities to accommodate residents.

### Petition

The petition header reads as follows;

*The land behind the pub is green field land and is within the Conservation Area of Checkley. We feel that the public house has been sitting empty and left in order to increase the chances of a housing application on its surrounding land. The land houses a small manner of farm animals which is an attraction to children and visitors to the village and is preferable to a residential development. The people of Checkley purchased houses within the Conservation Area of Checkley due to the natural beauty of its surroundings and the views of open fields of which this residential development will change the landscape. This will also deter any new potential owners of the public house due to its close proximity.*

Checkley Parish Council: No representations received.

Waste Services (SMDC): No objections.

Conservation Officer (SMDC): (Based on revised plans).The reduction in the gable width by half a metre will ensure that the building will reflect the form and mass of similar traditional cottages in the village. The proposal will not cause any harm to the character and appearance of the Conservation Area but it is important that good landscaping is incorporated into the boundary to filter views of the new building from the surrounding countryside and to define a clear settlement edge which must not be further extended in this location.

Severn Trent Water: No objections to the application.

Staffordshire Wildlife Trust: No objections subject to conditions.

Environmental Health: No objections subject to conditions.

Conservation Liaison Panel: Object to the application. Site is isolated from the built up area without a road frontage and will harm the character and appearance of the Conservation Area.

Staffordshire County Council Highways: No objections subject to conditions and informative notes.

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

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

6.1 The Local Planning Authority is required to determine planning applications in accordance with the development plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations.

6.2 Paragraph 11 of the National Planning Policy Framework (February 2019) states that plans and decisions should apply a presumption in favour of sustainable development. For decision-takers this means: “(c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies, which are most important for determining the application are out-of-date, granting 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”. NPPF para 8 identifies the three dimensions to sustainable development as economic, social and environmental. The National Planning Policy Framework is a material consideration in planning decisions.

6.3 Policy SS1 of The Staffordshire Moorlands Core Strategy identifies that development should contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. Core Strategy policy SS1a establishes a ‘Presumption in Favour of Development’ in line with National Planning Policy.

6.4 The application site is a parcel of green field land outside of the Checkley Village Development Boundary. Although the site is technically within the open countryside (for the purposes of planning policy consideration) its northern boundary abuts the edge of the development boundary line. Checkley is identified within the Core Strategy (policy SS6b) as a ‘Smaller Village.’ Core Strategy policy SS6c is also relevant to consider as it relates to development within the countryside, outside of any settlement boundary.

6.5 Another consideration is the National Planning Policy Framework (NPPF) which clarifies that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, paragraph 11 is clear that in circumstances where ‘the policies which are the most important for determining the application are out-of-date,’ 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 in the Framework taken as a whole.’ Footnote 7 (to paragraph 11) clarifies that policies will be out-of-date if the Local Planning Authority cannot demonstrate a 5 year supply of deliverable housing land. The Council’s current housing supply is 1.8 years and therefore the so-called “tilted balance” is engaged.

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

6.6 Policy DC1 of the Core Strategy requires that all developments shall be well-designed and reinforce local distinctiveness by positively contributing to, and

complementing the character and heritage of, an area. Development should be of a high quality, adding to the value of a local area, be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, density, layout, siting, landscape, character and appearance. Core Strategy policy DC2 relates to development within historic areas which should 'safeguard and, where possible, enhance the historic environment.' Development should be resisted where it would harm or be detrimental to the special character and historic heritage of the District's towns and villages.

6.7 The National Planning Policy Framework places great importance on the design of the built environment, in particular paragraph number 130 clarifies that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area. NPPF chapter 16 'Conserving and enhancing the historic environment' outlines the importance of historical areas and their assets.

6.8 The design of the proposed dwelling has altered since the original submission; the original plan being a larger dwelling than that now proposed with wide gables, eaves intersecting first floor windows and two-storey projecting gable on the front elevation. The scheme also included a large, detached, pitched roof, double garage and a much larger domestic curtilage. The design of the dwelling is now much improved. The domestic curtilage has been reduced in size and the detached garage omitted. The depth of the property has been reduced resulting in narrower and more traditionally proportioned gable end walls. The array of window and door openings are much more appropriately sized, the defined heads and cills add visual interest to the dwelling and the centrally located front door with 4 neatly aligned, small window openings on both sides reflects the character of other dwellings within the village. The simple lean-to on the northern elevation provides a modestly sized garage and, being set back from the front wall of the house, ensures it retains a secondary appearance, allowing principal focus upon the simple house frontage. The dwelling would have an approximate height of 7.3m to the roof ridge and the proportion of roof slope to brick wall is acceptable, the dwelling does not appear 'top-heavy.' The details of all materials could be secured by means of appropriately worded conditions.

6.9 Whilst the new dwelling would sit within the Checkley Conservation Area it is considered that the new build would have little visual impact upon the character and appearance of the historic village core itself. The character of the village is generally seen from the road, that being mainly the principal elevations of dwellings facing towards the highway. Surrounding properties are varied in terms of their appearance and sizes so there is scope for the addition of an individually designed property. The reduced size of the proposed dwelling ensures a development that will reflect the form and mass of similar traditional cottages in the village. This site is tucked to the rear of a row of dwellings which, although not brand new, have a more modern appearance. The new dwelling would have very little visual impact upon any surrounding Listed Buildings/structures and will mainly be seen in the context of the rear elevations of number 30, 32 and 34 Church Lane as well as the detached triple garage which serves these properties. The applicant has provided land levels details as well as the heights of eaves and ridge lines of some surrounding buildings, in particular numbers 30, 32 and 34, the detached triple garage and the public house. In addition to the design details of the dwelling, it is important to consider how the bulk and mass of the proposal would sit within its surroundings. The new property would have a similar height to numbers 30, 32 and 34 Church Lane and this is considered acceptable. In the event of Members wishing to support the proposal, appropriately worded conditions could be used to secure building materials, surfacing, landscaping

and boundary treatments. The Conservation officer comments that 'it is important that good landscaping is incorporated into the boundary to filter views of the new dwelling from the surrounding countryside and to define a clear settlement edge which must not be further extended in this location.' Planning Officers concur with this view, noting that the new dwelling is tucked to the rear of existing built development. Any further development to the south would project unsatisfactorily into the open countryside and be divorced from the settlement.

6.10 For the reasons set out above it is considered that the proposed dwelling is of an acceptable design and size for its location and will have no harmful impact upon the character and appearance of the Conservation Area at this point.

### **Residential Amenity**

6.11 The application raises consideration of residential amenity both in respect of future occupants of the proposed dwelling and the potential amenity impact upon neighbours. In order to assess whether the proposed development is/isn't acceptable in terms of amenity impact, consideration has been given to planning design policies including Core Strategy policy DC1 and the Council's adopted Supplementary Planning Guidance document entitled 'Space About Dwellings.'

#### Proposed Dwelling

6.12 The new dwelling would have external amenity space to both the front and rear of the building and include off-road parking spaces. The amenity space to the rear would be private; the space at the front of the house may be overlooked by neighbouring residents and/or potentially users of the pub car park or beer garden. The level of privacy at the front of the house is not necessarily as important as the space at the rear. Many dwellings have their front gardens overlooked and this is not a cause for concern with this scheme. The Space About Dwellings SPG indicates that a mean garden length of 11m is suitable for a 3+ bed dwelling (which this is) and an area of at least 65 square metres is required. This application proposes a garden length of approximately 10.5m-11m. More importantly is the area of useable and private amenity space available, at the rear this is calculated at approximately 164 square metres, well in excess of the SPG standards. Highway (including parking) matters are discussed later in the report. It is concluded that there are no objections to the application in terms of amenity provision for future occupants of the new build property.

#### Neighbouring properties

6.13 A number of representations have been received from members of the public (including a petition) who object to the proposal. The objections have been summarised within Section 5 (above) and have been considered throughout the preparation of the report and formation of the recommendation. It is borne in mind that there are some matters such as loss of views or perceived loss of property value (which are understandably of great concern to some residents), which are not material planning considerations which can carry any weight in determining the application.

6.14 The new dwelling will be viewed from some neighbouring dwellings; in particular numbers 30, 32 and 34 Church Lane but the proposed positioning of the dwelling within its plot and the positioning of principal windows within the front and rear elevations only (new dwelling), means that there would be no direct window-to-

window relationships. The rear or numbers 30-34 Church Lane are separated from the application site by their respective back gardens, communal car parking area, boundary hedgerow and timber fence (which is indicated to be retained). There are no proposals to significantly alter the land levels within the application site and therefore the separation distance will ensure that the dwelling will not be overbearing. The new dwelling would be set back from the front wall of the existing triple garage and the main bulk of the new building further distanced from the Church Lane properties due to the fact that the new lean-to garage would be positioned against the northern facing gable wall and push the main two-storey structure further away into the site. Whilst some overlooking may occur, the arrangement would not breach any of the Space About Dwellings 'Daylight' standards. Furthermore, views are also filtered by trees/planting within the rear gardens of 30-34 Church Lane.

6.15 Representations have raised concerns regarding noise from vehicles using the proposed vehicular access as well as construction traffic noise. Members will note that there is already a vehicular access between the pub and 30 Church Lane. This access is not the main vehicular access to the pub car park but does lead to it and has a hard surface (part of it becoming grassed over due to the passage of time). In theory this access could be used by patrons of the public house and anyone with a right of access to the land at the rear (as appears to be the case now due to the 5-bar agricultural gate at the application site entrance). The proposed development allows the opportunity to restrict the use of this access to future occupants of the new dwelling only (as opposed to the fall-back position) thereby reducing its potential level of use, limiting the number of vehicular comings and goings, potential noise and disturbance.

6.16 As the application site is close to other residential properties the Environmental Health officer has recommended a number of conditions to satisfactorily deal with any potential disturbance during the construction/demolition phase. The recommended conditions include securing a Construction Method Statement which would provide details including dust minimisation scheme, details of wheel washing facilities, a scheme for recycling/disposal of any demolition/construction materials and contact details of a site manager. These details would be secured prior to the commencement of works on the site. A further Environmental Health related condition would restrict the developer to the days and times in which any on-site noisy activities could take place.

6.17 The County Highways officer also requires that a Construction Vehicle Management Plan is agreed with the Local Planning Authority prior to the commencement of works. This plan would include securing details including (but not limited to) the loading/unloading of plant and materials, parking for site workers and visitors, delivery routes, and plant/material storage areas.

6.18 For the reasons outlined above it is considered that subject to appropriately worded conditions there would be no material planning reason(s) why the application could be refused on the grounds of neighbour amenity impact.

### **Highways / Access**

6.19 The NPPF and Core Strategy policies DC1 and T1 require that all development proposals secure safe and suitable access to a site whilst making a contribution towards meeting parking requirements and ensuring that all new development can be satisfactorily accommodated within the highway network. Off-road parking space is provided within the application site to the front of the dwelling and access would be taken through an existing route between the pub and 30

Church Lane. The level of off-road parking within the site is acceptable. Appendix 8 of the emerging Local Plan requires that a 4+ bedroom dwelling should have three parking spaces; this proposal can easily accommodate three spaces and includes a garage space. The County Highways officer has no objections to the application and recommends a number of conditions.

### **Drainage**

6.20 Severn Trent Water (STW) do not raise any objections to the application, stating that the proposal has minimal impact on the public sewerage system and that they do not require any drainage conditions to be applied. STW does however state that there may be a public sewer located within the application site and that public sewers have statutory protection. The STW consultation response includes detailed information which could be conveyed to the applicant/developer by means of informative notes on the decision notice if Members were minded to approve the application.

### **Ecology**

6.21 The application site is currently a parcel of agricultural land sitting to the south of a communal parking area and to the north of open fields. At the time of the officer site visit this was a grassland area upon which there were a number of outbuildings and machinery stored upon it (including tractor). The land is not undisturbed or wild grassland and appears to have been mown or grazed. Staffordshire Wildlife Trust (SWT) originally objected to the application due to there not being sufficient information to assess the full impact of the proposals on any potential important habitat or species. Following on from this response the applicant submitted a Preliminary Ecological Appraisal by Elite Ecology. SWT now have no objections to the application (subject to conditions), commenting that *'no habitats of conservation concern will be lost but the proposals will result in the net loss of improved and amenity grassland. This can be mitigated by the inclusion of a variety of wildlife friendly landscaping enhancements. Any landscaping relating to the proposed development should encompass native tree and shrub species to encourage foraging potential for species. No plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 should be planted during any landscaping within this development.'* In addition a standard condition to protect nesting birds during any site clearance would be appropriate.

### **Environmental Health**

6.22 The Council's Environmental Health officers raise no objection to the application and recommend a number of conditions including (but not limited to) sound insulation, contamination and potential nuisance.

### **Conclusion and Planning Balance**

6.23 The NPPF and the Council's adopted Core Strategy set out the presumption in favour of sustainable development. As detailed within the 'Policy Context and Principle of Development' section of the report (above), it is acknowledged that the council does not have a 5 year supply of deliverable housing land. It therefore follows that in accordance with NPPF paragraph 11, a presumption in favour of sustainable development should be applied and the 'tilted balance' of considerations is triggered.

6.24 The proposal would deliver some economic benefits through the construction of the dwelling. Whilst the proposal is only for a single dwelling the provision of an additional property in circumstances of significant housing undersupply attracts significant weight. The application site lies adjacent to an established settlement boundary and cannot be said to be isolated. It is concluded that the design and visual impact of the scheme would be acceptable and that there are no material planning objections relating to residential amenity, highways/access, drainage, ecology or Environmental Health matters. Appropriately worded conditions are essential. The concerns and objections raised by residents have been taken into consideration but weighing all of these matters and applying the paragraph 11 test, the conclusion is reached that there are no significant and demonstrable conflicts with adopted policies which would outweigh the presumption in favour of development. The proposal will deliver sustainable development and a recommendation of approval is therefore made.

## **7 OFFICER RECOMMENDATION**

**A. That Planning Permission is approved 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 following submitted plans and subject to the following conditions and/or modifications:-**

**AL(0)02 Rev K and AL(0)05 Rev B**

**Reason:- For the avoidance of doubt and in the interests of proper planning and in accordance with the National Planning Policy Framework.**

- 3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) A, B, C, D, E and H and Part 2 Class(es) A and C, 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:- Reason:- To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.**

- 4. No construction works on any new building shall be carried out above the ground floor slab level until samples/details of the types and colours of all roof tiles, facing materials and hard surfaces (including all patios, paths**

and parking areas) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason:- To ensure that the external appearance of the development is satisfactory.

5. Prior to their installation, joinery details of all external windows and doors (including materials and colour/finish) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason:- In the interests of good design.

6. The development hereby permitted shall not be occupied until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason:- To provide adequate privacy and an acceptable external appearance.

7. Prior to the first use of the development hereby approved, a biodiversity enhancement scheme broadly in accordance with section 5 'Recommendations' of the Preliminary Ecological Appraisal (October 2019) by Elite Ecology (including implementation timescales) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and timescales.

Reason:- In the interests of ecological/biodiversity gain.

8. Prior to the first use of the development hereby approved, a landscaping plan (including boundary hedges) shall be submitted to and approved in writing by the Local Planning Authority. Any landscaping should encompass native tree and shrub species to encourage foraging potential for species. No plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 should be planted during any landscaping within this development. For further details of Schedule 9 plants visit the Defra website: [www.defra.gov.uk/wildlife-pets/nonnative](http://www.defra.gov.uk/wildlife-pets/nonnative)

Any planting approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. Any trees/shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this

period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason:- In the interests of ecological/biodiversity gain.

9. Prior to the commencement of development full details of the new access including visibility splays shall be submitted to and approved in writing by the Local Planning Authority. The new access shall thereafter be provided in accordance with the approved details prior to construction of the new dwelling.

Reason:- In the interests of highway safety.

10. Prior to first use of the development hereby permitted, details of how the access immediately to the west of the proposed 'red edge' access (and shown to the south of the 'concrete' area on approved plan AL(0)05 Rev B) is to be permanently closed shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be undertaken in full accordance with the approved details, retained for the lifetime of the development and be completed prior to first occupation of the dwellinghouse hereby permitted.

Reason:- In the interests of neighbour amenity by reducing the number of vehicles permitted to use the access.

11. No phase of the development shall take place, including any demolition works, until a Construction Vehicle Management Plan (CVMP) has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall include:

- Arrangements for the parking of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development
- Construction hours
- Delivery routeing and hours
- Recorded daily inspections of the highway adjacent to the site access
- Wheel washing and measures to remove mud or debris carried onto the highway

Reason:- In the interests of highway safety.

12. Prior to first use of the development the access, parking and turning areas shall be provided in porous bound material (which shall firstly be agreed in writing by the Local Planning Authority) and as per the approved plan entitled "Plans and elevations as proposed" no 00877 AL (0)02 Rev K.. The parking and turning areas shall thereafter be retained at all times for their designated purposes.

Reason:- In the interests of highway safety and the provision of suitable off-road parking facilities.

- 13. Prior to first use of the development a system of surface water drainage shall be installed on the site to prevent surface water discharging onto or off the public highway. The system shall then be maintained in an operational manner thereafter and for the lifetime of the development.**

**Reason:- To secure suitable surface water drainage arrangements.**

- 14. 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.**

- 15. The development, including demolition hereby permitted shall not 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.**

- 16. 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 in writing 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.**

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

- 17. Prior to bringing the development into first use, all soils used for in the proposed garden/ soft landscaping areas should be tested for contamination and assessed for their suitability for the proposed use. Prior to sampling, a suitable methodology for testing the soil should be submitted to and agreed in writing by the Local Planning Authority and should include the sampling frequency, testing schedules, and criteria against which the analytical results will be assessed.**

**The results of the soil tests should be submitted and approved in writing by the Local Planning Authority. If soil results indicates that a potential risks exists, development shall not commence until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared and subject to the approval in writing by the Local Planning Authority**

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

- 18. 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.**

19. Development shall not commence until a site specific scheme for protecting the proposed residential units from noise has been submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and be designed to achieve noise levels of less than 30db LAeq in bedrooms (23:00 to 07:00) 35 dB LAeq in bedrooms (07:00 to 23:00), less than 40 dBLAeq in living areas (07:00 to 23:00) and less than 50dBa in garden areas (07:00 to 23:00).

A report shall be produced containing all raw data and showing how calculations have been made. A copy of such report shall be submitted to the Local Planning Authority for its written approval.

Reason: To protect the amenity of future occupiers

20. Any artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation. Details of all artificial lighting to be installed under this permission should be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The details of any future replacement lighting shall also be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the local amenities of the local residents by reason of excess of illuminance.

21. The foul drainage from the proposed development shall be discharged to a system which meets the requirements of British Standard (BS) 6297:2007+A1:2008 Code of practice for the design and installation of drainage fields for use in wastewater treatment

a) There is no connection to any watercourse or land drainage system and no part of the soak away system is situated within 10 metres of any ditch or watercourse.

b) Porosity tests are carried out to the satisfaction of the Local Planning Authority to demonstrate their suitable subsoil and adequate land area is available.

Reason:- To prevent pollution of the water environment.

### Informatives

1. During the course of considering the application the Council sought design amendments and a reduction in the size of the proposed domestic curtilage to ensure the development would be acceptable for its location and surroundings, therefore complying with the provisions of paragraph 38 of the National Planning Policy Framework (February 2019) where Local Planning Authorities are encouraged to work

proactively with applicants to secure sustainable development proposals.

2. Attention is drawn to condition number 3 of this approval, the effect of which is to withdraw permitted development rights in respect of development which would otherwise not require planning permission. You are advised to contact the Local Planning Authority Development Control Section telephone 0345 605 3013 before undertaking any other development in the future in order to ascertain whether planning permission is required.
3. 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 crossings information pack” and an application form for a dropped crossing. Please complete and send to the address on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, c/o, 2 Staffordshire Place, Tipping Street, Stafford, ST16 2DH or email ([nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))  
[www.staffordshire.gov.uk/transport/staffshighways/licences](http://www.staffordshire.gov.uk/transport/staffshighways/licences)
4. Any soakaway should be located a minimum of 4.5m rear of the highway boundary.
5. It is the applicant’s responsibility to ensure that the existing telegraph pole is protected or relocated if necessary.
6. This Permission does not confer on the Applicant the right to build on or over land owned by a third party without the third party's consent. You should therefore seek the prior agreement of your neighbour(s) before entering their land.
7. Severn Trent Water advise that there may be a public sewer located within the application site and, comment that although their 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.
8. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Severn Trent advise that every approach to build near to or divert their assets has to be assessed on its own merit and the decision of what is or isn’t permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact Severn Trent at the earliest opportunity to discuss the implications of any of their assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

9. 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 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.

10. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise New Residential Development, 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>

- 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/stat uisance.pdf](http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/stat%20nuisance.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 1-12.

- 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.

**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.**

## **Proposed Plans**

