

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

16th December 2021

Application No:	SMD/2021/0565	
Location	Land adjacent The Bungalow, High Street, Kingsley	
Proposal	Erection of 1 No. dwelling	
Applicant	Mr J. Matthews	
Agent	Mr. J. Walters	
Parish/Ward	Kingsley Parish / Churnet Ward	Date registered 25/08/2021
If you have a question about this report please contact: Mrs L. Jackson lisa.jackson@staffsmoorlands.gov.uk		

REFERRAL

The application has been called in by Cllr Aberley as this has significant local interest and due to a complicated planning history, of it having been approved and expired which means that they have now had to reapply. He considered that it needs to be determined by the committee as to whether this location is actually now suitable for a new dwelling

SUMMARY OF RECOMMENDATION

APPROVE SUBJECT TO CONDITIONS

1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

1.1 The application site is a vacant and steeply rising parcel of land where some excavation has taken place. The site is accessed directly off and set back from, Kingsley High Street. There are residential properties in close proximity of varying sizes and designs; some are roadside fronting and some are set back. A footpath (Kingsley 8) runs close to the rear (northern boundary) but does not form part of the application site. The application site is within the Kingsley Village Development Boundary; it is not within a Conservation Area and does not contain any Listed Buildings. Number 44 High Street to the north-west of the access is Listed. The site does not contain any protected trees and is not within any identified flood zone but is within a Coal development Low-risk area.

2. DESCRIPTION OF THE PROPOSAL

2.1 This is a full planning application for the erection of a single dwelling. Accommodation would be spread over two floors.

2.2 On the ground floor there would be three bedrooms (master bedroom with en-suite and dressing room), a study/store room and bathroom. The upper floor accommodation would consist of an open-plan kitchen/dining/sitting room, utility, WC, lounge and a further room annotated as 'bedroom 4/games room.' The dwelling is designed as a gable style dormer bungalow. Two pitched roof dormers would be inserted within the front facing roof slope, there would also be a forward projecting

gable containing the front door and windows of various shapes and sizes. Building materials would be a mix of render, facing brickwork, tile and stone quoins. The rear roof slope would contain three skylights, standard utility room and kitchen windows and a wide set of concertina style glazed doors providing access to outdoor decking. Four parking spaces would be provided as well as a bin store, paved area at the front of the house and front and rear gardens.

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=151986>

3. RELEVANT PLANNING HISTORY

SMD/2014/0270	Outline Planning Permission for the erection of 1 No. dwelling on land off existing access route. Approved.
SMD/2018/0060	Reserved Matters: Erection of 1 dwelling on land off existing access route. Approved.

4. PLANNING POLICIES RELEVANT TO THE DECISION

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

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS8 Larger Villages Area Strategy
- SD1 Sustainable Use of Resources
- H1 New Housing Development
- DC1 Design Considerations
- DC2 The Historic Environment
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport
- Appendix 2 Parking Guidance

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

Section 2:	Achieving sustainable development
Section 4:	Decision making
Section 5:	Delivering a sufficient supply of homes
Section 6:	Building a strong, competitive economy
Section 9:	Promoting sustainable transport
Section 11:	Making effective use of land
Section 12:	Achieving well-designed places
Section 15:	Conserving and Enhancing the Natural Environment
Section 16:	Conserving and Enhancing the Historic Environment.

National Planning Policy Guidance

Supplementary Planning Guidance

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

Supplementary Planning Document

Staffordshire Moorlands Design Guide

5. CONSULTATIONS CARRIED OUT

5.1 A Site notice has been displayed, neighbouring properties notified and any additional, relevant parties.

Site notice – Consultation period expired.

Neighbour notification – Consultation period expired.

Kingsley Parish Council – Recommend refusal on the following grounds;

- Highway Safety: The traffic volumes are considerably higher now which makes a material change to the circumstances of this application compared to those considered previously. The risk of accidents is greatly increased.
- The access drive onto the site is very narrow. Vehicles legitimately park on the High Street near the site entrance. Vehicles leaving the site driveway have a poor view either side of traffic on the busy main road.
- Vehicles having to reverse out onto the busy road is a grave concern.
- Highway Safety would be compromised without the provision of a turning area for the applicant and other driveway users.
- Access Rights: The driveway is used by several nearby properties. The access rights are apparently compromised by the proposed development.
- Inappropriate Development: The design of the proposed house is inconsistent with other properties in the area.
- Historic Buildings: The proposal may have a negative impact on nearby historic buildings, (Wesleyan Chapel and The Old Smithy).
- Footpath 8: FP8 runs immediately to the rear of the site and may be compromised by the building.
- The buildings on either side of the access are of considerable age and attempts to modify the access risk significant damage to them as does the passage of heavy construction vehicles. The electricity supply to the former Chapel has already been ruptured.
- In the event of a recommendation to approve this application it would be essential to impose conditions to protect the access rights of the occupiers of Nos. 40 and 42 including a). The ability to turn vehicles and b). The use of parking adjacent to their properties by retaining the existing access road profile and gradient.

Staffordshire County Council Highways- No objections subject to conditions and informative note.

Severn Trent Water - No objections to the application. As the proposal has minimal impact on the public sewerage system there are no objections to the proposals and no drainage condition needs to be applied.

Minerals (Staffordshire County Council) - The County Council as the Mineral and Waste Planning Authority has no comments on this application as the site is not within or near to any permitted waste management facility or is exempt from the requirements of Policy 3 – Mineral Safeguarding in the Minerals Local Plan for Staffordshire 2015 – 2030 or is development subject to standing advice within mineral safeguarding areas.

Waste (SMDC) - No issues regarding waste collections. Present bins on High Street on collection days.

Arboricultural Officer (SMDC) – No objections subject to condition.

Environmental Health (SMDC) - No objections subject to conditions and advisory notes.

Public Rights of Way (Staffordshire County Council) – No objections. It does not appear that the footpath will be directly affected by the development.

Conservation Officer (SMDC) – No comments to make.

Staffordshire Wildlife Trust - Awaited.

Letters of representation - 19 letters of objection have been received, the contents of which can be summarised as follows;

Highways/parking

- No additional traffic is needed.
- Lorries reversing onto pavement and A52 when exiting the site.
- HGV's use pavement to pass each other on the road.
- Dangerous access.
- Dangerous for vehicles, pedestrians and property.
- Access drive is very narrow.
- Poor view when exiting the site.
- Turning area is needed for applicant and other driveway users.
- Access rights have been compromised.
- Access and turning areas for numbers 40, 42 and 44 could be compromised.
- Numbers 40, 42 and 44 have permitted 24/7 access due to Deed of Easement.
- Needs to be turning space if all of the parking spaces are being used and room for vehicles to pass.
- No room for large vehicles to turn around, dangerous reversing has been witnessed as well as parking on double yellow lines.
- Gradient of the road should not change.
- Children travel to school along this route who would not necessarily know to stop for this entrance as there is no break in the path.
- Driveway is insufficient to cope with another residence.
- Up to 7 vehicles already use the lane.
- Existing tarmac damage on the lane.

- Access to the site is the location of an old well, the pump was removed some time ago and the well collapsed because of large vehicles entering the site.
- Access is not 4.2m wide.
- Entrance was created for the old quarry at the rear of the site. If the property is built then there will be no access to the quarry.
- Damage already done to the electrics underneath the pavement.
- Drain to the right of the entrance is being repeatedly driven over.

Design

- Design is inconsistent and out of keeping with other properties in the area many of which are hundreds of years old and are stone or of historic significance.
- Negative impact upon character and appearance of the area from the road and footpath.
- House is too big for the plot.
- Dwelling would be an eyesore in the context of the historic buildings; the Grade II building 'The Smithy' and the Wesleyan Chapel.

Trees

- Trees on the boundary of the bungalow have been cut down without permission.

Neighbour amenity

- Overbearing to number 44 which has a conservatory and windows which are directly overlooked by the potential development.
- Impact upon privacy for number 40 and loss of light.
- Blocking of views from number 40.
- Large imposing property would be overbearing upon number 40.
- Ruin the views from the Bungalow behind the old Chapel, as well as the view from no. 40 and no. 44.
- Bathroom, kitchen and conservatory windows of number 40 overlook the site. New dwelling would block light and be imposing.
- Boundary wall at Wesley House has already been damaged.
- Disruption to residents during construction.

Historic Buildings

- Negative impact upon nearby historic buildings (including Grade II Listed building The Old Smithy and the Wesleyan Chapel) including potential damage by heavy vehicles.
- New dwelling will be in full view from The Old Smithy.
- Heavy wagons have already damaged an ancient wall.

Public Right of Way

- Footpath may be compromised by the development.

Other

- Risk of damage to nearby properties.
- Concerns of heavy vehicles resulting in cracking of property footings.
- Electricity supply to former chapel has been ruptured.
- Rainfall runs down the muddy lane making it dangerous for vehicles.
- Mud and debris on the road.
- Right of access for other properties during construction period.
- No drainage or soakaway.

- Previous permission was for a bungalow, not a 4 bedroom house.

6. OFFICER COMMENT AND PLANNING BALANCE

Policy Context and Principle of Development

6.1 The Local Planning Authority is required to determine applications in accordance with the Development Plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations. The Staffordshire Moorlands Local Plan 2020 is the adopted Local Plan for the district.

6.2 Policy SS1 of The Staffordshire Moorlands Core Strategy identifies that development should contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands.

6.3 Kingsley is identified as a larger village within Local Plan Policy SS8. The policy requires that larger villages retain and enhance their role as rural service centres, providing (relevant to this application) for the bulk of the housing requirement of the rural areas.

6.4 Local Plan policy H1 requires high quality housing, appropriate density and provision of satisfactory levels of amenity for future occupiers of the dwellings. The policy also requires developments to respect the privacy and amenity of occupiers of existing dwellings.

6.5 There are no 'in principle' objections to the residential development of the application site. It is noted that Outline permission and a subsequent Reserved Matters application have been previously approved; however these have now expired hence the reason for the current application. Members will note that some excavation has occurred on the site. The application to be considered by Members is the same as the previously approved scheme.

Design and Visual Impact (Character and Appearance)

6.6 Local Plan policy DC1 requires that all developments shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the character and heritage of an area. Development should be of a high quality, adding to the value of a local area, incorporating creativity, be designed to respect the site and its surroundings and promote a positive sense of place and identity.

6.7 The general character of this part of High Street is that of dwellings fronting or being sited very close to the road, although it is noted that number 40 High Street is positioned adjacent to the access to the application site. The application site itself constitutes a back-land development similar to its eastern neighbour 'The Bungalow.' Properties near to the application site vary in age, there is no uniform appearance to the dwellings and there is a good mix of terraced and detached properties built in brick and stone; some are finished with render.

6.7 The proposed dwelling is the same design/size as that which was approved under the SMD/2014/0270 (Outline) and SMD/2018/0060 (Reserved Matters) applications. The dwelling features pitched roofs, forwards projecting gable and pitched dormer windows.

6.8 The dormer windows are acceptable, they are not overly large when compared to the size of the roof plane within which they are positioned. The dormers sit well back from the eaves and away from the roof verges and do not visually dominate the roof. The proposed mix of brick, tile, render and stone quoins is acceptable as is the overall design of the dwelling. When viewed from the front elevation the dwelling would have an eaves height of approximately 2.5m and ridge height of approximately 7.5m. The A-symmetrical roof shape and low eaves level means that the visual bulk of the dwelling is minimised whilst still achieving accommodation over two floors.

6.9 It is noted that some representations have made reference to the previously approved applications being for a bungalow, not for a property of the size currently proposed. It is confirmed that the previous applications both advertised the erection of 1 dwelling and that the current plans are the same as those previously approved.

6.10 Other than a very narrow opening serving the bathroom, there are no ground floor windows at the rear of the house and as such this allows for the property to be built/pushed back into the rising ground. The location of the plot means that although the dwelling is likely to be seen from the roadside (through the access point on High Street) it will not form a visually dominant or major part of the street scene. Details of all facing materials can be conditioned.

6.11 The application gives details of proposed hard and soft landscaping. These details are the same as previously approved and include garden space, decking, bugger planting at the rear of the site, timber fencing, parking areas, retaining walls and pathways. Details can be conditioned where necessary. It is considered that subject to conditions the proposed scheme is acceptable from a design and visual impact perspective. The proposal therefore complies with Policy DC1 with regard to design.

Impact upon the Setting of a Listed Building.

6.12 Impact upon the setting of number 44 High Street (Grade II Listed) was considered during the previous Outline and Reserved Matters applications, with the Conservation Officer confirming at the time that the Listed building was primarily viewed from the High Street. The Conservation Officer noted that views to the rear were limited by the topography and surrounding buildings and she concluded that the construction of a dwelling on the application site would have no detrimental impact on the setting of the Listed Building. These comments are still valid now as there is nothing significantly different in respect of the relationship between the proposed dwelling and the Listed Building. Members will note that views to the rear of number 44 High Street are already partially obstructed, the building being seen in the context of surrounding dwellings, gardens, outbuildings, canopies and trees. It is considered that the proposed scheme will not have any adverse impact upon the setting of the Listed building due to the above reasons and separation distances and therefore complies with the requirements of Policy DC2 of the local plan and the NPPF in this regard.

Highways/Access

6.13 The NPPF and Local Plan policies DC1 and T1 require that all development proposals secure safe and suitable access to a site whilst making a contribution towards meeting parking requirements and ensuring that all new development can be satisfactorily accommodated within the highway network. The new dwelling would be

accessed via the existing/established driveway which links to High Street. It is understood that the access will continue to be shared with, and used by, neighbouring residents. Off-road parking spaces are to be provided for the new dwelling; two to the front of the house and two to the side/rear.

6.14 Some of the representations received in respect of this application have raised concerns over the increased use of the access and question whether it is possible to achieve the required 4.2m access width within land owned by the applicant but the submitted red edge plan shows that this width can be achieved and the applicant has signed Certificate A on the application form to certify that they own the land in question. The access arrangements remain the same as those previously approved with the Highways officer concluding each time (including for this application) that the access arrangements were acceptable subject to conditions. Recommended conditions include widening of the access drive, securing surface water drainage and provision of parking space within the site prior to the development being first brought into use. In the absence of any highway objection it is considered that the proposal complies with Policy DC1 and Policy T1 of the Local Plan, as well as the NPPF and that a refusal on highway grounds could not be sustained.

Amenity

6.15 There are two aspects of residential amenity to consider, firstly that in connection with the proposed dwelling/provision for intended future occupants and secondly the resultant impact upon existing, surrounding residents. The proposed plans show that there will be external amenity belonging to the new dwelling. Gardens would be located to the front and rear, decking at the rear and parking spaces. There would be a bin storage area at the front of the house. The external amenity spaces are large enough to comply with the adopted Space About Dwellings standards. In this case (for a 4 bedroom dwelling), a minimum external amenity area is 65 square metres, this scheme far exceeds this figure. The Local Plan Appendix 2 parking standards are also met. For a 4 bedroom house, the requirement is for 3 off-road parking spaces, this standard is also met. It is considered that the scheme is acceptable in terms of the amenity provision for future occupants of the new dwelling.

6.16 The layout of the site, footprint of the dwelling and its location have all been previously approved and are the same as the arrangements now proposed. Due to the orientation of the proposed dwelling and the locations of surrounding properties it is noted that there are no direct facing window relationships. A site circumstance that has changed since the approval of the Outline and Reserved Matters applications, is the extension which has been built at number 40 High Street (the property near to the proposed dwelling and also accessed via the same vehicular access). Number 40 has benefitted from a two-storey side extension, the plans showing that the ground floor is a kitchen and the first floor, a bathroom. The approved principal windows serving the kitchen are within the front and rear walls only (therefore no direct relationship with the proposed dwelling) and at the side there was an entrance door. The upper floor bathroom window is in the side wall and in the interests of privacy, there is a condition attached to the approval to ensure this is fitted with frosted glass. The ground floor conservatory extension does not feature on the approved plans, nevertheless a conservatory is not a principal room. Letters of representation have raised concerns regarding the relationship between the proposed dwelling and the extensions at number 40. At the time of number 40's application being approved, the case officer did consider the relationship between the extension and the approved location of the new dwelling. The Case officer concluded that '*given the fact that the*

2 dwellings would be off-set from each other and not directly opposing the reduction in separation is considered to be acceptable with regard to loss of light.'

6.17 The dormer windows to the dwelling are small, one serving a WC (non-principal window) and the other a lounge. Whilst a lounge window is classed as a principal window it is noted that it has been positioned near to the shared boundary with 'The Bungalow' therefore allowing additional separation distance from numbers 40 and 42 and their respective garden areas. The dormer window would also be partially masked by the forwards projecting gable containing the front door. The lounge dormer will not create any unsatisfactory overlooking relationship with The Bungalow.

6.18 The Bungalow (neighbour to the east) has a large, first floor, gable end window directly overlooking the application site; which is not shown on the original approved plans (SM/4747). In any case the application dwelling would be sited at a lower land level; its a-symmetrical roof design ensuring that any view was not completely blocked. It is noted that The Bungalow also has a ground floor window within the gable end facing the application site. The planning approval for The Bungalow (SM/4747) shows that this is a secondary window, the main window being to the rear of the house and as such not raising any material planning objections in terms of protection of principal windows. The amenity arrangements are the same as then the previous Outline and Reserved Matters schemes were approved. The proposals comply with the requirements of Policy DC1 in terms of privacy and amenity.

Environmental Health

6.19 No objections have been raised by the council's Environmental Health officer. It is noted that the application is accompanied by a desk study produced by Betts Geo (Ref: 20CHE244). The Environmental Health officer (EHO) states that the desk study is a comprehensive assessment of the potential contamination risks associated with the site; the EHO accepts the findings. The report concludes with a preliminary site conceptual model outlining potential risks and recommendation for further site investigation to confirm these risks. The EHO agrees and an appropriate contamination condition recommended. Other suggested conditions relate to securing an Environmental Method Statement, details concerning potential soil importation and lighting.

Ecology/Biodiversity and Trees

6.20 Similar to other aspects of the proposal, Ecology and Biodiversity matters have been considered previously. Since then excavation has occurred. The application has been referred to Staffordshire Wildlife Trust for their comment. Comments are still awaited. The plans show that the footpath to the north of the site will not be affected by the proposal. The presence of the footpath did not raise any cause for concern at outline application stage and the proposed planting scheme will provide a buffer between the development and the path. No only will this protect the path but it will also offer privacy for any future occupant of the new dwelling. Staffordshire County Council (SCC) raise no objections to the application in terms of the proximity of the footpath. SCC recommend a number of informative notes (in the event of approval), to remind the applicant/developer of their responsibilities.

6.21 The Councils Arboricultural Officer has no objections to the application, recommending that a planting/landscaping plan is submitted. The officer also states that;

There are some intermittent scrubby and coppiced trees along the eastern boundary of the application site, probably the remains of a former hedgerow. These are of poor form and little or no worthwhile visual amenity value. The largest of these trees, at the north-east corner, is an early-mature Sycamore of poor structure and unbalanced form, and is not particularly suitable for long term retention. Therefore, whilst this tree is most notably indicated to be removed, I would have no objection to its removal, nor indeed to the application itself. For these reasons, there would be no need to impose a temporary tree protection condition in the event that planning permission is granted. It is noted that the proposed site layout shows an indication of a shrub planting buffer strip along the northern edge of the site, where a public footpath runs adjacent. This is considered appropriate, and could take the form of either a new hedgerow (which should be of mixed native species to suitable specification, and incorporate some standard hedgerow trees) or a more informal area of shrubs/scrub, possibly with some trees amongst these, and again native species would be the preference in order to secure a scheme which is of appropriate character to the semi-rural setting and also would provide biodiversity enhancement and net gain.

6.22 Subject to the imposition of conditions to secure the planting recommended by the Trees and Woodlands officer, the proposal is considered to comply with Policies DC1 and NE2 in this regard.

Drainage

6.23 Severn Trent Water have advised they does not have any objections to the application. The consultation comments state that the proposal has minimal impact on the public sewerage system and that a drainage condition is not required.

Conclusion and Planning Balance

6.24 The application site is located within a sustainable area within a settlement identified as a larger village in the adopted Local Plan. There are no 'in principle' objections to the application and regard has been given to the previously approved Outline and Reserved Matters consents. It is recognised that these consents have lapsed but there is nothing significantly different in terms of relevant planning policies which would indicate that a different recommendation should be reached. All relevant material planning considerations have been considered and, subject to conditions, it is recommended that Members approve the scheme.

7. OFFICER RECOMMENDATION

A. Subject to their being no substantive new issues being raised by Staffordshire Wildlife Trust that Full Planning Permission is approved subject to the following conditions and advisory notes.

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:-

**144-1 Rev B;
144-2 Rev B;
144-3 Rev A;
167-1;**

Reason:- For the avoidance of doubt, 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, AA, B, C, D and E and/or 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:- To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area as well as neighbour amenity and parking provision.

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 (including specific render type and colour), dormer cheeks and dormer gables and hard surfaces including block paving, 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, completed in full prior to first occupation and retained for the lifetime of the development.

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

5. Prior to their construction, details of all eaves and verges shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details, be completed before first occupation of the dwelling and retained for the lifetime of the development.

Reason:- In the interests of good design.

6. Prior to their insertion, joinery details of all external windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details, completed prior to first occupation and retained for the lifetime of the development.

Reason:- In the interests of good design.

7. Prior to their construction, details of the heights of all retaining walls including their construction materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in full accordance with the approved details prior to first use of the development.

Reason:- In the interests of visual amenity/design and for the avoidance of doubt.

8. No phase of the development hereby permitted shall take place until Demolition and Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;

II. the arrangements for prior notification to the occupiers of potentially affected properties;

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

IV. a scheme to minimise dust emissions arising from 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. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;

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

VI. the storage of plant and materials used in constructing the development;

VII. any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment,

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

9. No development approved by this planning permission shall take place until a detailed remediation scheme to bring the site to a condition suitable for

the intended use by removing unacceptable risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters, has been submitted to and approved in writing by the Local Planning Authority. The scheme must include:

a. A further site investigation , based on the information already provided to support a detailed assessment of risks to all receptors that may be affected, including those off site.

b. The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and a remediation strategy giving full details of remediation objectives and remediation criteria

c. A validation plan providing details of the data that will be collected in order to demonstrate that the all works set out in (a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

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

10 Prior to bringing the development into first use, a validation report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved validation plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the validation plan, and for the reporting of this to the Local Planning Authority.

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

11. No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto

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

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

12. Details of any/all external lighting to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and the works shall be carried out in full accordance with the agreed details and retained for the lifetime of the development.

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

13. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been widened to 4.2m and reconstructed in accordance with approved drawing 144-2 B.

Reason:- In the interests of highway safety.

14. The development hereby permitted shall not be brought into use until details of a surface water drainage interceptor, connected to a surface water outfall, located to prevent surface water flowing ultimately onto the highway, have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use and retained for the lifetime of the development.

Reason:- To prevent surface water from the proposed increased surfaced areas flowing ultimately onto the highway.

15. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plan 144-2 B. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.

Reason:- In the interests of highways safety.

16. Within two months of the commencement of development (including any site clearance, site stripping or site establishment) a comprehensive landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall in particular provide for the establishment of either a buffer planting area to the northern boundary as broadly indicated on the layout plan hereby approved, comprising of mixed native shrub and scrub species including suitable native trees, or a new mixed native species hedgerow along this northern boundary also incorporating some suitable native hedgerow standard trees. The landscaping scheme so submitted shall include full details of all new trees, shrubs and any other planting, giving specification for species, positions, planting sizes and

numbers/densities of all new planting. The landscaping scheme so 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. The trees and 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 biodiversity.

17. Prior to first use of the development hereby approved, bat, bird and insect boxes details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the types of boxes to be used and the proposed locations within the site. The development shall then be carried out in full accordance with the approved details and completed prior to first use of the dwelling hereby approved.

Reason:- In the interests of biodiversity enhancement.

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 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.

Informatives

1. The application has been assessed against adopted Development Plan policies as well as the National Planning Policy Framework and any other material considerations. As the application is acceptable there was no need for any negotiation and accordingly a sustainable form of development is approved.
2. 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.
3. The attention of the developer/applicant is drawn to the existence and location of the footpath and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. If the path does need diverting as part of these proposals the developer would need to apply to the council under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The applicants/developers are reminded that the granting of planning permission does not constitute authority for interference with the right

of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

4. It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous.
5. The County Council has confirmed it has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.
6. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/buildingonorwithintheinfluencingdistanceofmineentries Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider. If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
7. Should the dropped crossing to the site need to be extended, please note that prior to the access being widened you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building,

Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to nmu@staffordshire.gov.uk)
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

8. 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) and the Building Regulations 2010 Document E or other appropriate guidance.
 - Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>
 - During any demolition and construction activities (including landscaping) the contractor should 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 the Land contamination risk management framework (LCRM), published by the Environment Agency <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
 - Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.
 - The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become an "appropriate person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.
 - Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under

part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

- During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes.

- The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.

- Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

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

