

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**16<sup>th</sup> June 2022**

Application No:	SMD/2021/0784	
Location	Land east of Sugar Street, Rushton Spencer, SK11 0RN	
Proposal	Full planning application for erection of four dwellings.	
Applicant	Mr Rider, Rider Enterprises Ltd	
Agent	Rob Duncan Planning Consultancy Ltd	
Parish/ward	Rushton Spencer	Date registered: 30.11.2021
If you have a question about this report please contact: Chris Johnston tel: 01538 395400 ext. 4123 <a href="mailto:christopher.johnston@staffsmoorlands.gov.uk">christopher.johnston@staffsmoorlands.gov.uk</a>		

## **REFERRAL**

The application is before committee at the request of Cllr Hawkins due to local concerns over drainage/flooding, highway safety, parking, overdevelopment, visual impact, privacy and the lack of adequate public transport.

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

**APPROVE WITH CONDITIONS**

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

2.1 The site lies on the eastern edge of the small village of Rushton Spencer and comprises a small field/paddock (with an area of 0.42 hectares) on the east side of Sugar Street, a "C" classified lane close to the junction of A523 (Macclesfield Road) and Leek Old Road and which runs through the village heading north, past the primary school and chapel and which then heads east through the countryside towards the village/hamlet of Heaton. The site is opposite the Royal Oak pub (a traditional stone building), its rear car park and an adjacent row of three old stone terraced dwellings which face the lane. The north side boundary of the site is flanked by Alley Lane (which joins onto Sugar Street), a narrow lane leading to houses including one directly to the rear (east) of the site, a large detached bungalow and also one to the other side of Abbey Lane to the north of it, which faces the site. There is also an old two-storey dwelling to the north of the site next to the junction of Alley Lane and Sugar Street with its side wall facing Alley Lane and the site. There is also another bungalow to the south side of the site which faces the junction of Sugar Street and Leek Old Road. The land rises quite steeply upwards from the lane towards the east with the bungalows to the rear and north side elevated above the site and which look down onto it. The site boundaries are marked by low hedgerows although there is also a section of a low drystone wall along the front( (roadside) boundary and a field gate. There are no trees within the site other than a cluster of large trees next to the south side boundary close to the

top of the site. The site is not affected by any land designations. It is not within a development boundary, the Green Belt or a Conservation Area and there are no nearby listed buildings. The site is not allocated for development in the Local Plan.

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

3.1 This is a full planning application for 4no 3-bed two-storey terraced dwellings with a traditional stone cottage form and design and placed along the Sugar Street frontage in the southern half of the site, directly opposite the pub car park. These would be private market dwellings. Immediately to the north of the row of dwellings, a new access would be created onto a private shared driveway bending around the back of the houses to private parking spaces for each dwelling, backing onto proposed rear patio gardens for each dwelling. The drive would be flanked by a grass verge and stone boundary wall, separating the development from the rest of the field. There would be two parking spaces for each property. There would be some ground extraction involved to level off the drive, due to the sloping land and a turning head would be created at the end, bordered by a stone retaining wall. To the front of the dwellings would be a small paved gap, then a new stone wall separated by low timber pedestrian gates in front of the front doors to each house. To the front of the wall and gates would be a footway next to the lane, spanning the whole development frontage up to the new access. To the other side of the access, the remainder of the site frontage would comprise a narrow grass verge with stone boundary wall and hedge behind it. There would be small clusters of new tree planting around the remaining field which would be used as an open vegetation and grass meadow with ecological and habitat enhancements. The existing group of trees next to the south side boundary are shown to be retained along with the existing side boundary hedgerows.

3.2 The building materials would include, for the walls, “locally sourced, randomly coursed natural sand stone with eaves and verge corbelled detailing”, Staffs Blue clay roofing tiles, powder coated aluminium rainwater goods (colour not specified) and timber window frames and doors (colours not specified). Hard-surfacing materials would include permeable tegular paving blocks for the access road and private drive and permeable paving blocks for the footways contrasting with the access road. The colours are not specified.

3.3 The dwellings will include sustainability and energy efficiency features including electric car charge points, air source heat pumps and solar electric roof panels. There will be rainwater harvesting from the roofs to be used for garden watering and if treated for use in toilets and washing machines.

3.4 The proposed tree planting would comprise small copse woodland and orchard fruit trees.

3.5 This is an amended scheme which differs with the original submitted scheme for a small cul-de-sac type development with three split-level dwellings set further back from the lane and with their backs facing it and much larger detached two-storey dwelling placed near the top of the slope to the other side of the cul-de-sac and placed perpendicular to the other dwellings, facing the north side boundary. The original scheme also proposed a small car park to the north of the cul-de-sac,

directly opposite the existing terraced dwellings on Sugar Street, intended to provide off-road parking for the existing residents. The car park has been removed from the scheme.

3.6 The amended scheme also includes an indicative drainage plan which shows a sewage treatment plant (underground) and soakaway dispersion field, both of which would be placed to the north of the access where the former proposed car park was to be placed. The plan also shows the routes of proposed surface water and foul drains with inspection chambers.

3.7 The application was accompanied by a Planning Statement, Design and Access Statement, Preliminary Ecological Assessment report, Energy and Sustainability Statement and Arboricultural Report. A Biodiversity Impact Assessment report was received on 31.5.22.

3.8 The application files including the drawings and details of the proposal together with consultation responses can be viewed on the Council website at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=155484>

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

None.

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

5.1 The Development Plan comprises:

Adopted Staffordshire Moorlands Local Plan - Sep 2020

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

- SS1 Development Principles
- SS9 Small Villages Strategy
- H1 New Housing Development
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- T1 Development and Sustainable Transport
- NE1 Biodiversity and Geological Resources

National Planning Policy Framework (NPPF).- July 2021

Para 11: Presumption in Favour of Sustainable Development

Section 5: Delivering a Sufficient Supply of Homes

Section 12: Achieving Well Designed Places

Section 15: Conserving and Enhancing the Natural Environment

## **6. CONSULTATIONS**

6.1 A site notice was posted and displayed outside of the site on 9<sup>th</sup> December 2021. Letters were also sent out to adjacent properties shortly after the application was received and 21 days was given for comments in response. On the receipt of amended plans on 26.4.22, adjacent properties and senders of representations in response to the original application were notified and given 14 days in which to comment.

### **Public response to consultation**

6.2 In response to the original submission, letters of objection were received from four local residents and the following points were raised:

- The proposal will exacerbate local flooding problems affecting nearby roads, the drainage plans are unclear and no details of impacts on the local water courses including a stream near the south boundary
- There is no demand for additional housing in the village
- There is inadequate facilities in the village to support new housing
- Harm to highway safety as Sugar Street is narrow and has no footway and the junction at A523 is difficult and no improvements to it have been made plus any new access onto Sugar Street would be unsafe and Alley Lane is on blind junction
- Further ecological assessment is needed as the site is well used by wildlife
- Harm to appearance of the area as houses excessively high and built on higher ground
- Harm to privacy of existing Sugar Street dwellings and the dwelling to the rear of the site
- Proposed lighting on the access road would be out of keeping with the character of the area and harm wildlife and public health

6.3 Letters from two further local residents were received neither supporting or objecting but raising the following concerns:

- The proposal will significantly increase traffic on unsuitable roads and parking provision is inadequate
- Conditions should be applied to ensure materials and landscaping is in keeping with the area
- Increased surface water run-off exacerbating existing flooding problems

6.4 In response to the amended plans, objections were received from one local resident who objected to the original plans. The points raised are as follows:

- Reduction in parking provision will cause further highway safety problems
- The amended plans do not address the drainage issues

**Rushton Spencer Parish Council**

6.5 In response to the original plans the PC objected to the application on the grounds of drainage/flooding problems, harm to highway safety, parking problems, overdevelopment, harm to character and appearance of area, harm to privacy of adjacent residents and the lack of adequate public transport in the village.

6.6 The response from the PC to the amended plans will be reported at the Committee meeting.

### **SCC Highway Authority**

6.7 In response to the original plans, an objection was raised due to inadequate parking for two of the dwellings and also lack of detail for the visibility splays and lack of detail of the proposed pedestrian links onto Sugar Street.

6.8 In response to the amended plans, SCC Highways removed its objection providing conditions were added relating to visibility splays, the provision of the access, parking and turning areas before occupation of the dwelling, the provision of a surface water drainage interceptor and details of dropped crossings onto Sugar Street for pedestrians.

6.9 SCC Highways commented as follows:

*“Visibility splays are now dimensioned. Splay to the west is measured incorrectly in that visibility should be measured to the near kerbline, not the opposite kerbline. However, visibility is to be provided as far as the Alley Lane junction, the limit of land ownership. Pedestrian dropped crossings are now not shown. Dropped kerbs should be provided on Sugar Street frontage at each plot to improve access for pushchairs etc. Bellmouth will require technical approval as part of the works agreement process. Pedestrian access will be considered in the detail at that stage. Footway shown on drawing 2127 AL06 A is not dimensioned but scales at approx 1m wide. This does not meet highway standards and should be considered more as providing a refuge for pedestrians to leave the front of their property and stand safely before entering the carriageway. Off-site highway improvements were to be provided under approval for the site opposite 12/00364 (SMD/2012/0155) for 9 dwellings which was approved at appeal. Inspector commented at para 52 that the requirement for these was disputed but that on balance, they should be provided. As this proposal is for 4 dwellings, off site highway improvements would be unlikely to be required related to the scale of the development. Work on the site opposite has commenced but at the time of my site visit appeared to have stopped. Current records show that there were no Personal Injury Collisions on Sugar Street within 50m either side of the site access or at the Sugar Street/Leek Old Road junction in the previous five years.”*

### **Environmental Health**

6.10 In response to the original scheme, no objection was raised and standard conditions were recommended relating to a Construction and Environment Management Plan (CEMP), unexpected contamination, imported soils, external

lighting and air source heat pump noise.

6.11 No additional comments were given in response to the amended plans.

### **SCC Local Flood Authority**

6.12 *“As non-statutory consultees of applications of this size we have no comments to make.”*

### **Staffordshire Wildlife Trust (SWT)**

6.13 A holding objection was initially raised as information on ecological impact was deemed to be insufficient. SWT requested a Biodiversity Impact Assessment to evidence a biodiversity net gain, more information on site hydrology and proposed drainage and an amended drainage scheme to include sustainable drainage and habitat enhancements.

6.14 The comments of SWT are as follows:

*“Due to the limited scale of the development no impacts to nearby sites are anticipated, providing adequate drainage infrastructure is implemented. The site forms part of the local ecological network linking nearby wildlife sites and other grassland habitats. The grassland has some diversity, but does not appear to meet local Wildlife Site criteria.*

*It is not clear whether the proposals would achieve a Net Biodiversity Gain (NBG) due to the amount of semi-improved lowland meadow to be lost. Therefore, a Biodiversity Impact Assessment is required.*

*With regard to drainage, the indicative drainage plan shows permeable surfaces and proposed locations for a sewage treatment plant and a rainwater harvesting tank. However, no further details are provided. Due to surface water flooding issues reported by residents, the presence of a natural spring and possible channels connecting off the site, further information on site hydrology and proposed drainage feasibility are required. As well as avoiding downstream impacts, a more natural design following SuDS principles would also create additional habitat.*

*With regard to particular species, no harm would result providing conditions are put in place to ensure the protection/mitigation measures outlined in the Preliminary Ecological Assessment Report are undertaken. It is advised that species enhancements for bats, birds, hedgehogs, invertebrates, and reptiles are shown on an updated landscaping plan.”*

6.15 In response to the amended scheme and submitted Biodiversity Impact Assessment (BIA) report, SWT raised no objections subject to conditions to provide further species enhancements in the landscaping scheme, a long term habitat management plan, further drainage details, a reptile protection method statement and for the protection/mitigation measures outlined in the ecology reports to be undertaken. SWT commented as follows:

*“The amended plans retain more grassland and this would appear to be sufficient to*

*provide a net gain, as long as all areas of grassland area enhanced with locally sourced seed.*

*A habitat management plan will be required to secure net gain habitats for a minimum of 30 years. As per our previous comments, details of species enhancements will need to be submitted via further plans which may be conditioned.*

*The indicative drainage plan appears to be suitable from an ecological perspective. . Additional surface features such as a lined reedbed or swale could be considered at the lower end of the site as part of a detailed drainage plan. In order for the permeable landscaped areas to absorb some run-off, they would need to be flush with the hard surfacing without a curb, or permeable curb materials used. Underground geocellular storage could be considered to provide more storage and filtration. Water butts should also be provided on each home.”*

### **Environment Agency (EA)**

6.16 No objection subject to two conditions requiring full details of the surface water and foul drainage schemes to be submitted for approval before works commence. The EA commented as follows:

*“Published geological maps show that the site lies above the Chester Formation Principal Aquifer. The site lies within Groundwater Source Protection Zones 2 and zone 3 for a nearby public water supply abstraction. The site is also within a groundwater safeguard zone. These designations highlight both the importance of the groundwater source in this location, and its vulnerability to pollution. It is therefore essential to ensure that any discharges to ground of foul and surface water is carried out in such a manner as to limit the potential for pollution of groundwater.*

*The proposed development will be served by a private sewage treatment plant and drainage field. The information submitted in support of this application has demonstrated that it is not possible to connect to a mains sewer network and that appropriate mitigation measures can be employed to ensure that the risk to controlled waters are minimised.”*

### **United Utilities (UU)**

6.17 In response to the original submission, UU commented as follows:

*“The site directly overlies the sandstone rock, mainly within a Groundwater Source Protection Zone (SPZ) 2, overlapping onto SPZ 3. This forms a recharge zone for the aquifer, abstracted at depth by United Utilities for local public drinking water supply at nearby Rushton Spencer boreholes. The applicant should follow best practise on their use and storage of fuels, oils and chemicals, to remove the risk of causing pollution during construction.”*

*“The site maybe particularly vulnerable to the presence of contamination, due to the presence of an historic abstraction borehole (SJ96SW2 / SJ96/23). If present and not decommissioned, this could provide a direct connection to the groundwater table at depth.”*

*“There is a record of a discharge from an existing off-site private wastewater system onto site, along the western, Sugar Lane boundary. We seek further information regarding:*

*-If this drainage is a wastewater overflow or treated effluent;*

*-Whether the flow drains to ground on-site or enters surfacewater courses (the canal), via road drainage;*

*-Evidence to demonstrate the flow does not pose an additional contamination risk to the development site; and,*

*-An assessment of the potential contamination risk to groundwater at depth.”*

*“The proposed gravel surface of the shared car parking and the permeable paving to the properties does not meet this standard, without treatment of pollutants in run-off.”*

*“We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities.”*

6.18 The comments of UU in response to the amended plans including amended drainage strategy will be reported at the Committee meeting.

## **SMDC Waste Collection Service**

6.19 No issues regarding waste collections.

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

### Introduction

7.1 Paragraph 11 of the National Planning Policy Framework (NPPF, 2021) promotes 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 more important for determining the application are out-of-date, granting permission, 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.

7.2 Paragraph 8 of the NPPF (2021) identifies three dimensions to sustainable development as being economic, social and environmental. In accordance with policies SS1 and 1a of the Staffordshire Moorlands Local Plan, the Council will expect all new development to make a positive contribution towards the sustainability

of communities and to protecting, and where possible, enhancing the environment. When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (2021).

7.3 The main issues with the proposal are as follows:

- The principle of the development in this location and whether or not the scheme amounts to a sustainable housing development
- The impact on the character and appearance of the area
- The impact on the residential amenities of existing dwellings in the area and the future residents of the dwellings
- The impact on highway safety
- The impact on the ecological value of the site
- The impact on drainage and flood risk
- The impact of the proposal on ground contamination levels and water quality

### **The principle of the development**

7.4 Rushton Spencer is classed as a “small village” for the purposes of the Local Plan. The adoption of the Local Plan in September 2020 set out the strategy for new housing for the plan period, up to 2033 and included new allocations of land and a focus for other new housing development on the towns and larger villages. However, an element of limited new housing including in small infill sites, is part of that strategy, as outlined in the Small Villages Strategy, Policy SS9. However, recently, the demonstrated supply of housing land for the District fell to 4.2 years and in accordance with the NPPF, a housing land supply of less than five years triggers paragraph 11 of the NPPF, which as stated above in this report, requires the granting of permission of sustainable development proposals unless, under para 11 d(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.”

7.5 With regard to the Local Plan, Policy SS9 allows limited new housing in the small villages in accordance with Policy H1, ‘New Housing Development’. For the small villages, this allows new housing where it is:

*“well related to the existing pattern of development of a smaller village and will not create or extend ribbon development or lead to sporadic pattern of development; and, in all cases the development will not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character and appearance of the countryside.”*

7.6 Whilst the requirements of Local Plan policies such as SS9 and H1 are still material planning considerations, due to the housing land supply shortfall, those policies are now undermined by the requirements of Para 11 of the NPPF which gives great weight to allowing sustainable new housing unless this would lead to adverse impacts considered to outweigh the benefits of, in this case, the provision of four new 3-bed dwellings on the edge of the village. This is the key consideration in determining the principle of this proposal.

7.7. With regard to whether or not the location is sustainable, there are some services in the village which can be safely and easily reached by foot which would reduce the need to travel by car. There is a primary school approx. 100 metres away from the proposed houses on the opposite side of Sugar Street, there is a pub directly opposite the site, a chapel further along Sugar Street and bus stops on Macclesfield Road, although the service is rather infrequent with one bus approx. every 90 minutes. There is a footway opposite the site, outside the pub, leading to Macclesfield Road. There is no footway on Sugar Street connecting the site to the school and chapel but as the lane is fairly narrow, vehicle speeds are not high and the local highways authority do not consider it dangerous to walk along. Overall, although an increased number of vehicle movements would be expected, mainly to reach food shops and workplaces, it is not considered the site is in a significantly unsustainable location and is suitable for a small number of houses.

7.8 A recent application for nine new houses in the village, off Macclesfield Road was refused and an appeal against the refusal was dismissed earlier this year (ref: SMD/2020/0201). However, the reason for this was the harm to the character and appearance of the village rather than it being an unsustainable location for new housing.

7.9 Overall, in terms of the proposal, the principle of four new houses on the site is considered acceptable unless there are any adverse impacts identified and the rest of this report will assess this.

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

7.10 The site comprises a field and is next to a lane flanked with stone walls, and hedgerows which gives the area a rural character often found on edge of village locations. However, there are buildings directly on the opposite side of the site and dwellings to the north and south sides and also bungalows directly to the rear at the top of the slope and on the opposite side of Alley Lane which are very visible from Sugar Street. Although there is a significant green gap between the bungalow to the rear and to the south sides of the site, largely occupied by trees, it is not considered the row of four houses at the bottom of the slope directly fronting Sugar Street would lead to a prominent intrusion into the countryside or have a significant adverse impact on the character and appearance of the countryside, in conflict with Policy H1. There are views of the green site when heading south-east along Macclesfield Road before reaching the bend, as the slope faces north-west but the bungalow at the top above the site is also very prominent. From this direction, the dwellings, placed at the bottom of the slope on the south part of the site, would be largely obscured by the presence of the pub. The site is not prominent when heading north along either Macclesfield Road or Leek Old Road as views of the site are blocked by buildings and trees. When heading south along Sugar Street, the new houses will be immediately evident but the existing terraced dwellings and the pub will also be noticeable.

7.11 It could be argued that the row of four houses could “create ribbon development” contrary to Policy H1. However, this is not considered to be out of keeping with the village as a whole. There is a row of traditional terraced cottages of

similar form opposite the site and despite the recent appeal dismissal on Macclesfield Road, the Inspector considered that part of the proposal, comprising a row of four dwellings fronting Macclesfield Road, was not harmful to village character, with the actual harm resting with the separate cul-de-sac development applied for under the same application dismissed at appeal. Due to para 11 of the NPPF taking precedent in the determination of the scheme, the test is whether the form of development would lead to significant adverse impacts rather than whether or not the proposal complies with Policy H1. Although due to the “ribbon development” form of the proposed development it could be argued there is some conflict with Policy H1, it is not considered to amount to an adverse impact which outweighs the benefits of providing four new dwellings on the site.

7.12 The level of harm is also reduced by the rural traditional cottage design of the dwellings which includes the side gable roof form, appropriate local stone materials and features such as chimneys and porches with front gables, considered to be in keeping with village character. A significant amount of green space would still be retained and would maintain a meadow character and hedgerows and existing stone walls would be retained. The parking areas would be hidden behind the houses and although some extraction is required for the access and turning head, this would be flanked with stone retaining walls and would in any case be obscured by the row of houses. Although a section of hedgerow would be removed, this would be replaced by a new stone front boundary wall although there is sufficient space to replace the hedge slightly further back and a condition can be added requiring exact details of the boundary treatments for the frontage.

7.13 Overall, although the proposal would erode part of a field which contributes positively to village setting and the street scene of Sugar Street, the site does not give the impression as being within the open countryside outside of the built confines of the village, due to the presence of surrounding buildings. The proposed form and design of development is in keeping with the character and appearance of the village. It is not considered the proposal would lead to significant harm arising from the impact on the visual amenities of the area.

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

7.14 The proposed row of dwellings would be opposite a pub car park and not the existing row of terraced dwellings next to it and views directly in front of the front windows of those houses would be unaffected and the proposed houses would only be visible from an obscure angle from the front primary windows. The separation distances between the proposed dwellings and the bungalows to the rear and north side would be in excess of the standards in the Council’s Space About Dwellings design guidance. With regard to the bungalow to the south, there is a secondary ground floor window facing the site. The main windows at the front would be unaffected as there would be no significant infringement of the 45 degree lines measured from primary windows in accordance with the design guidance. Therefore, the proposal would not lead to any significant light loss or privacy loss affecting the residential amenities and living conditions of the existing residents of the area.

7.15 With regard to the future occupants of the site, the private outdoor garden/patio

spaces for each unit, albeit small, would still be in excess of the recommended 65 sq.m for space around the house in the Council's design guidance. The new residents would also have access to the significant green space still maintained on site to compensate for the lack of any real soft planted or grass areas. In terms of internal space, each units would have approx. 110 sq.m which is well in excess of the 93 sq.m required for two-storey 3-bed houses with two double bedrooms.

7.16 Overall, it is considered there would be no adverse impacts in relation to the effect of the proposal on the residential amenities of the existing residents or future occupants of the site.

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

7.17 Although the lane is narrow, it is largely wide enough for two cars to pass, especially close to the junction with the main road. The design of the access, which has been amended, is acceptable and would allow an adequate level of visibility for drivers leaving onto Sugar Street. The traffic generated by four additional houses in this location would not lead to any significant highway safety problems and visibility at the main road junction is adequate. With regard to pedestrian safety, a footway of 1.0m would be provided along the frontage of the houses and although this is substandard for a footway, it would still amount to an improvement. The footway does not continue to the north of the access due to the land banking, but it is a very short section of straight road with a 30mph speed limit between the proposed access and the school. Overall, due to the nature of the lane and the design of the access road and path, the local highways authority does not consider the proposal would be detrimental to highway safety.

### **The impact on the ecological value of the site**

7.18 The site is not considered to have a high biodiversity value and once further ecological assessment information was received from the applicant, Staffs Wildlife Trust were satisfied no significant harm would result from the proposal and this includes the impacts from the drainage strategy. However, Policy NE1 encourages a "Net Biodiversity Gain" from all proposals and SWT consider there is potential to achieve this through enhancements and additional landscaping in the retained meadow grassland area and through a Habitat Management Plan to secure net gain habitats for a minimum of 30 years. As the ecological value of the site is low and there is significant potential to improve it, the Management Plan and other measures outlines can all be achieved via planning conditions.

### **The drainage strategy and the impact on flood risk**

7.19 The site is not in a flood plain (i.e. Flood Zones 2 and 3, the highest zones of flooding) but lies above an aquifer and is within Groundwater Source Protection Zones 2 and zone 3 for a nearby public water supply abstraction. The site is also within a groundwater safeguard zone. Due to the applicant demonstrating it is not possible to connect the development to mains drainage, a drainage field to the north of the access (fed by pipes from each unit) is proposed to deal with surface water drainage and a package treatment plant to deal with foul drainage. Furthermore all hard surfaces will be permeable to minimise run-off causing potential flooding.

Although the measures and strategy could lead to a potential impact on the aquifer and safeguarded groundwater, as it would lead to drainage into the ground, in terms of flood risk and drainage, the method of drainage is considered acceptable and would not exacerbate flooding from local watercourses (which are to the other side of the site from where the drainage field and package treatment plant is to be located). The Environment Agency has raised no objection to this but with the safeguard of conditions requiring further details of the design of the drainage strategy. The local highways authority has also asked for a drainage interceptor to prevent surface water run-off onto Sugar Lane in the interests of highway safety. This can also be achieved by way of a planning condition.

### **The impact of the proposal on ground contamination levels and water quality**

7.20 Due to the aquifer and the groundwater protection zones covering the site, which provide a source of local public water, via boreholes in and around the site, it needs to be ensured that no harm occurs to these as a result of the development and the method of foul and surface water drainage. There is a record of a discharge from an existing off-site private wastewater system onto site, along the western, Sugar Lane boundary. United Utilities requests further information from the applicant about this and also requests evidence to demonstrate the flow does not pose an additional contamination risk to the development site and an assessment of the potential contamination risk to groundwater at depth. It is considered that this information can be requested by way of a planning condition requiring the details to be submitted and approved and for any mitigation measures required to be implemented before the development is brought into use.

7.21 UU also requires the run-off from the permeable surfaces to be treated and details of this method can also be requested and provided by way of a planning condition. As with Environment Agency, UU has also requested more details regarding the proposed foul and surface water drainage methodology.

7.22 The final comments from United Utilities in response to the amended plans and amended drainage scheme will be reported at the Committee meeting.

### **Other Matters**

7.23 A number of letters of objection were received from local residents and also an objection from the Parish Council relating to flooding, highway safety, village facilities and impact on the amenities of the area. It is considered these points have been addressed in this report.

## **8. Conclusion and Planning Balance**

8.1 Due to the current five-year housing land supply situation, it is considered the proposal in providing four 3-bed houses in this edge of village location is acceptable as no adverse impacts have been identified which outweigh the benefits of the proposal in providing the housing. The proposal in this respect complies with the overarching para 11 of the NPPF in providing a sustainable development. The amended scheme is a significant improvement on the original scheme for a cul-de-sac development in a more prominent part of the site with houses which turned their

back on Sugar Street and which did not contribute to village form and character. The amended dwellings have an improved design and form addressing the lane and considered to be in keeping with the village. The scheme would also not harm the residential amenities of the area or highway safety and with the safeguard of conditions would also not lead to any other environmental harms relating to flood risk, pollution or ecological value.

8.2 In terms of the tilted balance, the proposal would deliver social benefits in providing housing in an area of undersupply and economic benefits due to the contribution to supporting local facilities and services as well as through the actual construction (i.e. the building trade) but without any significant environmental harms. Despite some minor conflict with Policy H1 in terms of the location and form of new housing for small villages, the proposal would by enlarge comply with the Local Plan and is in line with the NPPF.

## **9. RECOMMENDATION**

**A. That the application be 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 complete accordance with the submitted amended plans received on 26.4.22 and specifications as follows:-**

**2127 01A  
2127 06A  
2127 07A  
2127 08A  
2127 08A  
2127 09A  
2127 10A  
2127 11A  
2127 12A  
2127 15  
2127 17**

**Reason:-**

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

**3. The building materials shall comprise stone walls, Staffs Blue clay tiles, timber windows and aluminium rainwater goods in accordance with exact details of type, colour and texture to be submitted to and approved in writing by the local planning authority before any further development beyond damp**

course level.

Reason:-

In the interests of the character and appearance of the area.

4. The hard surfacing of the site including access road shall be undertaken before the development is first brought into use in accordance with details of type, colour and texture to be submitted to and approved in writing by the local planning authority.

Reason:-

In the interests of the character and appearance of the area.

5. The stone materials for the new boundary walls shall match those of the dwellings hereby approved and shall be provided before the development is first brought into use.

Reason:-

In the interests of the character and appearance of the area.

The soft landscaping and planting of the site shall be undertaken before the development hereby permitted is first brought into use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
- Implementation timetables
- Biodiversity Net Gain (BNG) metric information
- Meadow enhancement
- Details of species features and locations for bats, birds, hedgehogs, reptiles and invertebrates as laid out in the PEA report (Charnia Ecology, October 2021)

Reason:-

To ensure the appropriate landscape design and in the interests of the visual amenities of the area and the ecological value of the area.

6. The implemented planting scheme shall be subsequently properly maintained in accordance with good horticultural practice; any plants which are removed, die, become diseased or otherwise fail to establish within 5 years of planting shall be replaced during the next available planting season and the replacements themselves shall then be properly maintained.

Reason:-

To ensure the appropriate landscape design and in the interests of the visual amenities of the area.

7. The green open areas of the site shall be managed in accordance with a long-term habitat management plan to secure net biodiversity gain to be submitted to and approved in writing by the local planning authority before the development is first brought into use.

Reason:-

In the interests of the ecological value of the site.

8. Before the development is first brought into use, the following ecology measures shall be undertaken in accordance with the PEA report by Charnia Ecology submitted with the application, as follows:

a. Bird precautions to be followed as per sections 88 – 91, including timing of works.

b. Amphibian and mammal precautions to be followed as detailed within sections 83, 84, and 86.

Reason:-

In the interests of the ecological value of the site.

9. Measures to protect reptiles including retaining refuge areas and supervised clearance works shall be undertaken during the construction phase in accordance with a Reptile Method Statement to be submitted to and approved in writing before works commence.

Reason:-

In the interests of the ecological value of the site.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no additional windows or any other openings shall be installed in any part of the development, without prior written consent from the District Council as Local Planning Authority.

Reason:-

To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and the visual amenities in the area.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) AA, A, B, C, D and E or Part 2 Classes A to C shall be undertaken 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 and to protect the residential amenities of neighbouring residents.

12. Before the commencement of development, tree protection fencing shall be installed around all existing trees on site in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason:-

In the interests of the character and appearance of the area.

13. No phase of the development hereby permitted shall take place except for works of site clearance and demolition until a Construction and Environmental Management Plan for that phase of the site 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 method and duration of any pile driving operations (including expected starting date and completion date);
- III. pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
- IV. the arrangements for prior notification to the occupiers of potentially affected properties;
- V. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- VI. a scheme to minimise dust emissions arising from construction activities on the site.
- VII. a scheme for recycling/disposal of waste resulting from the construction works;
- VIII. the loading and unloading of plant and materials;
- IX. the storage of plant and materials used in constructing the development;
- X. 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,
- XI. details of any generator/s to be used on site. They should be sufficiently attenuated so that any noise generated shall be inaudible inside any nearby noise sensitive premise,
- XII. during construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.

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 amenity of local residents and that of the surrounding area from noise disturbance.

14. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local

**Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exist to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared, and is subject to the approval in writing of the local planning authority.**

**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.**

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

***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.**

**16. The 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 and shall be provided in accordance with sections 109 and 112 of the Charnia Ecology PEA and in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.**

***Reason:-***

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

**17. Any Air Source Heat Pump installed under this permission should be compliant with Microgeneration Installation Standard: MCS 020 MCS;**

**Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises.**

**Reason:-**

To protect local amenities of the local residents by reason of excess noise.

**18. Development shall not commence until specific details of the foul water drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and completed prior to the development being brought into use.**

**Reason:-**

To ensure the protection of controlled waters in line with paragraph 174 of the National Planning Policy Framework.

**19. Development shall not commence until specific details of the disposal of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.**

**Reason:-**

To ensure the protection of controlled waters in line with paragraph 174 of the National Planning Policy Framework.

**20. The water run-off from the proposed gravel surface of the shared car parking area and the permeable paving shall be treated before discharge in accordance with details to be submitted to and approved in writing by the local planning authority before the development is first brought into use.**

**Reason:-**

To prevent ground and water pollution.

**21. Before the commencement of works, details of the existing off-site private wastewater system discharging onto the site adjacent to Sugar Lane shall be submitted to the local planning authority and any measures or works in response to the details as agreed in writing by the local planning authority shall be undertaken before the development is brought into use. The details shall include the following:**

**-If the drainage is a wastewater overflow or treated effluent;**

**-Whether or not the flow drains to ground on-site or enters surface water courses, via road drainage;**

**-Evidence to demonstrate the flow does not pose an additional contamination risk to the development site;**

**-An assessment of the potential contamination risk to groundwater at depth.**

**Reason:-**

To prevent ground and water pollution as a result of development of the site.

**22. The development hereby permitted shall not be brought into use until the visibility splays shown on plan AL09A have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.**

**Reason:-**

In the interests of highway safety.

**23. The development hereby permitted shall not be brought into use until the**

access to the site within the limits of the public highway has been completed.

Reason:-

In the interests of highway safety.

24. Before the development is first brought into use, a surface water drainage interceptor shall be provided across the access immediately to the rear of the highway boundary, connected to a surface water outfall or on SUDS principles in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:-

In the interests of highway safety.

25. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.

Reason:-

In the interests of highway safety.

26. Before the proposed development is brought into use, revised details shall be first submitted to and approved in writing by the Local Planning Authority indicating: -

-Parking bays of minimum length of 4.8m;

-Pedestrian dropped crossings to facilitate pedestrian access onto Sugar Street.

The development shall thereafter be carried out in accordance with the approved details.

Reason:-

In the interests of highway safety.

27. No development shall be commenced until a scheme for the provision of electric vehicle charging points has been submitted to and agreed in writing by the Local Planning Authority. No property shall be occupied until any approved electric vehicle charging infrastructure associated with that dwelling has been installed in accordance with the approved details.

Reason:-

To promote the use of low emission vehicles and help mitigate the impact of any additional vehicles on local air pollution

#### Informatives

1.The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

2.Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should be suitably designed to meet the non-statutory technical standards for sustainable drainage systems. These standards should be used in conjunction with the National Planning Policy Framework and

Planning Practice Guidance and use a SuDS management treatment train.

3.The site directly overlies the sandstone rock, mainly within a Groundwater Source Protection Zone (SPZ) 2, overlapping onto SPZ 3. This forms a recharge zone for the aquifer, abstracted at depth by United Utilities for local public drinking water supply at nearby Rushton Spencer boreholes. The applicant should follow best practise on their use and storage of fuels, oils and chemicals, to remove the risk of causing pollution during construction.

4.The site maybe particularly vulnerable to the presence of contamination, due to the presence of an historic abstraction borehole (SJ96SW2 / SJ96/23). If present and not decommissioned, this could provide a direct connection to the groundwater table at depth. Other similar boreholes are located nearby, close to the site boundary. The Environment Agency may be able to advise further on appropriate sealing and decommissioning of the borehole, to prevent this forming a pathway for contaminants to reach the groundwater.

5.As the applicant intends to build a private Wastewater Treatment Works, the consent of the Environment Agency would be needed for the discharge of treated effluent. United Utilities would not wish to adopt the works on completion. The Applicant should follow EA guidance and apply for a permit for the new & changed discharges (<https://www.gov.uk/permits-you-need-for-septic-tanks/apply-for-a-permit>)

6.Any private wastewater treatment plant must be designed to ensure that the discharges also do not pose an unacceptable risk of pollution to groundwater, in order to protect United Utilities drinking water abstraction sources in the vicinity of the site.

7.If the applicant intends to receive water and/or wastewater services from United Utilities, they should visit our website or contact the Developer Services team for advice. This includes seeking confirmation of the required metering arrangements for the proposed development. If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal. In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit:

<https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.

8.The applicant or developer should contact United Utilities Developer Services team for advice if their proposal is in the vicinity of water or wastewater pipelines and apparatus. It is their responsibility to ensure that United Utilities' required access is provided within their layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity.

9.Staffs Wildlife Trust advise that additional surface features such as a lined reedbed or swale could be considered at the lower end of the site as part of the detailed drainage plan requested in the planning conditions.

10.SWT also advise the following:

- In order for the permeable landscaped areas to absorb some run-off, they would need to be flush with the hard surfacing without a curb, or permeable curb materials used.
- Underground geocellular storage could be considered to provide more storage and filtration.
- Water butts should also be provided on each home.

**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.**

### Location Plan

