

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

11 August 2022

Application No:	SMD/2021/0231	
Location	Adderley Mill, Trimpos, Cheadle	
Proposal	Demolition of disused industrial buildings; erection of 4 detached houses, and re-location of site access	
Applicant	Mr. D Hamilton and Dr C Craven	
Agent	Mr Ken Wainman, Ken Wainman Associates	
Parish/ward	Cheadle / Cheadle West	Date registered 29 th March 2021
If you have a question about this report please contact: Arne Swithenbank tel: 01538 395578 or e-mail arne.swithenbank@staffs Moorlands.gov.uk		

REFERRAL

The application is a Full Minor and is referred to Committee as there is an objection from a neighbour who is the son of Cllr Edwin Wain.

1. SUMMARY OF RECOMMENDATION

Approve

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 Dilapidated and partially derelict former mill site, mainly single storey in brick originating from the 19thC with 20thC modifications and additions eg roofed extensively in fibre board. The site is an irregular, roughly triangular shape with maximum dimensions of 69m east-west by 88m north-south and occupies an area of approximately 0.31ha. A significant and well defined brook course – the Godley Brook – runs along the westerly boundary of the site. The location is essentially rural in its surroundings although a separate and larger former entity of the mill site is in continuing business use adjacent to the north which has an associated dwelling. There is a further dwelling at South View 60m to the north and at Park Hall 60m to the south east.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 A full application for 4 detached four-bedroom dwellings following site clearance and remediation; with new highways access.

- 3.2 Although substantial, the building designs are relatively traditional in basis proposed in brick with tiled roofs – type details to be specified. The dwellings would be tall with ridge heights at c.7.8 to c.8.9m / eaves c.5.2m.
- 3.3 A substantial range of ‘ancillary buildings’ to serve plots 1, 3 and 4 ranged along the north west boundary of the site is proposed. The agent states: “It is not the intention that any of the ancillary buildings would be used for residential purposes and the applicant is willing to accept a condition restricting the use of the ancillary buildings to non-residential use but allowing the home office”.
- 3.4 The application is accompanied by:
- phase 1 geo-environmental desk study (43 pp)
 - past site usage / ground condition reports (2 documents 113 pp)
 - accompanying map history (2 documents 21 pp)
 - Coal mining Risk Assessment (16 pp)
 - Coal Authority report (12 pp)
 - Flood risk assessment (14 pp) and appendices A to G
 - Heritage assessment (73 pp)
 - Preliminary Ecological Appraisal (31 pp)
 - Bat and bird activity survey (30 pp)
 - Reptile survey (20 pp)
 - Water vole and otter survey (20 pp)
 - Arboricultural report (19 pp)
 - Noise assessment report (38 pp) and revision (40 pp)
 - Estate Agent Marketing letter
 - Agent’s planning statement (11 pp)

4. RELEVANT PLANNING HISTORY

- 4.1 SMD/2019/0676 – Proposed demolition of disused industrial buildings and erection of 7 dwellings consisting of 3 detached houses and 4 semi-detached houses – withdrawn

5. PLANNING POLICIES RELEVANT TO THE DECISION

- 5.1 **Local Plan (adopted 9th September 2020)**
- SS1 Development Principles
 - SS10 Other Rural Areas Area Strategy
 - DC1 Design Considerations
 - DC2 The Historic Environment
 - DC3 Landscape and Settlement Setting
 - E1 New Employment Development
 - H1 New Housing Development
 - NE1 Biodiversity and Geological Resources
 - NE2 Trees, Woodland and Hedgerows
 - T1 Development and Sustainable Transport

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places; 13 – Protecting Green Belt Land; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

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

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

6. CONSULTATIONS CARRIED OUT

Public

- 6.1 The last consultation expiry date was 8th June 2021 (site notice) with, prior to that, neighbour consultation period to 13th May 2021.
- 6.2 Representations have been received from two individuals. There is an objection from the occupier of The Copper Beeches (Mr J Wain) raising the following:
- Concern at loss of an industrial site as believes there is currently a shortage in Cheadle and the local area and no empty sites to rent or buy;
 - Taking this into consideration, it would seem that there are better locations to build houses, closer to other houses and amenities, rather than changing use of what has been a long term industrial use site that currently has no close residential neighbours other than the ones who are also currently running businesses from their premises.
 - The noise report was done in Sept 2020 when, due to Covid, businesses and roads were significantly quieter than they are currently;
 - There is no footpath along this very busy lane that is “used as Cheadle bypass” and has a 60mph limit. It is unsuitable and unsafe for pedestrians meaning people will use cars to travel.

From the residential occupier of South View which is across the road and to the north, the following points have been submitted:

- Concern that the verge included in plot 1 could be planted by the owners and block the highway visibility for the entrances.
- This is noted in the Highways response but once the development established will the recommendations to keep the verge clear be maintained?
- Why have speed monitoring data not been included in the information pack submitted?
- The proposed houses all have 4 bedrooms, so potential for 5 adults in each (20 cars) yet the parking available on the site is very limited. Since we are not

on a bus route and footpaths do not run the full route into Cheadle, the prospect is that everyone in the household will, when of age, have a car. More parking needs to be made available. Residence parking on the road may be a serious safety issue.

- Flood risk – “the brook does flood frequently and certainly over the flood level indicated on the proposed plan. A finished floor level of 158.80 is not sufficient to prevent flooding to these proposed houses”.
- There are no records as currently there are no houses.
- June 2019 date for the bat and bird report – is this sufficiently up-to-date?
- The new building would have provision for bats but what provision is there between demolition and completion of the new buildings?
- Mains water supply pressure – is there a plan to upgrade the supply as part of this development?
- With the proximity to Manifold Commercials and Johnson’s this brown field site seems more suitable for commercial development rather than housing.

Cheadle Town Council

6.3 No Objections

SCC Highways

- 6.4 No objections on Highways grounds to this proposal – subject to conditions:
- visibility splays as shown on plan 1487-08 to be implemented before coming into use and thereafter to be maintained;
 - redundant existing access to be removed and re-instated to verge
 - new access within the limits of the highway to be completed prior to the development coming into use and thereafter to be maintained for the life of the development;
 - access, parking, servicing and turning areas to be completed in accordance with the approved plans prior to the development coming into use and thereafter to be maintained for the life of the development;
 - bin store shown on plan 1487-08 shall be provided prior to the development coming into use and thereafter retained for the life of the development;
 - garages indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.
- 6.5 Highways pre application discussions took place between the applicant and SCC. Visibility splays do not meet current standards. However, the site was formerly an industrial site with an existing access point. The existing access has good visibility to the south, but to the north, only 2.4m x 6m is available. Relocation of the access as now proposed reduces visibility to the south but significantly increases visibility to the north. Speed limit on Trimpos is 60mph. At pre-app, speed survey results were submitted which demonstrated 85th

percentile speeds of 41.8 mph northbound and 41.9 mph southbound. Relocation of the access point to improve visibility to the north and permanent closure of the existing access are overall improvements to highway safety.

Severn Trent Water

- 6.6 Minimal impact on the public sewer system therefore no objections and no requirement for a drainage condition.

Coal Authority

- 6.7 Site falls within the defined development High Risk Area. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Coal Mining Risk Assessment (September 2019, prepared by Earth Environmental & Geotechnical Ltd), which accompanies this planning application. The report correctly identifies that the application site may have been subject to past coal mining activity, namely probable shallow coal workings and probable shallow coal workings associated with a thick coal seam outcrop. On account of this and because the report confirms the likelihood of insufficient competent rock cover above potential workings in two coal seams, appropriate recommendations are included for intrusive site investigation works to confirm ground conditions to identify any necessary remedial measures. The Coal Authority has no objection to the proposed development subject to the imposition of its recommended conditions.

SMDC Waste Collection Services

- 6.8 No issues raised. Bins may have to be presented near the main road on collection days.

SMDC Environmental Health

- 6.9 Initial recommendation of refusal. Subsequent discussion and additional information from the applicant has enabled EH to recommend approval subject to conditions. With regard to the risk of noise, commenting as follows:

- The applicant has detailed the design modifications they have made to address noise concerns. These include in the plot 4 dwelling, no 2nd floor window facing directly to the [adjacent neighbouring] workshop, the construction of a 2 storey garage/home offices to block noise transmission across the boundary to units 2 and 3 and the relocation of the garden area for unit 4. They have supplemented this with their understanding that noise controlling conditions are in place at the industrial unit. The specific conditions which have been highlighted are SMD/2018/0704 condition 10 (Outside workings restricted) and SMD/2009/1133 condition 4 (timings and industrial unit doors shut during noisy workings). If these conditions are adhered to then noise emissions from the site can be considered to be reasonably controlled. The Planning Enforcement team have confirmed condition 4 from SMD/2009/1133 remains in place. Our concerns about placing undue restrictions on the industrial unit are removed by the

existence of this condition as they already exist. The applicant has also provided agreement to undertake compliance measurements prior to first occupation, these compliance measures should show required levels set out in the noise assessment are met, where the requirements of the report are not met then improved mitigation must be installed, a condition is advised.

- 6.10 With regard to risk of ground contamination EH identify some reservations about aspects of the details submitted in the specialist pollution reports but again recommend approval subject to conditions.

SCC Lead Flood Authority

- 6.11 No records of flooding hotspots within 20m of the site. Despite some of the site being in Flood Zone 2 [proposed gardens only], the dwellings themselves will be on higher land and within Flood Zone 1 and therefore suitable for development. Based on the mitigation measures outlined in the Flood Risk Assessment this development should help reduce risk of flooding to the site by reducing the impermeable area and introducing several Sustainable Drainage methods. The LPA should satisfy themselves that any drainage design is fit for purpose. You can access advice and guidance through the SuDS Manual on our website.

SMDC Economic Regeneration

- 6.12 The Council's policy regarding Change of Use of Existing Business Land and Premises requires applicants to show that: "The continuation of the land or premises in industrial or business use is constrained to the extent that it is no longer suitable or commercially viable for industrial or business use as demonstrated by marketing evidence commensurate with the size and scale of development".
- 6.13 For clarity, we would normally expect as a minimum to see a letter from an agent detailing:
- when/for how long the property was advertised for commercial use;
 - advertised asking price (in public domain or supplied as POA)
 - details of this marketing (eg listings used; on-line property platforms; estate agent's website; a copy of property brochure and photograph of site with agent's board)
 - Details of all enquires and offers
 - Any statement or agent's conclusion
- 6.14 Please note that we would expect the advertising normally to be for at least 6 months for a smaller site such as this and that marketing must be clear that it was being offered as freehold as a commercial opportunity, at a price commensurate with the use/condition, and that this marketing must have included display on online property platforms for this duration, as well as any other methods such as local advertising.
- 6.15 In response to further information received from the applicant the Economic Regeneration Officer provided additional comments (15th Feb 2022). The ERO identifies annual household expenditure (based on national research data) of

c.£37,500 which can be expected from this development of four dwellings to be spent in the local economy. The development will also contribute to supporting local employment pro rata to the size of the scheme. The ERO has not put forward any supporting information to favour development of the site for industrial use and it is understood does not find a case to resist the loss of these premises for industrial / business use when the current condition of the site and the marketing exercise are taken into account.

7. POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE

Principle of Development and Main Issues

- 7.1 The site is located within the North Staffordshire Green Belt. The current planning status of the application land is 'previously developed' with a business / employment use. The Local Plan adopts the NPPF definition for 'previously developed land' and separately in addition (see glossary) defines Employment Land / Employment Uses as follows:
- In the context of the Local Plan this includes authorised employment sites currently in use; disused/vacant sites where authorised employment use has not been abandoned; and employment allocations (Policy E 2) whether or not they contain development.
- 7.2 Policy SS10(6) is that strict control will continue to be exercised over inappropriate development in the Green Belt allowing only for exceptions as defined by Government policy. NPPF para 149(g) allows [relevant to this application]: "the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development..."
- 7.3 As acknowledged industrial land, continued use or development of the site for business / employment uses would be supported in principle – subject to the Green Belt SS10(6) policy – as that is the existing planning status of the land. There is further relevant policy support under SS10(2) which includes to "Sustain the rural economy by: Enabling the limited expansion or development of business for employment uses where a rural location can be justified". The established existing use would provide the justification for its rural location in this case – ie. given the lawful planning status, it could not in principle be resisted, subject perhaps to consideration of whether or not abandonment had occurred (though this is not considered to be the case here) and again subject to the Green Belt policy if any new or replacement building development were to be proposed.
- 7.4 The current proposal does not invoke the business / employment use of the land and instead needs to be assessed for the residential use as submitted. In principle, if the development accords with NPPF 149(g), residential use is supported under adopted Local Plan policy SS10 for the 'other rural areas' due to the land having been previously developed – subject to the land not having a high environmental value.

- 7.5 The full policy background is as follows. SS10 for the 'other rural areas' (which this location is in) says:
These areas will provide only for development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside. The Council and its partners will achieve this through the following actions...
- 7.6 Relevant to this application are the policies for housing. SS10(1) is that the Council will meet housing requirements and specific needs by (inter alia):
[fifth point] allowing rural exceptions housing in accordance with Policies H1 and H3.
- 7.7 Relevant to this application is Policy H1(e) which says:
In the other rural areas in the open countryside, only the following forms of housing development will be permitted, [and included in the list is]:
(e) Proposals to redevelop previously developed land provided it is not of high environmental value.
- 7.8 The applicants' submitted Preliminary Ecological Appraisal describes the site as *"lacking any notable vegetation communities other than patches of early-successional plant / scrub communities"* and these are correctly considered to be both common and widespread. The submitted bat activity report finds *"there is moderate to high potential that all structures within the buildings complex (excluding B3) have some transient roost potential over space and time"*. The LPA can concur therefore that this is not a site of high environmental value in the meaning of policy H1(e). Having established that the proposed development would be acceptable in principle it is then necessary to consider all relevant material planning matters.
- 7.9 Subject to being acceptable in Green Belt terms, the main issue here is the loss of employment land. Policy E3 is that employment land will be safeguarded if the site is well located to the main road and public transport network and good quality modern accommodation attractive to the market without harm to the amenity of nearby residents can be achieved; development of areas that will lead to a loss of employment will not be permitted unless:
[relevant to this application] E3(B), it can be demonstrated that the site would not be suitable or viable for any continued employment use, having regard to the above criteria, and evidence can be provided that no suitable and viable alternative employment use can be found, or is likely to be found in the foreseeable future;
- 7.10 Alternatively, under E3(C), there would need to be substantial planning benefits that would outweigh the loss of the employment use of the land.
- 7.11 Where either B or C apply, E3(D) is to give preference to a mixed use scheme that retains as much employment floorspace on the site as possible.

7.12 Other key considerations are: highway safety; flood risk; living conditions of residents (both existing neighbours and new occupiers of the proposed development); design; landscape character.

The applicant's case

7.13 In regard to the Green Belt the agent says at 5.2 of the submitted Planning Statement:

- total existing building footprint is 1283 sq. m. (40.42% of the site);
- total proposed development footprint is 499 sq. m (15.72% of the site);
- total volume of the existing buildings is 5968 cubic metres;
- total volume of the proposed housing development would be 2781 cubic metres; a difference of 3187 cubic metres and a 54.4% reduction in volume.

7.14 The LPA can concur with these figures though noting that the proposed development footprint has increased slightly in the revised details to c. 580m2 and there will be a corresponding partial increase in the volume from that first submitted. Nonetheless it can be accepted that the development would not have a greater impact on the openness of the Green Belt than the existing development and would therefore be acceptable in principle in Green Belt terms.

7.15 The applicant submits that they have attempted to market the site and, whilst there were two separate offers, neither was acceptable to the site owners. A letter from an Estate Agent (Butters John Bee) says they marketed the site following instruction in April 2016 until November 2017. It was offered they say as, *“an opportunity to redevelop or remodel the site subject to gaining the necessary planning permission with potential to create smaller units or residential development”*. It is stated that the site was mailed to 140 people and 8 viewings were carried out. The agent says, *“the main interest was for residential development with no interest for the commercial units”*.

7.16 The applicants' planning agent reports that the applicants have owned the site for 17 years, prior to which the site had provided raw/processed materials for the pottery industry since 1918. During the applicants' ownership there have been a variety of low-key uses including storage. These did not occupy all of the premises and since 2016 the site has been vacant. A document submitted from the Valuation Office shows that since 1st April 2017 business rates ceased to be payable and it is understood that this is on the basis that a large part of the premises (70% or more) have been assessed as unusable.

7.17 The agent points out a series of significant liabilities and limitations of the site:

- substandard original highway access; new proposal in this scheme unlikely to be suitable for use as a shared residential and industrial access;
- c.30% of the site is in Flood Zones 2 and 3. This reduces the area available for any new development;
- prohibitive costs of restoring the existing building to any serviceable use;
- visibly poor condition of the buildings;
- likelihood of ground contamination – the buildings need to be demolished before any ground survey involving either digging or drilling can be done;

- likely requirement for controlled asbestos removal;
- site lies in a Coal Measures area and there is a potential risk from shallow unrecorded mine workings. Again, a detailed site investigation is needed;
- even putting aside the poor condition of the buildings they do not provide good quality modern industrial accommodation;
- A potential benefit of residential development compared to industrial development is that it would produce a significant reduction in the amount of impermeable surface on the site allowing surface water to better percolate into the ground and improve the quality of the water discharging into the River Tean. At the moment approximately 83% of the site consists of impermeable surfaces (hardstanding and buildings). This would be reduced to approximately 28% in the proposed residential development. Further, a greater part of the site would be gardens and green space/nature improving the biodiversity value of the site.

7.18 The agent concludes in summary: *The marketing exercise demonstrated that the continuation of the buildings and land in industrial/storage use is constrained to the extent that it is no longer suitable or commercially viable for industrial or business use. Further, development viability is constrained by likely contamination in both the ground and buildings, potential measures needed to mitigate risk from shallow coal measures, and flood risk.*

LPA comment

7.19 The marketing information submitted does not fully meet all the points recommended as set out by the Council's ERO – for example full specific details of the offers and inquiries received have not been presented – even so there is a reasonable indication that a proper marketing exercise has taken place and for significantly more than the minimum six months. The main issues to consider are those of policy E3(B) as set out at 7.9 above.

- Is the site well located to the main road and public transport network?

It is about 1.2km from the main road at Brookhouses which is on a bus route and which would be considered a walkable distance. The connecting road (C94) Adderley and Trimpos however could certainly be considered less than ideal for increased industrial traffic but this has not been subject to specialist examination or comment. The existing site connection to Trimpos is poor but this could at least be improved as is proposed with the current application for housing. On balance it is reasonable to conclude that the site is not 'well' located.

- Could re-development provide good quality modern accommodation attractive to the market without harm to the amenity of nearby residents?

Yes.

- Could this be achieved 'viably'? This is simply not known. The applicant relies on the marketing exercise and the Council's ERO would be content with this if the marketing was sufficiently robust. Following the additional information from the applicant the ERO was consulted again but has not sought to resist the loss of this employment site. It appears in other words the evidence required at E3(B) that no alternative employment use can be found has been reasonably demonstrated.

- 7.20 From the LPA's visits to the site it is very apparent that it is extremely dilapidated to the point of being derelict in substantial parts. Whilst the agent's assessment as summarised above (7.17 to 7.18) is fair and factual, the poor state of the site does not necessarily and has not been shown, necessarily, to preclude a new business / employment development. There are uncertainties as to the ultimate extent of contamination and site pollutants which may be encountered and these may be over-stated but, no matter which type of development proceeds, these cost risks will figure acutely. It is arguable that a mixed use scheme might be considered but this is a small site further constrained by the flood zones. The scheme is for just 4 dwellings. To insert a business use into the scheme must be likely to risk the overall viability and it has to be questioned if this is desirable in such close proximity with residential use and likely needing to share highways access. It is therefore not considered appropriate to pursue E3(D) (see 7.11 above) for this site.
- 7.21 Taking everything into account it may reasonably be concluded on balance that industrial / business use of the site is no longer viable and the proposed residential development can be found acceptable in land use policy terms based on policy E3(B) having been met. For completeness, as regards policy E3(C) (see 7.10 above) the development of four dwellings would not amount to a 'substantial planning benefit' in the context of the overall housing need. If it were considered that there is some conflict in this proposal with policy E3(B), owing to the loss of this employment land, the current under-supply of housing could be considered to tilt the balance in favour of the scheme on grounds that the adverse impacts of the development (the loss of this modest area of employment land with its acknowledged limitations and constraints) would not significantly and demonstrably outweigh the benefits of the housing albeit a very modest number four of additional dwellings (NPPF 11(d)ii).

Design

- 7.22 The design form is traditionally derived and appropriate material finishes in brick and tile are proposed (application form box 7). Plot two addresses the public road. The rear wall of a detached double garage to plot 1, the gable end of plot 1 and the gable of the outbuilding to plot 1 also all address the road with continuation brick garden walls to height c.1.6m linking them across the gaps.
- 7.23 Close consideration has been given to the relationship of the detached garage to the dwelling on plot 1 and its close proximity in Space About Dwellings terms to a kitchen ('principal') window. On balance however this is found acceptable in this case as the window is south facing and the garage gable with its pitched roof slope would provide a degree of open aspect to each side. The garage also may be considered by occupiers to give a welcome degree of seclusion and privacy at this site entrance position.

- 7.24 In all cases otherwise there are no conflicts in amenity terms of for example overlooking or privacy and the garden sizes comfortably exceed the minimum requirement.
- 7.25 Site layout drawing 1487 – 08 rev C incorporates a good amount of ‘soft’ landscaping including hedges and tree and shrub planting using native species.

Amenity

- 7.26 There are no conflicts of amenity between the neighbouring dwellings either within the development or adjacent. The main consideration has been the possibility of noise disturbance for the occupiers owing to the adjacent industrial / business use to the north of the site. This has been subject to careful assessment by the Council’s Environmental Health (noise) specialist. Subject to incorporating certain specific conditions the EHO is able to support the proposal.

Highway Safety

- 7.27 Based on the SCC Highways recommendation the scheme can be supported in highways terms subject to the recommended conditions.
- 7.28 The Council’s adopted Parking Guidance (Local Plan Appendix 2) says that for dwellings of 4 bedrooms (or more) there should be a minimum of three spaces (2.4m x 4.8m) within the curtilage of the dwelling. Where garage parking is relied upon to make up the spaces this must have minimum internal dimensions of 3m x 6m. Each plot in this scheme includes a garage which meets the minimum (3m x 6m) internal space given in the guidance and there is sufficient outdoor space within the curtilage for at least two further vehicles to park.

Other matters

Flood risk

- 7.29 The Lead Flood Authority recommends that subject to the mitigations put forward in the applicants’ submitted flood risk assessment the scheme can be supported. These are given at section 6 of the FRA:
- set finished floor levels to proposed levels in Section 4.5 and 150mm above existing ground level;
 - no raising of ground levels in Flood Zones 3 and 2;
 - fencing in floodplain to be post and rail fencing;
 - design sustainable drainage system to maximise the benefits as far as possible

Ecology / Biodiversity

- 7.30 The suite of reports submitted have very thoroughly investigated the potential impacts of the development across a range of species groups.
- 7.31 A small group of Common Pipistrelle bats were recorded present and using two of the taller brick buildings (see para 49 of the submitted bat and bird survey report) as a summer daytime roost. Some foraging presence of bats along the Godley Brook was recorded. A mitigation licence will need to be obtained from Natural England before any development works can take place.
- 7.32 No impact on key reptile species is found likely to arise. Grass Snake could use the Godley Brook as a movement corridor. Some best-practice guidelines could be adopted. Mitigation recommendations are submitted in relation to water vole and otter but no licencing is required as no direct impacts would arise to affect these species or any locations used by these species.
- 7.33 A condition or conditions can be included to protect the wildlife issues identified.

Sustainable Travel

- 7.44 The site is a walking distance of c.2.2km from the centre of Cheadle and therefore beyond a commonly accepted walking distance that might readily be used by occupiers. Also the road is without pavement for much of its length and has limited street lighting. The site is thus not a sustainable one in travel terms. That said the same would apply to a business use of this extant site and in broad terms it may be considered that the proposed dwellings would bring only comparable impacts and the limitations of the location in terms of sustainable travel distances are not found grounds to refuse the development.

Response to Public comments

- 7.34 The majority of the issues raised can be seen to have been covered in the report. A point has been raised about protected species and making provision between site demolition and the completed new development which would incorporate new bat roosts. As the scheme will be subject to Natural England licencing this will be covered under that process.

8. Conclusion and Planning Balance

- 8.1 As discussed in section 7 and particularly at 7.1 to 7.11 of this report there is support in principle for both a continued business / employment use of the land (not proposed in this application) and for a housing use. As considered in detail at 7.19 to 7.21 the key determining policy is E3 and specifically E3(B).
- 8.2 Finding that a renewed employment use of the site is unlikely to be viable given the age and condition of the site and buildings and noting the outcome of the marketing exercise a switch to housing land use can be accepted.

- 8.3 The application being found acceptable in all other matters including achieving a good design form and layout with appropriate materials and including a beneficial landscaping scheme which would significantly improve natural water retention by reduction in hard surfacing, approval is recommended.

8 RECOMMENDATION

A. Approve subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be carried out in accordance with the details as submitted in the application form and submitted specifications and as shown in drawings:

Location Plan(1) at 1:2500

Site Plan 1487-08 rev C

Block Plan 1487-15 rev B

1487-11 rev B plans and elevations (Plot 1)

1487-12 rev A plans and elevations (Plot 2)

1487-13 rev A plans and elevations (Plot 3)

1487-14 rev A plans and elevations (Plot 1)

1487-16 rev A plans and elevations (Plots 1, 3 and 4 out-buildings)

Reason: To ensure that the development is carried out in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of doubt.

3. The development shall take place incorporating measures to provide mitigation with regard to protected species as set out in the applicants' submitted Bat and Bird Activity Survey Report dated June 2019 by Charnia Ecology including as detailed at sections 64 to 81 subject to any revision or amendment as may be stipulated by any Natural England European Protected Species (EPS) Licence and all installed mitigation features shall be retained as approved for the lifetime of the development.

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

4. Prior to construction of exterior walls above damp-proof course level and notwithstanding the information submitted details including types and colours along with samples if requested of all external facing walling and roofing materials shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details as subsequently approved in writing.

Reason: To ensure that the appearance of the development is suitable for the rural location.

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

- 08:00 - 18:00 hours (Monday to Friday);**
- 08:00 - 13:00 hours (Saturday)**

No working is permitted on Sundays or Bank Holidays. In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

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

- 6. During construction/demolition phases:**

(i) amplified music and/or radios shall not be audible beyond the site boundary;

(ii) 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 waste transfer records should be retained for inspection by officers of the Local Planning Authority;

(iii) No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression during the development. These shall be made available for inspection when required by officers of the Local Planning Authority.

Reason: To protect the amenities of the area during construction.

- 7. No development, with the exception of demolition, 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. An updated site conceptual model/ desk study and based on this, a detailed site investigation, carried out by a competent person, to support a detailed assessment of contamination 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 (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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: in the interests of environmental protection including the living conditions for occupiers of the site and neighbouring properties and 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.

- 8. Prior to bringing the development into first use, a validation report demonstrating completion of the works set out in the approved remediation strategy under condition 6 above 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 a plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified (if any) in the validation plan, and for the reporting of this to the local planning authority.**

Reason: in the interests of environmental protection including the living conditions for occupiers of the site and neighbouring properties and 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.

- 9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation, risk assessment remediation strategy must be undertaken in accordance with the requirements of condition 7, and this shall be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, and this shall be subject to the approval in writing of the Local Planning Authority in accordance with condition 8.**

Reason: in the interests of environmental protection including the living conditions for occupiers of the site and neighbouring properties and 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. No development shall commence (EXCLUDING DEMOLITION) until;**
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;**
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.**

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: in order to ensure safe implementation and completion of the development with regard to past coal mining activity.

- 11. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.**

Reason: in order to ensure safe implementation and completion of the development with regard to past coal mining activity.

- 12. The development hereby permitted shall not be brought into use until**
- (i) the visibility splays shown on plan 1487-08 revision C have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level;**
 - (ii) until the existing site access, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development hereby permitted is permanently closed and the access crossing reinstated as verge;**
 - (iii) until the access to the site within the limits of the public highway has been completed;**
 - (iv) 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.**
 - (v) the bin store to store bins on collection day to avoid obstruction of the access, as shown on drawing 1487-08 revision C has been provided and this shall thereafter retained for the life of the development.**

Reason: To comply with NPPF Paragraph 108; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety and in the case of (ii) to avoid a proliferation of redundant accesses.

- 13. The garages indicated on the approved plans shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.**

Reason: To comply with NPPF Paragraph 108; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety.

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

Reason: to minimise disturbance by artificial light to protected species including bats and minimise sky-glow across the site.

- 15. The site landscaping scheme shown on Site Plan drawing 1487-08 rev C hereby 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 or its first occupation whichever is the earlier.**

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

Informatives

- 1. This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.**
- 2. Severn Trent Water advise that there may be a public sewer located within the application site. Although their statutory sewer records do not show any public sewers within the site area specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that**

you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert Severn Trent assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact Severn Trent at the earliest opportunity to discuss the implications of the sewer assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

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

10. APPENDICES TO THE REPORT

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

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=147284>

