

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**26<sup>th</sup> January 2023**

<b>Application No:</b>	SMD/2022/0589	
<b>Location</b>	Land east of Sandfields, Kingsley Road, Cellarhead	
<b>Proposal</b>	Variation of conditions 2, 10, 11, 12 and 13 in relation to SMD/2021/0469	
<b>Applicant</b>	Mr Reaney, Rudbrook Limited	
<b>Agent</b>	Nigel Forrester Building Design Services	
<b>Parish/ward</b>	Caverswall / Caverswall	<b>Date registered</b> 1 <sup>st</sup> November 2022
<b>If you have a question about this report please contact:</b> Arne Swithenbank tel: 01538 395578 or e-mail <a href="mailto:arne.swithenbank@staffs Moorlands.gov.uk">arne.swithenbank@staffs Moorlands.gov.uk</a>		

## **REFERRAL**

The application is a Full Minor and is referred to Committee due to the previous application having been determined by Committee.

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

<b>APPROVE – subject to conditions</b>
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### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The site is within the Green Belt on the SW side of the A52 Kingsley Road at a point some 150m east of the Cellarhead cross roads. The site comprises a c.50m width of roadside field with dry-stone wall along the rear of the roadside pavement and native species hedgerow towards the Sandfields end. The depth of the site from the road is c.45m and the site area is c.0.23ha. The rear (SW) boundary is a well maintained native species hedgerow with further farm fields beyond. The application red edge overlaps slightly with land used as garden and parking to Sandfields to the NW. The site rises in level quite markedly by 2.5m from the frontage and from the Sandfield's land up to the rear (SW) boundary and to the south east end.

2.2 The detached dwelling of Sandfields is modernised and extended but appears to have at least 19th C origins with a building corresponding to the extant two storey house present on the 1887 OS map. Parking and gardens to Sandfields are somewhat loosely separated from the fields.

2.3 Bordering the site to the SE is Pathways, a detached dwelling fronting the road and the first in a row with next, two pairs of semis and then a further detached house.

2.4 Opposite the site, across the road to the NE, is a garden plot and parking to serve Fern Cottage with essentially field countryside surrounding.

2.5 A public footpath right of way enters the application site from the public road in the corner boundary with Pathways. A stone squeeze style about midway along the site rear (SW) boundary takes the path onwards into fields beyond.

2.6 Approval was granted by the Planning Applications Committee at its meeting on the 9<sup>th</sup> September 2021 for the construction of 3No, two storey, detached houses in place of the 2No dormer bungalows previously approved under SMD/2019/0452.

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

3.1 The applicant wishes to re-position the location of the vehicular entrance to the site from the highway and seeks to vary conditions 2, 10, 11, 12 and 13 in relation to SMD/2021/0469 in order to authorise this. Condition 2 is the plans condition and stipulates the specific drawings that have been approved. Approved plan 21 615 04-B shows the approved site layout. The application now being considered proposes a re-positioned site entrance as shown on proposed drawing 21 615 04-C.

3.2 Condition 10 refers to the approved site layout drawing in order to require the implementation of the details shown, "Within 12 months of the substantial completion and/or first occupancy whichever is the earlier of the last of the three dwellings to be developed". As the site layout would now differ, condition 10 needs to be varied to refer to the new plan – drawing 21 615 04-C (if approved).

3.3 Conditions 11, 12 and 13 are Highways Authority recommended conditions. Condition 11 requires details to be submitted for the highway crossing (ie. over the footpath into the site) and for this crossing and also the visibility splay to be implemented in the forms approved before the development is brought into use. Condition 12 dealt with relocation of an existing streetlight away from the proposed access point. Condition 13 deals with relocation and changes to the Advance Direction Sign currently in the visibility splay to the west of the access and also the finished surface treatment to the widened footpath. The applicant's covering letter says treatment of the widened footpath within the proposed entrance splay (all within the site boundary) is to be tarmac "see notes on drawing 21/615/04/C".

3.4 As in the approved scheme the proposal remains that a single drive entrance positioned opposite the middle dwelling would serve the three dwellings by branching to either side to serve the end dwellings. As before,

some details of landscaping are also shown in the site layout drawing now being proposed under reference 21/ 615/04-C. These details include re-establishing frontage boundary hedging and a low 600mm high walled boundary using dry-stone walling rear of the visibility splay.

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

- 4.1 79/06834/OLDDC – site for two detached dwellings – refused
- 4.2 83/11940/OLDDC – site for dwelling – “closed”
- 4.3 88/01079/OLD – adj to Sandfields Farm Kingsley Road Cellarhead Caverswall – site for one dwelling – refused
- 4.4 SMD/2019/0452 – proposed erection of 2no. detached dormer bungalows – approved
- 4.5 SMD/2021/0133 – 3No, two storey, detached houses in place of the 2No dormer bungalows previously approved under SMD/2019/0452 – refused
- 4.6 SMD/2021/0469 – Re-submission of the previously refused application SMD/2021/0133 for the construction of 3No, two storey, detached houses in place of the 2No dormer bungalows previously approved under SMD/2019/0452 – approved
- 4.7 At Sandfields: 04/00075/FUL – pitched roof over existing garage – approved
- 4.8 At Pathways: 99/00283/OLD – first floor extension – approved

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

5.1 The development plan comprises the adopted Staffordshire Moorlands Local Plan Document SPD/SPG and supporting evidence documents.

##### **Local Plan (adopted 9<sup>th</sup> September 2020)**

- SS1 Development Principles
- SS8 Larger Villages Area Strategy
- SS10 Other Rural Areas Area Strategy
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- H1 New Housing Development
- NE1 Biodiversity and Geological Resources
- NE 2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport

## **National Planning Policy Framework February 2019**

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 11 – Making effective use of land; 12 – Achieving well designed places; 13 – Protecting Green Belt Land; 15 – Conserving and enhancing the natural 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 Neighbour consultations x 9 issued for response by 6<sup>th</sup> December 2022. Site notice posted for responses by 7<sup>th</sup> December 2022. Newspaper notice, due to affecting a public right of way, published for response by 21<sup>st</sup> December 2022. No public representations received.

### **Parish Council**

- 6.2 Caverswall Parish Council – confirmed does not object.

### **Ramblers Association (Staffordshire Moorlands branch)**

- 6.3 Footpath Caverswall 27 diversion must be suitable for P.R.O.W during and after development.

### **SMDC Environmental Health**

- 6.4 No objection to the proposed variation subject to retention of all Environmental Health recommended conditions for application SMD/2021/0469 – conditions 3, 4, 5 and 6.

### **SCC rights of way (Definitive Map and Spatial Information Officer)**

- 6.5 The applicant should contact the County Council Rights of Way Team to discuss the details of the tarmac surface of the footpath. [This comment is possibly based on interpreting the proposed roadside pavement tarmac as also applying to the diverted footpath route (LPA).]

## **Staffordshire County Council Highways**

- 6.6 Application is to vary conditions on SMD/2021/0469 resulting from a proposal to slightly relocate the access to avoid having to move an existing lighting column. This has been discussed between consultant and highways prior to application.
- 6.7 Condition 11 - Visibility spays are still to be provided as previously approved and as detailed revised drawing 21/615/04 C.
- 6.8 Condition 12 - Relocation of the streetlight away from the access is not required.
- 6.9 Condition 13 - Condition should remain as written. Full details of all highway works will need to be submitted as part of a Highway works agreement. The applicant should apply for their works agreement at the earliest opportunity to improve chances of timescales being met.

## **7 POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE**

### **Policy Context**

- 7.1 In its general approach, in accordance with policy SS1, the Council expects the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in the Core Strategy shall be approved without delay, unless material considerations indicate otherwise.
- 7.2 The Development Plan for the Staffordshire Moorlands District Council consists of the adopted Staffordshire Moorlands Local Plan Document (September 2020) with regard also being given to the provisions of the National Planning Policy Framework (NPPF); the Council's adopted Supplementary Planning Guidance documents: 'Space About Dwellings' and 'Design Principles'; the adopted Design Guide (2018) a Supplementary Planning Document and the Council's Local Plan Supporting Evidence Document: Landscape and Settlement Character Assessment (2008).
- 7.3 Development boundary mapping has now been adopted in accordance with the new Local Plan (September 2020). The Local Plan places Cellarhead as being part of a defined 'larger village' named as Werrington and Cellarhead. However, the drawn and adopted development boundary finishes against the west side of Leek Road (A520) some 150m north west from the application site. This application site is outside of the designated 'larger village' development boundary and in the Green Belt.

## **Principle of Development and Main Issues**

- 7.4 The acceptability of this development in principle and its compliance with policy has been established with the granting of the earlier consent SMD/2021/0469. The proposed changes to the access position are minor and raise no new policy considerations subject the scheme being found compliant with highways requirements. Site boundary treatments and other landscaping elements previously included in the layout drawing 04 are retained in the latest revision 04-C.

## **Design /Amenity**

- 7.5 The changes are small scale positional variations affecting the road front layout design. Fundamentally the design appearance will be as previously approved using low drystone walling and hedging as before. No adverse impacts on neighbour living conditions / amenity are found to arise.

## **Ecology**

- 7.6 The development involves removal of frontage hedgerow and informative 3 reminds the developer of their legal obligations in respect of protected species in particular in this case nesting birds.

## **Highways**

- 7.7 It is recommended that the conditions are amended as advised by the Highways Authority (as reported above). The Highway Authority, however, advises that condition 13 should remain unchanged. This is despite reference to tarmac now being included on the drawing. There may be other details to be considered such as back kerbing and keeping the condition as written no doubt retains flexibility for the Highways Authority to agree these details at a later stage.

## **Other Matters**

- 7.8 A Grade II Listed Milepost close to the existing entrance to Sandfields is positioned just outside the submitted development boundary and would not be affected. Strict considerations apply in respect of heritage. For nearby Listed Buildings there is a statutory duty placed on the LPA, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the Listed Buildings affected, and their settings. An LPA can only discharge its duty if it has carried out a proper assessment of the impact on a Conservation Area and/or a Listed Building, is conscious of the duty and has demonstrably

applied it in assessing the proposal. This assessment extends to setting – the surroundings in which a heritage asset is experienced. NPPF paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, “great weight should be given to the asset’s conservation”. Despite the development, including as now proposed to be amended, the mile post would remain in its existing position at the edge of the roadside hedgerow and its significance historically as a marker of direction and distance for users of the public road would not be altered. The hedgerow backdrop to the mile post is shown retained. There is no conflict with Policy DC2 or the provisions of the NPPF in this regard.

- 7.9 Whilst the details being considered here do not alter or affect the previously accepted re-routing of the public footpath across the application land, a new footpath diversion order will be required as the diversion order previously granted was specific to an earlier approved scheme.

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

- 8.1 As minor changes to a previously approved scheme the application is found acceptable and in accordance with the relevant development plan policies as set out above. Accordingly the application is recommended for approval subject to the amended conditions as set out in detail below.

## **9 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:**

**21 615 06-A Location Plan**  
**21 615 05-B street view**  
**21 615 04-C proposed site**  
**21 615 02-A proposed floor plans**  
**21 615 01-A proposed elevations**

**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. Prior to the commencement of development an Air quality assessment shall be carried out for the proposed development and a scheme for protecting the future residential occupiers of the building[s] from the effects of nitrogen**

dioxide/airborne particulate matter (PM10 and PM2.5) arising from road traffic shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed prior to the occupation of the building hereby approved, and thereafter maintained for the lifetime of the development.

**Reason:** In order to safeguard the amenities of the occupiers of the proposed dwellings in respect of atmospheric pollution

4. 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.

5. The development, including any demolition hereby permitted shall not take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement should include the following details:-

I. A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.

II. Details of wheel washing facilities. All demolition/construction vehicles shall have their wheels cleaned before leaving the site;

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

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

V. 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.

Once approved, all relevant activities on the site should be carried out in accordance with Construction and Environmental Method Statement throughout the course of the development. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

**Reason:** To protect the amenities of the area during the development.

6. In the event that contamination, including coal deposits, is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. If after consultation with the Local Planning Authority the contamination is considered to pose a possible risk, to human health, buildings and other property and the natural and historical environment (receptors), development should not commence further until a site investigation and risk assessment has been completed in



accordance with a scheme to be agreed by the Local Planning Authority. If the contamination investigation and risk assessment indicates that potential risks exists to 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 the receptors has been prepared, 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.

7. The external facing materials shall be as shown in drawing 21 615 01-A hereby approved including using Wienerberger 'Trentino' brick for the walls and Staffordshire blue tiles for the roofs and there shall be no variation without the prior consent in writing of the Local Planning Authority.

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

8. The development shall be implemented in accordance with the levels details as submitted in drawing 21 615 05-B and there shall be no variation in these levels without the written approval of the Local Planning Authority.

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

9. The existing established native species hedgerow along the south westerly edge of the site shall be protected from any risk of damage as a result of site work during the development and shall be retained for the life of the development.

Reason: In the interests of the appearance of the completed development in the landscape.

10. Within 12 months of the substantial completion and/or first occupancy whichever is the earlier of the last of the three dwellings to be developed the site landscaping and boundary treatments shall have been completed as shown on drawing 21 615 04-C and shall be retained for the life of the development and there shall be no variation unless otherwise agreed in writing by the Local Planning Authority. Any plants which die or are lost in the first five years following the completion of the planting shall be replaced with plants of the form and size as originally planted. The planting shall thereafter be allowed to grow and be maintained for the lifetime of the development.

Reason: In the interests of the appearance of the completed development in the landscape.

11. The development hereby permitted shall not be brought into use until

- i) full details of the proposed vehicle access crossing, including dimensions, have been submitted to and approved in writing by, the Local Planning Authority. The access crossing shall thereafter be completed in accordance with the approved details and prior to the first use of development.
- ii) the visibility splay of 2.4mx105m to the east and 2.4mx67m to the west indicatively shown on plan 21/615/04-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.

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

12. Condition no longer required

13. The development hereby permitted shall not be brought into use until details of the following highway works have been submitted to and approved in writing by the Local Planning Authority: - replacement, relocation, raising and/or reconfiguration of the Advance Direction Sign currently in the visibility splay to the west of the access on replacement posts; - treatment of widened footway in areas where footway is shown as being widened to accommodate the visibility splays; The highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

Reason: To comply with NPPF Paragraph 108; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety; to safeguard highway features; to provide and maintain visibility.

14. The hedge on the frontage of the overall site shall be maintained in line with the rear of the footway such that it does not grow over the footway.

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

15. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plans. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas 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; to comply with SMDC Local Plan policy T1 and T2; to improve conditions for pedestrians.

16. The dwellings shall each be provided with electric vehicle charging points prior to their first occupation.

Reason: in the interests of sustainable development

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

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area and the Green Belt.

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.

## Informatives

### Informatives

1. **Coal Mining Low Risk Development Area - Standing Advice:** The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

2. **Highways Authority informatives:**

i) The dropped crossing to the site shall be constructed in accordance with drawings to be submitted and SCC requirements. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH or email to:

[nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))

<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

ii) The condition requiring alterations to the Advance Direction Sign and widened footway shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to ([nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk)). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

iii) The lighting column in the access will need to be relocated by SCC PFI contractor Eon. It may be that adjacent columns will also need to be relocated to provide adequate street lighting coverage. This will be at the

developers expense and extent of works should be established at an early stage. Works must be carried out by SCC PFI contractor Eon. Please contact  
lightingforstaffordshire@eonenergy.com

3. You are reminded of your responsibilities under the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 in respect of any protected species that may inhabit the site including birds and potentially badgers. All wild birds including their nests and eggs are protected by law. It is an offence, with certain exceptions, to kill, injure or take wild birds or to take, damage, or destroy their nests or take or destroy their eggs. Site clearance, building alterations and/or demolition cannot therefore take place where there are birds nesting. Typically this will be in the period mid February to mid August. As this development involves vegetation clearance and/or demolition and/or other activities which would be damaging to any nesting birds present the work should avoid the bird nesting season so far as possible. If such work is to take place in the nesting season an ecologist experienced in bird nesting habits should first be engaged to advise on and ensure that the intended work can legally take place. Badgers are not considered currently to inhabit the development site hereby approved but are likely to use the land for foraging and commuting and you are reminded that notwithstanding this consent any work which disturbs badgers whilst occupying a sett is illegal without a licence. Natural England's published guidance is that digging with wheeled vehicles within 20m of a sett may require a licence; 30m in the case of tracked vehicles.

4. A public footpath right of way passes through the site and this must not be obstructed at any time during the development and must remain available for public use on foot at all times on either its current route or on any legally authorised diversion route both during development and on completion. A diversion will be necessary to allow the works to proceed and application should be made to Staffordshire Moorlands District Council. Should temporary closure or diversion be necessary to allow the works to proceed then application should be made to the Staffordshire County Council Public Rights of Way officer. Contact: Rights of Way, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford ST16 2DH. Email: [rightsofway@staffordshire.gov.uk](mailto:rightsofway@staffordshire.gov.uk)  
Tel: (01785) 277244 or 277247.

5. Environmental Health: Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>

- Any approved noise scheme and measurements should pay due regard to the Professional Guidance on Planning and Noise (ProPG), British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance
- Any approved foul drainage system should meet the British Standard 6297:2007+A1:2008: Code of practice for the design and installation of drainage fields for use in wastewater treatment <http://www.bsigroup.com>
- Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>
- During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
- The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils <http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>
- Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)
- Contamination risk assessments shall be carried out in accordance with UK policy the Land contamination risk management framework (LCRM), published by the Environment Agency <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
- Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.
- The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become an "appropriate person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.
- Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.
- During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public

property and the environment are protected against noise, dust, odour and fumes

- The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.
- Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

6. This decision has been 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. The application has been determined in accordance with Policies: SS1; SS2; SS8; SS10; SD1; SD3, SD4; H1; DC1; DC3; C1; C3, NE1, NE2 and T1 of the Local Plan and with the NPPF. 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=166028>

## 10.2 Land adjacent to Sandfields, Kingsley Road, Cellarhead – location plan

