

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**14<sup>th</sup> December 2023**

<b>Application No:</b>	SMD/2023/0325	
<b>Location</b>	Land adjacent The Bungalow, High Street, Kingsley	
<b>Proposal</b>	Erection of 1 No. dwelling	
<b>Applicant</b>	Mr J. Matthews	
<b>Agent</b>	Mr. J. Walters	
<b>Parish/Ward</b>	Kingsley Parish / Churnet Ward	<b>Date registered</b> 18/07/2023
<b>If you have a question about this report please contact:</b> Miss Rebecca Bowers <a href="mailto:Rebecca.Bowers@highpeak.gov.uk">Rebecca.Bowers@highpeak.gov.uk</a>		

**REFERRAL**

This application is a resubmission of a previous application that committee refused in September 2022 ref SMD/2021/0565. This application was originally called in by Cllr Aberley on the basis of this scheme having significant local interest and a complicated planning history. Cllr Aberley considered that the application needs to be determined by the committee as to whether this location is actually now suitable for a new dwelling.

**SUMMARY OF RECOMMENDATION**

**APPROVE SUBJECT TO CONDITIONS**

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

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

**2. DESCRIPTION OF THE PROPOSAL**

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

2.2 On the ground floor there would be three bedrooms (master bedroom with en-suite and dressing room), a study/store room and bathroom. The upper floor accommodation would consist of an open-plan kitchen/dining/sitting room, utility, WC,

lounge and a further room annotated as 'bedroom 4/games room.' The dwelling is designed as a gable style dormer bungalow. Two pitched roof dormers would be inserted within the front facing roof slope, there would also be a forward projecting gable containing the front door and windows of various shapes and sizes. Building materials would be a mix of render, facing brickwork, tile and stone quoins. The rear roof slope would contain three skylights, standard utility room and kitchen windows and a wide set of concertina style glazed doors providing access to outdoor decking. Four parking spaces would be provided as well as a bin store, paved area at the front of the house and front and rear gardens.

2.3 The application is supported by a vehicle tracking plan, a Construction Management Statement (CMS) and an updated preliminary Ecological Appraisal have been submitted. These details were previously requested by committee members.

2.4 The application, the details attached to it, including the plans, any comments made by residents and the responses of consultees can be found on the Council's website at:-

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=171664>

### **3. RELEVANT PLANNING HISTORY**

SMD/2014/0270	Outline Planning Permission for the erection of 1 No. dwelling on land off existing access route. Approved.
SMD/2018/0060	Reserved Matters: Erection of 1 dwelling on land off existing access route. Approved.
SMD/2021/0565	Erection of 1 dwelling. Refused

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

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

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

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

Section 2:	Achieving sustainable development
Section 4:	Decision making

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

National Planning Policy Guidance

Supplementary Planning Guidance

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

Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

**5. CONSULTATIONS CARRIED OUT**

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

Site notice – Consultation period expired.

Neighbour notification – Consultation period expired.

**Kingsley Parish Council**

Recommend refusal on the following grounds;

Additional comments

1. The objections to the planning application still remain valid
2. The reduction of the bus service through Kingsley has resulted in additional usage of private vehicles and increased traffic

Comments to previous application.

- Highway Safety: The traffic volumes are considerably higher now which makes a material change to the circumstances of this application compared to those considered previously. The risk of accidents is greatly increased.
- The access drive onto the site is very narrow. Vehicles legitimately park on the High Street near the site entrance. Vehicles leaving the site driveway have a poor view either side of traffic on the busy main road.
- Vehicles having to reverse out onto the busy road is a grave concern.
- Highway Safety would be compromised without the provision of a turning area for the applicant and other driveway users.
- Access Rights: The driveway is used by several nearby properties. The access rights are apparently compromised by the proposed development.

- Inappropriate Development: The design of the proposed house is inconsistent with other properties in the area.
- Historic Buildings: The proposal may have a negative impact on nearby historic buildings, (Wesleyan Chapel and The Old Smithy).
- Footpath 8: FP8 runs immediately to the rear of the site and may be compromised by the building.
- The buildings on either side of the access are of considerable age and attempts to modify the access risk significant damage to them as does the passage of heavy construction vehicles. The electricity supply to the former Chapel has already been ruptured.
- In the event of a recommendation to approve this application it would be essential to impose conditions to protect the access rights of the occupiers of Nos. 40 and 42 including a). The ability to turn vehicles and b). The use of parking adjacent to their properties by retaining the existing access road profile and gradient.

Kingsley Parish Council (comments in relation to additional information): In September 2021 Kingsley Parish Council recommend refusal of this planning application on the following grounds, (it was agreed that the previous objections were still relevant):

*Highway Safety:* The traffic volumes are considerably higher now which makes a material change to the circumstances of this application compared to those considered previously. The risk of accidents is greatly increased. The access drive onto the site is very narrow. Vehicles legitimately park on the High Street near the site entrance. Vehicles leaving the site driveway have a poor view either side of traffic on the busy main road. Vehicles having to reverse out onto the busy road is a grave concern. Highway Safety would be compromised without the provision of a turning area for the applicant and other driveway users.

*Access Rights:* The driveway is used by several nearby properties. The access rights are apparently compromised by the proposed development.

*Inappropriate Development:* The design of the proposed house is inconsistent with other properties in the area.

*Historic Buildings:* The proposal may have a negative impact on nearby historic buildings, (Wesleyan Chapel and The Old Smithy).

*Footpath 8:* Footpath 8 runs immediately to the rear of the site and may be compromised by the building.

The buildings on either side of the access are of considerable age and attempts to modify the access risk significant damage to them as does the passage of heavy construction vehicles. The electricity supply to the former Chapel has already been ruptured.

In the event of a recommendation to approve this application it would be essential to impose conditions to protect the access rights of the occupiers of Nos. 40 and 42 including a). The ability to turn vehicles and b). The use of parking adjacent to their properties by retaining the existing access road profile and gradient.

With regard to the recently submitted 'Construction Management Plan', Kingsley Parish Council wish to make the following additional points:

It is clear that the Highway Safety issue is acknowledged by the applicant in that it is now being suggested that all HGV deliveries to the site should be supervised by a Banksman. It is not physically possible to widen the entrance to the access drive by one metre as is being suggested by the applicant. It is not true to state that no incidents have occurred by vehicle movements as there has already been damage to the electricity supply at the former Wesleyan Chapel. HGVs can only access the site by driving on/over the pavement on the opposite side of the High Street. The additional highways and parking plan is misleading in that it does not appear to be all on the same scale, it does not show that the adjacent residents have 2 parking places each with the necessary manoeuvring space. The applicant consistently ignores the fact that there are 3 adjacent properties, No. 40 is in fact 2 separate residences.

### **Staffordshire County Council Highways:**

***Site Visit Conducted on: 13-Sep-2023***

***Recommendation Summary: Conditional***

1. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been widened to 4.2m and reconstructed in accordance with approved drawing 144-2 B.
2. The development hereby permitted shall not be brought into use until details of a surface water drainage interceptor, connected to a surface water outfall, located to prevent surface water flowing ultimately onto the highway, have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.
3. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plan 144-2 B. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.
4. The submitted Construction Management Plan shall be implemented for the duration of the construction works

Application is a resubmission of SMD/2021/0565 following refusal by committee and dismissal at appeal. Application is effectively to extend and combine previous approvals on the site. Conditions recommended above are related to conditions previously recommended on SMD/2014/0270, SMD/2018/0060 and SMD/2021/0565. Submitted Construction Management Plan refers to use of a banksman. Should any deliveries require use of the highway, traffic management may be required. See <https://www.staffordshire.gov.uk/Highways/licences/Overview.aspx> for details

Inspector in the appeal decision for SMD/2021/0565 concluded that the proposal would not unacceptably harm highway safety.

### **Severn Trent Water:**

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

### **Minerals (Staffordshire County Council):**

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

**Waste (SMDC):**

No issues regarding waste collections. Present bins on High Street on collection days.

**Waste (SMDC response to additional information):**

No additional comments.

**Arboricultural Officer (SMDC):**

No objections subject to condition.

**Environmental Health (SMDC):**

No objections subject to conditions and advisory notes.

**Public Rights of Way (Staffordshire County Council):**

No objections. It does not appear that the footpath will be directly affected by the development.

**Conservation Officer (SMDC):**

I have no substantial comments to make from heritage at this time.

- Listed Building of No.44 not affected on approach as the proposal is to the rear.
- The identity of the streetscape and village isn't seen to be compromised.
- The proposal is seen to cause no impact to the Listed Building of No.44.

**Staffordshire Wildlife Trust:**

There are either minimal ecological issues apparent, or these cases are not a high priority within our capacity to respond to the most impactful proposals.

Any recommendations and requirements within the ecology reports should be secured via conditions, provided they are not required before determination.

You may wish to seek further details regarding a drainage scheme if not provided, as these can present further impacts or opportunities outside of the application boundary. Detailed drainage plans incorporating sustainable surface water drainage methods should be secured.

Policy NE1 in the Staffordshire Moorlands Local Plan Adopted September 2020, expects that 'all development where possible seeks to deliver a net gain in biodiversity proportionate to the size and scale of the development.' We recommend securing net gain through a good quality landscaping scheme, which replaces any

vegetation lost e.g. hedgerows, and incorporates other native planting and habitats such as flower-rich grassed areas, wetlands and trees suitable to the site, as well as species enhancements such as bird and bat features. Where existing green areas are proposed to be lost to hard development, an adequate area of retained land should be enhanced. If a clear gain is not shown, consider requesting a biodiversity net gain metric

### **Letters of representation**

Two letters of representation have been received with the following objections.

- Removal of two windows would not change impact on overlooking of no 40.
- Traffic count was undertaken during off peak season for Alton towers traffic which does not provide an accurate summary of how busy the roads can be.
- Two cars park on the entrance to the site
- Lack of drainage information
- Saturdays should be excluded from construction times.
- Loss of bus service means traffic has increased.
- No access for delivery or emergency vehicles
- Site management plan is not to scale.
- Access cannot be widened.

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

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

6.1 The Local Planning Authority is required to determine applications in accordance with the Development Plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations. The Staffordshire Moorlands Local Plan 2020 is the adopted Local Plan for the district. The District Council currently does not have a 5 year housing land supply therefore triggering the provisions of paragraph 11 of the National Planning Policy Framework where

‘For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or;
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.’

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

6.3 Kingsley is identified as a larger village within Local Plan Policy SS8. The policy requires that larger villages retain and enhance their role as rural service

centres, providing (relevant to this application) for the bulk of the housing requirement of the rural areas.

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

6.5 There are no 'in principle objections to the residential development of the application site.

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

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

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

6.8 The proposed design is very similar to the previously refused scheme notwithstanding the removal of two windows. The previous refusal included inappropriate design as a reason for refusal. The Inspectors' appeal decision concluded that *'the proposed dwelling itself, whilst clearly modern in appearance, makes use of traditional design features, such as the roof and dormer windows. The low roof would limit the visual bulk of the building and, along with its siting well away from the road, would result in a retiring feature within the area. Whilst the dwelling would take up a large portion of the appeal site, space would nevertheless be retained around it. The shared driveway, neighbouring gardens and the field behind would further contribute to this and ultimately provide a sense of spaciousness'* Consequently the inspector concluded that *'the proposal would not appear cramped within the plot, or over development of the site. find that one additional dwelling would not unacceptably affect the character and appearance of the surrounding area when appreciated from the footpath'*.

6.9 The removal of the two windows would result in some sections of the front elevations being blank elevations. Whilst this would not usually be considered high quality design it is considered that the removal of these windows is necessary to reduce impact on neighbour amenity. The set back of the dwelling from the roadside would help reduce the visual impact of this blank elevation and therefore the removal of these windows would not warrant refusal of the application for unacceptable design on this occasion.

6.10 This appeal decision is a material consideration and therefore the design of the property is considered to be acceptable.



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

### **Impact upon the Setting of a Listed Building.**

6.12 Impact upon the setting of number 44 High Street (Grade II Listed) was considered during the previous Outline and Reserved Matters applications, with the Conservation Officer confirming at the time that the Listed building was primarily viewed from the High Street. The Conservation Officer noted that views to the rear were limited by the topography and surrounding buildings, and she concluded that the construction of a dwelling on the application site would have no detrimental impact on the setting of the Listed Building. The Conservation officer comments can be seen within the representations sections of the report. Members will note that there are no visual impact or Listed Building concerns, nor are there any objections regarding visual impact upon the wider street scene.

6.13 The refusal decision notice included a reason for refusal due to the development having a harmful impact on the setting of 44 High Street as well as surrounding non-designated heritage assets.

6.14 The inspectors appeal decision concluded that the proposed development would not harm the character and appearance of the surrounding area, including heritage assets. The inspectorate made the following comments *'I note that both the listed building and NDHAs can be seen in relation to the proposed dwelling. However, the area is characterised by buildings of various ages and the proposal would visually contribute to the organic growth of the settlement. The design would also maintain a degree of visual separation from the heritage assets and would not pull attention from them. Although the Council are concerned about potential physical harm to the wall, I have not been provided with any substantive evidence that this would occur. I therefore find the proposal would have a neutral impact on Wesley House, the former chapel and stone wall'.*

6.15 The inspector's decision and comments are a material consideration as the application is very similar in its design to the previous refusal and as such it is not considered that a refusal could be sustained on the grounds of harm to heritage assets.

### **Highways/Access**

6.16 The NPPF and Local Plan policies DC1 and T1 require that all development proposals secure safe and suitable access to a site whilst making a contribution towards meeting parking requirements and ensuring that all new development can be satisfactorily accommodated within the highway network. The new dwelling would be accessed via the existing/established driveway which links to High Street. It is understood that the access will continue to be shared with, and used by,

neighbouring residents. Off-road parking spaces are to be provided for the new dwelling; two to the front of the house and two to the side/rear.

6.17 The access arrangements remain the same as those previously approved with the Highways officer concluding each time (including for this application) that the access arrangements were acceptable subject to conditions.

6.18 The applicant has provided further details concerning highways including a vehicle tracking plan (see below) and a Construction Management Statement (CMS), both of which are published on the Councils web pages. The CMS discusses a range of issues including access for deliveries, pedestrians, access rights, historical building impact, footpath, drainage, boundaries.

6.19 Despite the concerns raised by the Parish Council and a number of objectors, it is noted that the Highway Authority do not raise any objection to the development proposals. Recommended conditions include widening of the access drive, securing surface water drainage and provision of parking spaces within the site prior to the development being first brought into use. In the absence of any highway objection, it is considered that the proposal complies with Policy DC1 and Policy T1 of the Local Plan, as well as the NPPF and that a refusal on highway grounds could not be sustained.

6.20 Highway issues, also formed a reason for refusal of the previous application. However, again the inspector concluded within the appeal decision that the proposal would not unacceptably harm highway safety. For this reason, it would be unreasonable to refuse the application again on highway safety grounds.

### **Amenity**

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

6.22 The layout of the site, footprint of the dwelling and its location remains as previously submitted under refused application SMD/2021/0565. The impact on the amenity of neighbouring properties was a further reason for the previous refusal of the application. The inspector made the following comments in respect of this issue on the appeal decision.

6.23 *'The appeal site is located off a shared driveway accessed via High Street and is set behind buildings fronting the street. The land level rises up from the road towards the rear of the appeal site., No 40 High Street has recently been extended to the rear. This includes a two-storey section and a single-storey conservatory that faces the appeal site. Whilst the upper floor window is obscure glazed, the conservatory is not.'*

6.24 *'The proposal includes the erection of a two-storey dwelling with the first-floor accommodation provided within the roof. There are a number of windows proposed on the front elevation. However, given the orientation of the building and the distance between it and No 40, I find that only the windows serving bedrooms 2 and 3 of the ground floor would have the potential to result in overlooking or a loss of privacy. Whilst the window serving the W/C on the first floor would be of a similar distance to these two, given the use of the room the window could easily be obscure glazed by condition in the event the appeal were to be allowed'.*

6.25 *'Given the slightly raised position of the proposed dwelling in comparison to No 40 the windows at bedrooms 2 and 3 would be afforded views down into the conservatory. Views would predominantly be afforded from Bedroom 2 given its closer proximity to the conservatory when compared against Bedroom 3. Nevertheless, I find that both would result in overlooking and a loss of privacy to the neighbouring occupiers. Given the glazed nature of the conservatory there would be a sense of being exposed and on show when making use of the room. Whilst there is a fence between the two properties this would not be sufficient to screen views. Consequently, I find that the proposal would result in harm'.*

6.26 To overcome this reason for refusal as previously discussed the applicant has removed the windows on the front elevation serving bedrooms 2 and 3. As the inspector concluded that *only* these windows would result in overlooking and loss of privacy the removal of these windows would now ensure that the development would not cause unacceptable overlooking or loss of privacy to no 40. Whilst the comments from neighbours regarding overlooking have been taken into account as previously discussed this inspectorate's decision is a material consideration and any other windows that look towards the site would not warrant refusal of the application as they can be obscurely glazed by condition or are a sufficient distance away.

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

## **Environmental Health**

6.28 No objections have been raised by the Council's Environmental Health officer. It is noted that the application is accompanied by a desk study. The Environmental Health officer (EHO) states that the desk study is a comprehensive assessment of the potential contamination risks associated with the site; the EHO accepts the findings. The report concludes with a preliminary site conceptual model outlining potential risks and recommendation for further site investigation to confirm these risks. The EHO agrees and an appropriate contamination condition recommended. Other suggested conditions relate to works being carried out in accordance with the Construction Management Plan, submission of a detailed contamination remediation scheme, soil testing and lighting.

## **Ecology/Biodiversity and Trees**

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

6.30 The updated Ecology report states that the land (prior to excavation) had an overall low conservation value and that the development would result in only a minor net biodiversity loss. Biodiversity enhancements can be made via the imposition of conditions similar to the previous approval. It is agreed that given the small parcel of land proposed for a new dwelling, there is limited scope to provide additional biodiversity enhancements onsite. For a single dwelling application it would not be considered reasonable or proportionate to seek off-site biodiversity mitigation or financial contributions. Biodiversity is just one of the many material planning considerations, the application must be considered and weighed against all relevant Local and National policies with the focus being on achieving sustainable development in a time where the Local Planning Authority does not have a 5 year housing land supply.

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

## **Drainage**

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

## **Other Matters**

6.33 Permitted Developments rights for Part 1 Class(es) A, AA, B, C, D and E and/or Part 2 Class(es) A and C have been removed from the property as to safeguard the character and visual amenities of the area as well as neighbour amenity and parking provision.

## **Conclusion and Planning Balance**

6.34 The application site is located within a sustainable area within a settlement identified as a larger village in the adopted Local Plan. There are no 'in principle' objections to the application. The previous application on the site was refused on the grounds of i) impact on the character and appearance of the area including designated and non-designated heritage assets ii) highway safety iii) amenity of neighbouring properties.

6.35 At the subsequent Appeal the Inspector did not share the Council's concerns regarding the character and appearance of the area and highway safety concluding

that there would be no harm to either. It would be unreasonable, therefore, for the Council to refuse this resubmitted application again on these grounds. The Inspector did, however, consider that there would be an unacceptable harm to the living conditions of neighbouring occupiers at number 40 High Street arising, specifically from overlooking from 2 principal windows serving bedrooms 2 and 3 which would afford views down in to the Conservatory. The Inspector dismissed the Appeal on this basis alone. These windows have now been removed from the application which as addressed the only remaining point of objection to the application.

6.36 Accordingly the application is now recommended for approval.

## **7. OFFICER RECOMMENDATION**

**A. That Planning Permission is approved subject to the following conditions and advisory notes.**

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

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

**2. The development hereby approved shall be carried out in accordance with the following submitted plans and subject to the following conditions and/or modifications:-**

**Location Plan and Block Plan: Dwg no 144-3a**

**Proposed Site Layout: Dwg no 144-2**

**Proposed Plans and Elevations: Dwg no 144-1 Rev C**

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

**3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) A, AA, B, C, D and E and/or Part 2 Class(es) A and C, other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.**

**Reason:- To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area as well as neighbour amenity and parking provision.**

**4. No construction works on any new building shall be carried out above the ground floor slab level until samples/details of the types and colours of the render, dormer cheeks, dormer gables and hard surfaces including block paving, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the**

approve details, completed in full prior to first occupation and retained for the lifetime of the development.

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

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

Reason:- In the interests of good design.

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

Reason:- In the interests of good design.

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

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

8 All works shall be carried out in accordance with the approved details set out in the Construction Management Plan. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

Reason: To protect the amenities of the area.

9 No development approved by this planning permission shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters, has been submitted to and approved in writing by the Local Planning Authority. The scheme must include:

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

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

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

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

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

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

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

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

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

**Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human**

health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

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

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

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

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

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

Reason:- In the interests of highways safety.

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

Reason: In the interests of highway safety.

17. The landscaping proposals hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

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

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

Reason:- In the interests of biodiversity enhancement.



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

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

**20. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use.**

**Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.**

**21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed first floor dormer window on the front elevation serving the W/C shall be non-opening and glazed with obscure glass to a specification to be agreed with the Local Planning Authority and shall be permanently maintained thereafter as non-opening and obscure glazed.**

**Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy.**

**22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), no windows, doors or other openings other than those expressly authorised by this permission shall be constructed.**

**Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area as well as neighbour amenity and parking provision.**

### **Informatives**

- 1. The application has been assessed against adopted Development Plan policies as well as the National Planning Policy Framework and any other material considerations. As the application is acceptable there was no need for any negotiation and accordingly a sustainable form of development is approved.**
- 2. This Permission does not confer on the Applicant the right to build on or over land owned by a third party without the third party's consent. You should therefore seek the prior agreement of your neighbour(s) before entering their land.**

3. The attention of the developer should be drawn to the existence and location of the footpath and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. If the path does need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence.
4. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09). It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required.
5. The County Council states it has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.
6. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.gov.uk/government/publications/buildingonorwithintheinfluencingdistanceofmineentries](http://www.gov.uk/government/publications/buildingonorwithintheinfluencingdistanceofmineentries) Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action. Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider. If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

7. Should the dropped crossing to the site need to be extended, please note that prior to the access being widened you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))  
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>
8. Should any deliveries require use of the highway, traffic management may be required. See [www.staffordshire.gov.uk/Highways/licences/Overview.aspx](http://www.staffordshire.gov.uk/Highways/licences/Overview.aspx) for details.
9. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.
  - Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice) and the Building Regulations 2010 Document E or other appropriate guidance.
  - Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (Defra 2005) available as a free download <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>
  - During any demolition and construction activities (including landscaping) the contractor should take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
  - The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils <http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>
  - Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)
  - If required, Contamination risk assessments shall be carried out in accordance with UK policy the Land contamination risk management framework (LCRM), published by the Environment Agency <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
  - Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.
  - The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that

should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become an “appropriate person”. In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

- Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

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

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

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

10. Severn Trent Water advise that there may be a public sewer located within the application site and state that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

11. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Severn Trent state that every approach to build near to or divert their assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact Severn Trent at the earliest opportunity to discuss the implications of any of their assets crossing your site. Failure to do so

**could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.**

**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.**

