

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

10th November 2022

Application No:	SMD/2022/0437	
Location	Land Rear of No's 30-34 Church Lane Checkley	
Proposal	Erection of a detached, two-storey dwelling.	
Applicants	Mr J. Bevan	
Agent	Mr R. Duncan	
Parish/Ward	Checkley	Date registered 03/08/2022.
If you have a question about this report please contact: Chris Johnston christopher.johnston@staffsmoorlands.gov.uk		

SUMMARY OF RECOMMENDATION

Approve subject to conditions.

REFERRAL

The application is brought before Planning Committee because the previous application for one dwelling at the site was also decided at Committee at the request of Cllr P. Roberts due to the site being within a Conservation Area and the number of objections against it.

1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 1.1 The application site comprises The Red Lion pub on the south side of Church Lane within the built-up part of Checkley village, together with its grounds (including a car park to the rear and outdoor seating area to the west side and to the rear of the building) and a rectangular shaped parcel of grassland to the east side of the pub, which sits to the rear (to the south) of a row of dwellings which face the lane (numbers 30-34 Church Lane). The land contains a number of agricultural shelters which have a temporary appearance/nature and hens and a tractor have been viewed on the site. This part of the site is bounded by timber fencing, post and wire fencing and hedgerow/planting. An agricultural gate allows access to this area. Land levels do not vary significantly, and there is a downwards slope from the north to the south. Fields further to the south have a slightly steeper slope.
- 1.2 For the purposes of planning policy consideration the northern boundary of the open rectangular parcel of land could be described as being on the northern edge of the built-up part of the village. The land to the south and east of this area comprises open fields within the "countryside". The whole of the site is within the Checkley Conservation Area. There are no immediately adjacent Listed Buildings/structures but there are some within the village itself including dwellings and the church and its boundary wall. There are no on-site protected trees and the site is not within any known flood zone.

2. DESCRIPTION OF THE PROPOSAL

- 2.1 This is a full planning application for the erection of a two-storey, detached dwelling on the rectangular shaped plot of land to the rear of numbers 30-34 Church Lane Checkley. This is a resubmitted application for the dwelling following the approval of the dwelling at Planning Applications Committee in July 2020 (SMD/2019/0460). There are no changes to the siting and design of the dwelling from that approved. The only difference with this revised application is the inclusion of the pub and its grounds within the application site. Previously only the strip of land to the east of the pub building (adjacent to No.30 Church Lane) was included, to become the sole access to the proposed dwelling (off Church Lane) and this was one of the former accesses to the pub before being fenced off (around 20 years ago according to a neighbour) with an access to the west of the pub building being used for this purpose instead. However, in July 2020, the east access was re-opened (fence removed) and the west access was closed off so that the land west of the pub building could be used as an outdoor seating area during the pandemic but is still in use for this purpose today. The applicant's agent explained that the former western access to the pub car park is now closed off as it forms part of an expanded, safer beer garden which is helping to generate more sales and increase the pub's viability and that the pub has thrived since then.
- 2.2 The new application now proposes the east access to be the shared access for both the pub and the proposed dwelling (and the sole access for both). A new field gate is proposed at the southernmost end of the pub car park to facilitate access to the field beyond. A planting strip along the east access up against the side boundary with No.30 Church Lane, has been introduced into the scheme and added to the site plan although no details of the type of planting have been provided.
- 2.3 The proposed two-storey dwelling would have ground floor accommodation consisting of lounge, study, WC, utility room and open plan kitchen/dining room. First floor accommodation would provide four bedrooms (one with en-suite) and a separate bathroom. Apart from a ground floor (secondary) lounge window, all other window and door openings would be located within the front and rear elevations. Principal bedroom windows would be at the front of the house. There would be a centrally positioned front door, underneath a mainly open-sided, pitched roof porch. Arched head detail would be above the ground floor windows and doors. First floor windows would sit directly beneath the eaves line. A single garage with lean-to roof would be attached to the north-east facing side elevation. Vehicular access to the site would be on land between the pub and 30 Church Lane. On-site parking would be provided at the front of the house as well as the garage and garden/amenity space to the rear.
- 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=163264>

3. RELEVANT PLANNING HISTORY

SMD/2019/0460: Erection of a detached, two-storey dwelling. Approved July 2020 (Extant permission).

4. PLANNING POLICIES RELEVANT TO THE DECISION

4.1 Staffs Moorlands Local Plan (adopted September 2020)

SS1	Development Principles
SS4	Strategic Housing and Employment Land Supply
SS9	Smaller Villages Area Strategy
SS10	Other Rural Areas Strategy
SD1	Sustainable Use of Resources
SD4	Pollution and Water Quality
SD5	Flood Risk
H1	New Housing Development
DC1	Design Considerations
DC2	The Historic Environment
DC3	Landscape and Settlement Setting
E1	New Employment Development
H1	New Housing Development
NE1	Biodiversity and Geological Resources
T1	Development and Sustainable Transport
Appendix 8	Parking Guidance

Supplementary Planning Guidance

1. Design Principles for Development in the Staffordshire Moorlands: New Dwellings and Extensions to Dwellings.
2. Space About Dwellings

Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

National Planning Policy Framework (NPPF) (July 2021)

Including sections;

2:	Achieving sustainable development
5:	Delivering a sufficient supply of homes
6:	Building a strong, competitive economy
9:	Promoting sustainable transport
11:	Making effective use of land
12:	Achieving well-designed places
15:	Conserving and enhancing the natural environment
16:	Conserving and enhancing the historic environment

5. CONSULTATIONS CARRIED OUT

- 5.1 A Site notice has been displayed and neighbouring properties notified.

Site Notice	Consultation period expired: 27/09/2022
Press Notice	Cheadle and Tean Times. Expired on 21/09/2022.
Neighbour Notification	Expired on 27/09/2022

Public Comments: Letters of objection have been received from one nearby resident who states that from the site access onto Church Lane, the visibility to the east is severely below standard with no prospect of improving it, as the applicant controls no land in this direction. As such there is no appropriate mechanism to secure a visibility splay to the required 2.4m x 43m. This proposal would therefore have an unacceptable impact on highway safety. He also states that since the east access was re-opened there has been an increase in vehicle use affecting his outdoor amenity and that this new application would lead to a further increase in vehicle movements.

Two letters of support have been received from two nearby residents who consider the pub would benefit from this proposal.

Checkley Parish Council: Objection to this planning application due to the impact on amenity to No. 30 Church Lane, Checkley, compared to the previous application SMD/2019/0460. It will also impact on the proposed dwelling.

Waste Services (SMDC): No issues regarding waste collections.

Conservation Officer (SMDC): No objection subject to a condition that the windows shall be casement windows of heritage colour.

Severn Trent Water: No objection.

Environmental Health: No objection subject to conditions.

Staffordshire County Council Highways: No objection subject to a condition to provide and retain the parking area for the dwelling as shown on the plans.

6. OFFICER COMMENT AND PLANNING BALANCE

Policy Context and Principle of Development

6.1 The Local Planning Authority is required to determine planning 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.

6.2 Paragraph 11 of the National Planning Policy Framework (February 2019) states that plans and decisions should apply a presumption in favour of sustainable development. For decision-takers this means: "(c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies, which are most important for

determining the application are out-of-date, granting planning 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". NPPF para 8 identifies the three dimensions to sustainable development as economic, social and environmental. The National Planning Policy Framework is a material consideration in planning decisions.

6.3 Another consideration is the National Planning Policy Framework (NPPF) which clarifies that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, paragraph 11 is clear that in circumstances where 'the policies which are the most important for determining the application are out-of-date,' permission should be granted unless i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed' or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.' Footnote 7 (to paragraph 11) clarifies that policies will be out-of-date if the Local Planning Authority cannot demonstrate a 5 year supply of deliverable housing land. The Council's current housing supply is 4.2 years and therefore the so-called "tilted balance" is engaged.

6.4 This is a resubmitted planning application for the proposed dwelling which was approved in July 2020. The previous application was determined under the former Core Strategy which was replaced in September 2020 by the adopted Local Plan. However, there have been no significant changes to the policies which are applied to this particular proposal which would now affect it. Furthermore, there have been no significant changes to the particular chapters of the NPPF which would apply to the proposal. There have also been no changes to the site or the surrounding area since the previous permission was granted, other than the change in the access arrangement to the pub. Therefore the impacts of the particular location, siting and design of new dwelling on the surrounding area would be no different the impacts at the time the previous application was approved.

6.5 The principle of the new dwelling on this site therefore remains acceptable. Furthermore, as the housing land supply has now slipped to 4.2 years, this would, if anything, add more weight to the allowance of a new dwelling which is in a fairly sustainable location on the edge of a village with some services.

6.6 The main issue with this new resubmitted application is whether or not the change to the access arrangement would have any impact on highway safety, the character and appearance of the Conservation Area and residential amenity and these matters are discussed in the remainder of the report.

Design and Visual Impact (Character and Appearance)

6.7 Policy DC1 of the Core Strategy 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, be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, density, layout, siting, landscape, character and appearance. Core Strategy policy DC2 relates to development within historic areas which should 'safeguard and, where possible, enhance the historic environment.' Development should be resisted where

it would harm or be detrimental to the special character and historic heritage of the District's towns and villages.

6.8 The National Planning Policy Framework places great importance on the design of the built environment, in particular Section 12 which clarifies that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area. NPPF chapter 16 'Conserving and enhancing the historic environment' outlines the importance of historical areas and their assets.

6.9 During the determination of the original application for the dwelling in 2019/2020, the design of the proposed dwelling was amended resulting in a scheme that was considered to not harm the character and appearance of the area including the Conservation Area and this was passed at Planning Applications Committee in July 2020.

6.10 Whilst the new dwelling would sit within the Checkley Conservation Area it is considered that the new build would have little visual impact upon the character and appearance of the historic village core itself. The character of the village is generally seen from the road, that being mainly the principal elevations of dwellings facing towards the highway. Surrounding properties are varied in terms of their appearance and sizes so there is scope for the addition of an individually designed property. The reduced size of the proposed dwelling ensures a development that will reflect the form and mass of similar traditional cottages in the village. This site is tucked to the rear of a row of dwellings which, although not brand new, have a more modern appearance. The new dwelling would have very little visual impact upon any surrounding Listed Buildings/structures and will mainly be seen in the context of the rear elevations of number 30, 32 and 34 Church Lane as well as the detached triple garage which serves these properties. The applicant has provided land levels details as well as the heights of eaves and ridge lines of some surrounding buildings, in particular numbers 30, 32 and 34, the detached triple garage and the public house. In addition to the design details of the dwelling, it is important to consider how the bulk and mass of the proposal would sit within its surroundings. The new property would have a similar height to numbers 30, 32 and 34 Church Lane and this is considered acceptable. In the event of Members wishing to support the proposal, appropriately worded conditions could be used to secure building materials, surfacing, landscaping and boundary treatments. The Conservation Officer comments that 'it is important that good landscaping is incorporated into the boundary to filter views of the new dwelling from the surrounding countryside and to define a clear settlement edge which must not be further extended in this location.' Planning Officers concur with this view, noting that the new dwelling is tucked to the rear of existing built development. Any further development to the south would project unsatisfactorily into the open countryside and be divorced from the settlement.

6.11 There have been no changes to the siting, design and layout since including in this new resubmitted application. As there have been no changes to the site or surrounding area since the previous approval, the impact on the visual amenities of the area remains the same. The re-opening of the east access involving only the removal of a timber fence, does not harm the character and appearance of the Conservation Area.

Residential Amenity

6.12 The application raises consideration of residential amenity both in respect of future occupants of the proposed dwelling and the potential amenity impact upon

neighbours. In order to assess whether the proposed development is/isn't acceptable in terms of amenity impact, consideration has been given to planning design policies including Core Strategy policy DC1 and the Council's adopted Supplementary Planning Guidance document entitled 'Space About Dwellings.'

6.13 The new dwelling would have external amenity space to both the front and rear of the building and includes off-road parking spaces. The amenity space to the rear would be private; the space at the front of the house may be overlooked by neighbouring residents and/or potentially users of the pub car park or beer garden. The level of privacy at the front of the house is not necessarily as important as the space at the rear. Many dwellings have their front gardens overlooked and this is not a cause for concern with this scheme. The Space About Dwellings SPG indicates that a mean garden length of 11m is suitable for a 3+ bed dwelling (which this is) and an area of at least 65 square metres is required. This application proposes a garden length of approximately 10.5m-11m. More importantly is the area of useable and private amenity space available, at the rear this is calculated at approximately 164 square metres, well in excess of the SPG standards. Highway (including parking) matters are discussed later in the report. It is concluded that there are no objections to the application in terms of amenity provision for future occupants of the new build property.

6.14 The new dwelling will be viewed from some neighbouring dwellings; in particular numbers 30, 32 and 34 Church Lane but the proposed positioning of the dwelling within its plot and the positioning of principal windows within the front and rear elevations only (new dwelling), means that there would be no direct window-to-window relationships. The rear of numbers 30-34 Church Lane are separated from the application site by their respective back gardens, communal car parking area, boundary hedgerow and timber fence (which is indicated to be retained). There are no proposals to significantly alter the land levels within the application site and therefore the separation distance will ensure that the dwelling will not be overbearing. The new dwelling would be set back from the front wall of the existing triple garage and the main bulk of the new building further distanced from the Church Lane properties due to the fact that the new lean-to garage would be positioned against the northern facing gable wall and push the main two-storey structure further away into the site. Whilst some overlooking may occur, the arrangement would not breach any of the Space About Dwellings 'Daylight' standards. Furthermore, views are also filtered by trees/planting within the rear gardens of 30-34 Church Lane.

6.15 In determining the previous application, representations raised concerns regarding noise from vehicles using the proposed vehicular access as well as construction traffic noise. Members will note that there is already a vehicular access between the pub and 30 Church Lane. At that time, this access was not the main vehicular access to the pub car park but does lead to it and has a hard surface (part of it becoming grassed over due to the passage of time). Since the previous approval, this access has been re-opened as the sole access to the pub car park as the west access has been closed. Despite the east access previously having been blocked off for around 20 years, it could at any time have been re-opened by the pub for use by patrons of the public house and anyone with a right of access to the land at the rear. The issue that needs to be considered here is the impact on the residential amenities of this east access also becoming the sole access to the new dwelling as well as being the sole access to the pub. Letters of objection have been received from the resident nearest to the east access concerned about harm to his outdoor residential amenities. The objectors rear garden is adjacent to the east access which leads down his side boundary to the new dwelling building plot to the rear.

6.16 Although the previous application presented the opportunity to restrict the east access to the new dwelling only, thereby reducing vehicle movements, Members are reminded that the pub has the right to re-open the east access at any time for the use of the pub as it is part of the pub property and this is indeed what has happened. Since permission was granted in July 2020 for the dwelling, the pandemic led to the pub to open an outdoor seating area, seemingly to keep the pub in business and prevent closure. This was placed to the west of the pub building on the site of the west access, leading to the closure of the west access and therefore necessitating the re-opening of the east access. It does not appear from the site plan there are many other alternative locations for an outdoor seating area other than to the east of the pub building where the east access is located (the land immediately to the rear of the building is the car park). It is considered that the use of the east access land for the outdoor seating area instead of the west access would lead to significant noise and disturbance from the use of the outdoor seating area late into the evening affecting the residential amenities of the adjacent resident.

6.17 It is accepted that this new application for a 4-bed dwelling would lead to additional vehicle movements over and above the vehicle movements arising from the pub. However, it is also considered the increase in vehicle movements to allow access to and from the proposed 4-bed dwelling would in relation to those arising from the pub, would be relatively small and in terms of additional noise and disturbance from car engines, which is intermittent, would not be more harmful to the neighbour's residential amenities than the level of noise and disturbance arising from the use of the east access land as an outdoor seating area with the potential of constant noise from customers beyond 11PM.

6.18 A planting strip would be added along the access drive adjacent to the neighbours side boundary. This would not eliminate vehicle noise but could still potentially abate some of the impact on the neighbouring property from the use of the shared access depending on the type of planting provided. An additional condition would be put on the planning permission in the event of an approval, required specific details of planting and for the approved planting to be provided before the development is brought into use.

6.19 The Environmental Health Section, which is consulted to comment on matters which include any noise and disturbance impacts on nearby neighbours, including noise from vehicles, has not objected and with regards to noise abatement considers the only issues to be noise from the pub affecting the future occupants of the proposed new dwelling and construction noise from the new dwelling affecting the residents of existing houses. These can be controlled by planning conditions requiring noise insulation for the new dwelling and with regard to protecting the existing residents, requiring a Construction Method Statement which would provide details including dust minimisation scheme, details of wheel washing facilities, a scheme for recycling/disposal of any demolition/construction materials and contact details of a site manager. These details would be secured prior to the commencement of works on the site. A further Environmental Health related condition would restrict the developer to the days and times in which any on-site noisy activities could take place. The Section recommended the same conditions in response to the previous application.

6.20 Previously, the County Highways officer also required that a Construction Vehicle Management Plan is agreed with the Local Planning Authority prior to the commencement of works. This plan would include securing details including (but not limited to) the loading/unloading of plant and materials, parking for site workers and

visitors, delivery routes, and plant/material storage areas. I consider that such a condition should again be applied.

6.21 For the reasons outlined above it is considered that subject to appropriately worded conditions there would be no material planning reason(s) why the application could be refused on the grounds of neighbour amenity impact.

Highways / Access

6.22 The NPPF and Core Strategy 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.

6.23 With regard to the previous application, SCC Highways raised no objection to the proposed dwelling on the basis that the east access would be restricted solely to the dwelling, with the pub excluded from the application site and which would be served by the west access. However, with this new application, the access arrangement has changed, with the west access now closed off and the east access to become a shared access for both the pub and the proposed dwelling. As already discussed above, this would lead to a small increase in vehicle movements as a result of the new dwelling (the east access has historically been used as an access to the pub car park). The local highways authority, SCC Highways has raised no objection to this and considers the east access off Church Lane to be satisfactory for its intended purpose of being a shared access for the pub and proposed dwelling.

6.24 Off-road parking space is provided within the application site to the front of the dwelling and access would be taken through an existing route between the pub and 30 Church Lane. The level of off-road parking within the site is acceptable. Appendix 8 of the emerging Local Plan requires that a 4+ bedroom dwelling should have three parking spaces; this proposal can easily accommodate three spaces and includes a garage space. The County Highways officer has no objections to the application and recommends just the one condition to ensure that the parking and turning area shown on the plans is provided before the development is first brought into use.

Drainage

6.25 Severn Trent Water (STW) do not raise any objections to the application, stating that the proposal has minimal impact on the public sewerage system and that they do not require any drainage conditions to be applied. STW does however state that there may be a public sewer located within the application site and that public sewers have statutory protection. The STW consultation response includes detailed information which could be conveyed to the applicant/developer by means of informative notes on the decision notice if Members were minded to approve the application.

Ecology

6.26 The application site is currently a parcel of agricultural land sitting to the south of a communal parking area and to the north of open fields. At the time of the officer site visit this was a grassland area upon which there were a number of outbuildings and machinery stored upon it (including tractor). The land is not undisturbed or wild grassland and appears to have been mown or grazed. Staffordshire Wildlife Trust (SWT) originally objected to the application due to there not being sufficient information to assess the full impact of the proposals on any potential important

habitat or species. Following on from this response the applicant submitted a Preliminary Ecological Appraisal by Elite Ecology. SWT now have no objections to the application (subject to conditions), commenting that *'no habitats of conservation concern will be lost but the proposals will result in the net loss of improved and amenity grassland. This can be mitigated by the inclusion of a variety of wildlife friendly landscaping enhancements. Any landscaping relating to the proposed development should encompass native tree and shrub species to encourage foraging potential for species. No plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 should be planted during any landscaping within this development.'* In addition a standard condition to protect nesting birds during any site clearance would be appropriate.

Environmental Health (Other Matters not relating to Noise Impacts).

6.27 The Council's Environmental Health officers raise no objection to the application and recommend a number of conditions relating to dealing with any unexpected contamination discovered during construction works and external lighting for the new dwelling plot. Those conditions were also recommended previously.

Conclusion and Planning Balance

6.28 The NPPF and the Council's adopted Core Strategy set out the presumption in favour of sustainable development. As detailed within the 'Policy Context and Principle of Development' section of the report (above), it is acknowledged that the council does not have a 5 year supply of deliverable housing land. It therefore follows that in accordance with NPPF paragraph 11, a presumption in favour of sustainable development should be applied and the 'tilted balance' of considerations is triggered.

6.29 The proposal would deliver some economic benefits through the construction of the dwelling. Whilst the proposal is only for a single dwelling the provision of an additional property in circumstances of significant housing undersupply attracts significant weight. The application site lies adjacent to an established settlement boundary and cannot be said to be isolated. It is concluded that the design and visual impact of the scheme would be acceptable and that there are no material planning concerns relating to residential amenity, highways/access, drainage, ecology or Environmental Health matters. Appropriately worded conditions are essential. The concerns and objections raised by residents have been taken into consideration but weighing all of these matters and applying the paragraph 11 test, the conclusion is reached that there are no significant and demonstrable conflicts with adopted policies which would outweigh the presumption in favour of development. The proposal will deliver sustainable development and a recommendation of approval is therefore made.

6.30 The changes made to the proposal since the previous approval in July 2020, comprising the change to the access arrangement would not lead to any additional highways or residential impacts of a significantly harmful scale and the specific changes would comply with the Local Plan and NPPF.

7 OFFICER RECOMMENDATION

A. That Planning Permission is approved subject to the following conditions:-

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

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

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

AL(0)02 Rev K and AL(0)06 Rev A

Reason:- For the avoidance of doubt and 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, B, C, D, E and H and 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, and to ensure that adequate private open space is retained within the curtilage of the building.

4. No construction works on any new building shall be carried out above the ground floor slab level until samples/details of the types and colours of all roof tiles, facing materials and hard surfaces (including all patios, paths and parking areas) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

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

5. Prior to their installation, joinery details of all external windows and doors (including materials and colour/finish) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason:- In the interests of good design.

6. The development hereby permitted shall not be occupied until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall

be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason:- To provide adequate privacy and an acceptable external appearance.

7. Prior to the first use of the development hereby approved, a biodiversity enhancement scheme broadly in accordance with section 5 'Recommendations' of the Preliminary Ecological Appraisal (October 2019) by Elite Ecology (including implementation timescales) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and timescales.

Reason:- In the interests of ecological/biodiversity gain.

8. Prior to the first use of the development hereby approved, a landscaping plan (including boundary hedges) shall be submitted to and approved in writing by the Local Planning Authority. Any landscaping should encompass native tree and shrub species to encourage foraging potential for species. No plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 should be planted during any landscaping within this development. For further details of Schedule 9 plants visit the Defra website: www.defra.gov.uk/wildlife-pets/nonnative
Any planting approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. Any trees/shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason:- In the interests of ecological/biodiversity gain.

9. Prior to first use of the development the access, parking and turning areas shall be provided in accordance with drawing no. no 00877 AL (0)06 Rev A. The parking and turning areas shall thereafter be retained unobstructed at all times for their designated purposes for the lifetime of the development.

Reason:- In the interests of highway safety and the provision of suitable off-road parking facilities.

10. Prior to first use of the development a system of surface water drainage shall be installed on the site to prevent surface water discharging onto or off the public highway. The system shall then be maintained in an operational manner thereafter and for the lifetime of the development.

Reason:- To secure suitable surface water drainage arrangements.

11. 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.

- 12. The development, including 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;**

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.

- 13. In the event that contamination, including surface coal measures, is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared, and is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.**

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

- 14. Prior to bringing the development into first use, all soils used for in the proposed garden/ soft landscaping areas should be tested for contamination and assessed for their suitability for the proposed use. Prior to sampling, a suitable methodology for testing the soil should be submitted to and agreed in writing by the Local Planning Authority and should include the sampling frequency, testing schedules, and criteria against which the analytical results will be assessed.**

The results of the soil tests should be submitted and approved in writing by the Local Planning Authority. If soil results indicates that a potential risks exists, development shall not commence until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared and subject to the approval 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.

- 15. 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 protect the amenities of the area.

- 16. Development shall not commence until a site specific scheme for protecting the proposed residential units from noise has been submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and be designed to achieve noise levels of less than 30db LAeq in bedrooms (23:00 to 07:00) 35 dB LAeq in bedrooms (07:00 to 23:00), less than 40 dBLAeq in living areas (07:00 to 23:00) and less than 50dBa in garden areas (07:00 to 23:00).**

A report shall be produced containing all raw data and showing how calculations have been made. A copy of such report shall be submitted to the Local Planning Authority for its written approval.

Reason: To protect the amenity of future occupiers

- 17. Any artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation. Details of all artificial lighting to be installed under this permission should be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The details of any future replacement lighting**

shall also be submitted to and approved in writing by the Local Planning Authority.

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

18. The foul drainage from the proposed development shall be discharged to a system which meets the requirements of British Standard (BS) 6297:2007+A1:2008 Code of practice for the design and installation of drainage fields for use in wastewater treatment
- a) There is no connection to any watercourse or land drainage system and no part of the soak away system is situated within 10 metres of any ditch or watercourse.
 - b) Porosity tests are carried out to the satisfaction of the Local Planning Authority to demonstrate their suitable subsoil and adequate land area is available.

Reason:- To prevent pollution of the water environment.

19. Before the development is first brought into use, planting on the “planting bed” shown on the approved drawings, adjacent to the west side boundary of No.30 Church Lane, shall be provided in accordance with details of species, spacings and sizes to be submitted to and approved in writing by the local planning authority. Any trees/shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason:- In the interests of the protection of residential amenity and the visual amenities of the area.

Informatives

1. During the course of considering the proposals the Council sought design amendments and a reduction in the size of the proposed domestic curtilage to ensure the development would be acceptable for its location and surroundings, therefore complying with the provisions of paragraph 38 of the National Planning Policy Framework (February 2019) where Local Planning Authorities are encouraged to work proactively with applicants to secure sustainable development proposals.
2. Attention is drawn to condition number 3 of this approval, the effect of which is to withdraw permitted development rights in respect of development which would otherwise not require planning permission. You are advised to contact the Local Planning Authority Development Control Section telephone 0345 605 3013 before undertaking any other development in the future in order to ascertain whether planning permission is required.

- 3. 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 further link to “vehicle dropped crossings” which includes a “vehicle dropped crossings information pack” and an application form for a dropped crossing. Please complete and send to the address on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, c/o, 2 Staffordshire Place, Tipping Street, Stafford, ST16 2DH or email (nmu@staffordshire.gov.uk) www.staffordshire.gov.uk/transport/staffshighways/licences**
- 4. Any soakaway should be located a minimum of 4.5m rear of the highway boundary.**
- 5. It is the applicant’s responsibility to ensure that the existing telegraph pole is protected or relocated if necessary.**
- 6. 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.**
- 7. Severn Trent Water advise that there may be a public sewer located within the application site and, comment 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.**
- 8. 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 advise 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.**
- 9. 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 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.

10. 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), ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise New Residential Development, BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance.

- Information on Coal Mining Risk Assessment can be found on the UK government Website:
<https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments>

- 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/stat uisance.pdf](http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/stat%20nuisance.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)

- If required, contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Planning Policy Statement 23 and the CLR Report Series 1-12.

- 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 and "appropriate person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

- Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.
- During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes
- The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.
- Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/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.

