

DELEGATED DECISION REPORT

SMD/2021/0174
Valid 14/05/2021

LAND AT TEANFORD MILL
BREACH LANE
UPPER TEAN

ERECTION OF DETACHED
DWELLING WITH DEMOLITION
OF STRUCTURES AND
BUILDINGS

(FULL - MINOR)

MAIN ISSUES

- Whether the proposal comprises an exception to inappropriate development in the Green Belt.
- Impact on the character and appearance of the surrounding area.
- Impact on neighbouring amenity.
- Impact on highway safety.
- Impact on ecology.
- Impact on flood risk.
- Impact on archaeological remains associated with a former water mill.
- Impact on pollution and water quality.

DESCRIPTION OF SITE

The application site comprises part of a yard used in conjunction with the applicant's father's construction business. The yard is occupied by various structures and buildings as well as equipment, machinery and materials. To the east of the site is a former mill building (that has been converted into a dwellinghouse owned and occupied by the applicant's father), and 2no. dwellings, Mill Cottage and Mill House. To the south of the site is Teanford Mill Bungalow with a row of mill cottages beyond. To the west of the site is the River Tean with open fields beyond, whilst open fields are located to the north of the site.

The application site is located in the North Staffordshire Green Belt and Open Countryside, within Flood Zones 2 and 3 and within a Groundwater Source Protection Zone. A Historic Environment Record (HER) states that the site was the former location of a mill pond and the adjacent mill building was the siting of a former water mill.

PROPOSAL

Full planning permission is sought for the clearance of all buildings and structures and the erection of 1no. dwellinghouse. The access to the site utilises the existing access to the converted mill building and will result in the partial demolition of a modern outbuilding attached to the front of the converted mill.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

SS1 Development Principles
1a Presumption in Favour of Sustainable Development
SS2 Settlement Hierarchy
SS10 Other Rural Areas Strategy
DC1 Design Considerations
DC2 The Historic Environment
H1 New Housing Development
T1 Development and Sustainable Transport
NE1 Biodiversity and Geological Resources
SD4 Pollution and Water Quality
SD5 Flood Risk

National Planning Policy Framework

Paragraph(s) 1 - 14

Section(s) 4, 12, 13, 14, 15, 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

No planning history for the application site, but the adjacent land has been subject to the following applications:

SMD/2017/0091	Proposed demolition/removal of existing commercial structures and erection of detached dwelling Approved 12/07/2017
SMD/2017/0693	Change of use of former mill building to provide a single dwellinghouse Approved 19/02/2018

CONSULTATIONS

Publicity

Site Notice expiry date: 29/06/2021

Neighbour consultation period ends: 14/06/2021

Press Advert: N/A

Public Comments: Two comments have been received, both from the same neighbour. The first comment confuses the site for the one that was approved in 2017, whilst the second objects to the development on the basis that Teanford is a hamlet and does not need any further houses. A third comment was received from

the applicant to clarify to the objector that the house they are referring to is the 2017 permission.

Town / Parish Comments: Cheadle Town Council objects to this application on the grounds that the proposal is a new build outside the Parish boundary and its proximity to the Green Belt and Open Countryside.

SCC Highways: No objection subject to conditions.

Severn Trent Water: No objection to the proposals and do not require a drainage condition to be applied.

AES Waste: No issues regarding waste collections. Note: Bins may have to be presented near Breach Lane on collection days.

Environmental Health:

First Response:

No objection subject to conditions. Recommend that Environment Agency are consulted due to the site being within a Groundwater Source Protection Zone.

Second Response:

An additional ground investigation report has been submitted in support of the investigation (Ref SRL1319). The report concludes remediation will be required, due to asbestos fibres and elevated lead and proposes a simple remediations strategy (engineered cover system). Whilst the engineered cover system may form part of an appropriate future remediation strategy the report is seen as a preliminary investigation. It is not yet considered that enough information has currently been presented to either demonstrate that the most appropriate sample locations have been targeted or that enough samples have been taken to draw any meaningful conclusions.

This is of particular significance for the protection of controlled waters, because currently the proposal is to cap the site, thus leaving what is there on site. Whilst a cap breaks the pathway and can protect human health, it is less effective in protecting controlled water receptors.

A condition requiring further risk assessment of the likely contamination is therefore recommended.

Environment Agency

First Response:

In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

We have reviewed the Planning Statement and Phase 1 Contamination Assessment report submitted in support of this application and would like to comment from a perspective of the protection of 'Controlled Waters' only. Recommends the inclusion of conditions and raises no objection if these conditions are attached to the Decision Notice.

Second Response:

We maintain our objection to the proposed development on flood risk grounds.

Thank you for referring the Ground Investigation Report by Strata Renewables Ltd.

We have reviewed the aforementioned report and we are pleased to see intrusive investigations and sampling have now been undertaken, focussing especially on the former mill pond and fuel storage area. It appears that the (unlined) pond has a significant accumulation of alluvial sediments from when the use of the water through the mill ceased, which was then further raised with approximately 1m of compact granular / brick rubble fill when the pre-cast concrete yard was developed. In terms of contamination, there does not seem anything untoward at present from a 'Controlled Waters' perspective. Likewise, other than one minor TPH soil reading of 360 mg/kg at TP03 in the former UST area, there seems to be no pollution present there either, nor anywhere else on this site. Therefore, whereas the site setting is clearly vulnerable next to the river Tean and close to a water supply abstraction, there does not seem to be any noticeable contamination on site. Therefore, our previously recommended conditions have now been addressed and are no longer relevant. In light of the above, we withdraw our previously recommended planning conditions and now advise that an alternative condition is attached should permission be granted.

Third Response:

In light of the information submitted we are now in a position to withdraw our objection. The letter by Ambiental Environmental Assessment, ref. 5740, dated 11 August 2021 addresses the concerns raised in our previous response. They recommend a condition is attached in respect of flood risk.

SCC Archaeology: I have reviewed the proposals against the information held by the Staffordshire Historic Environment Record (SHER) and associated datasets such as the Staffordshire Moorlands Historic Environment Assessment (UTHECZ 4 Upper Tean, North of Upper Tean), and historic mapping, and note that there is a degree of historic environment and archaeological interest in the application site. However, given that the proposed house is located within the boundary of a former mill pond associated with the adjacent Teanford Mill (which potentially occupies the site of an earlier watermill), which has since been filled in and concreted over, and that none of the buildings proposed for full or partial demolition have any historic interest, I do not wish to raise any archaeological issues with the proposed development.

OFFICER COMMENTS

Principle of Development

Paragraph 11 of the National Planning Policy Framework (NPPF, 2021) promotes a 'presumption in favour of sustainable development'. For decision takers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless: i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 8 of the NPPF (2021) identifies three dimensions to sustainable development as being economic, social and environmental. In accordance with policies SS1 and 1a of the Staffordshire Moorlands Local Plan, the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible, enhancing the environment. When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (2021).

The application site is located in the Open Countryside and the North Staffordshire Green Belt, whereby policy SS10 of the Local Plan (2020) is applicable. Policy SS10 states that these rural areas will provide only for development that has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside. It goes on to list the types of development that will be considered acceptable. One such exception is '*allowing the conversion or replacement of an existing rural building in accordance with policy H1*'.

Policy H1 outlines the types of housing development that will be permitted in the other rural areas. Part 5 (e) of policy H1 allows proposals to redevelop previously developed land provided it is not of high environmental value.

Annex 2 of the NPPF (2021) and the Glossary to the Local Plan (2020) defines previously developed land as '*land which is or was occupied by a permanent structure, including the curtilage of the developed (although it should not be assumed that the whole of the curtilage of the developed land should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration have been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape*'.

The application site comprises part of the yard that is associated with a construction business. Various different buildings, structures and materials occupy the land and as such, the land is not of high environmental value. As with application SMD/2017/0091, the application site is considered to comprise previously developed land and therefore the redevelopment of the site will comply with policy H1 of the Local Plan (2020) and is acceptable in principle.

Green Belt

The application site is located in the North Staffordshire Green Belt whereby policy SS10 of the Local Plan (2020) and chapter 13 of the NPPF (2021) are applicable.

Policy SS10 states that strict control will continue to be exercised over inappropriate development within the Green Belt, allowing only for exceptions as defined by Government policy.

In accordance with paragraph 149 of the NPPF (2021), the construction of new buildings in the Green Belt should be regarded as inappropriate, unless it meets one of the exceptions listed. This includes:

g) limited infilling or the partial or complete redevelopment of previously development land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

As outlined above, the application site comprises previously developed land. In order to comply with exception (g) the Council must satisfy themselves that the proposed development will have no greater impact on the openness of the Green Belt than the existing development.

A comparison of the buildings to be demolished and the proposed dwellinghouse is:

	Buildings to be Demolished	Proposed Dwellinghouse	Difference
Floorspace	329m ²	265m ²	-19%
Volume	965m ²	779m ²	-19%
Height	1.95m - 4.5m	7.2m	+2.7m – 5.25m

The proposed dwellinghouse will result in a reduction in floorspace and volume across the application site, but the proposed dwellinghouse will have a greater height than the highest structure that measures 4.5 metres. However, the proposed development will consolidate the built form of development on the site and will improve its openness. The proposed dwellinghouse will be sited within the area defined as 'previously developed land' and will not encroach into the surrounding fields.

In addition, a recently approved application (SMD/2017/0091) for a dwellinghouse on another part of the wider yard was not considered inappropriate development in the Green Belt. In that application, the proposed dwellinghouse would have resulted in a reduction in volume and floorspace but an increase in height (the proposed

dwellinghouse was to stand at 7.2 metres and the highest structure that it would replace was circa 3 metres). The application also resulted in the consolidation of buildings on the site and an increase in openness. The proposed development is very similar to the 2017 application, with a smaller increase in overall height.

For the reasons outlined above, the proposed development will not have a greater impact on the openness of the Green Belt than the existing development and will comply with the five reasons for including land in the Green Belt. The proposed development therefore meets an exception to inappropriate development within the Green Belt and will comply with part (g) of paragraph 149 of the NPPF (2021).

The proposed development only complies with part (g) of paragraph 149 of the NPPF (2021) if it does not result in a greater impact on the openness of the Green Belt than the existing development. If permitted development rights were left intact for extensions, alterations, outbuildings, areas of hardstanding and fences/gates/walls these additions would result in a development that would have a greater impact on the openness of the Green Belt and would not comply with part (g) of paragraph 149 of the NPPF (2021). Permitted development rights should therefore be removed should planning permission be granted.

In order to ensure the proposed development does not result in a greater impact on the openness of the Green Belt, a mechanism is required to ensure that the existing buildings/structures and other paraphernalia are removed from the application site. A condition could be attached to ensure their removal however, there is concern due to many of the 'buildings' being movable, that they could be relocated onto another part of the yard that is to remain. A condition could not be worded to prevent this from occurring as the remainder of the yard is not within the same ownership as the applicant. In addition, due to the nature of the buildings and the sheer volume of buildings/structures/materials contained in the yard, there would be difficulties in being able to enforce such a condition, as it would not be easy to identify the buildings if they were relocated. It is therefore necessary for a legal agreement to be entered into.

The applicant has submitted a legal agreement to ensure the buildings are completely removed from the application site and not relocated onto another piece of land within the ownership of the family. The decision notice should therefore refer to the legal agreement.

Design

Policy DC1 refers to design and seeks to secure development of a high quality which is designed to add value to the area and to respect the site and its surroundings. New development should promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.

Paragraph 130 of the NPPF (2021) requires the design of a development to add to the overall quality of an area, by being sympathetic to local character and by being visually attractive as a result of good architecture. The Council's Design Guide SPD outlines the Council's expectations in respect of design.

The proposed dwellinghouse will be detached and consist of two-storeys. It will have 4 bedrooms and an attached garage. The first floor front and rear windows will be set within half dormers. The dwellinghouse will have an irregular floorplan and will be constructed of red brick with a pitched roof covered in Staffordshire Blue clay tiles.

The adjacent buildings are two-storeys in height. The adjacent converted mill building is constructed of red brick with a Staffordshire Blue clay tile roof, whilst the adjacent Mill Cottage and Mill House have rendered walls with Staffordshire Blue tiled roofs. All three buildings have pitched roofs. The design and materials of the proposed dwellinghouse is therefore considered to reflect the adjacent buildings and is sympathetic to the local character.

The application site is located to the northwest/west of the converted mill building and the adjacent Mill House and Mill Cottage. The remainder of the yard is located to the south, with the northern and western boundaries of the site bounded by trees and hedgerows. Beyond the yard to the south, is a detached bungalow and a row of terraced mill worker's cottages. The site is located approximately 100 metres from Cheadle Road (A522) to the east, 110 metres from Breach Lane to the south, and 110 metres from an unnamed road to the west. No Public Right of Ways (PRoWs) traverse the surrounding farmland. The proposed dwellinghouse will not be highly visible from public vantage points and, where it can be glimpsed, it will be viewed as part of the existing group of buildings associated with the former mill. It is therefore not considered that the proposed development will adversely affect the character or appearance of the surrounding area.

It is for these reasons that the proposed development is considered to comply with policy DC1 of the Local Plan (2020), the Design Guide SPD and the NPPF (2021) in respect of design.

Heritage

Policy DC2 of the Local Plan (2020) states that the Council will safeguard and where possible, enhance the historic environment by resisting development which would harm or be detrimental to the special character and historic heritage of the District's towns and villages and those interests of acknowledged importance; promoting development which sustains, respects or enhances buildings and features which contribute to the character or heritage of an area; and preventing the loss of buildings and features which make a positive contribution to the character or heritage of an area through appropriate re-use and sensitive development.

Paragraph 203 of the NPPF (2021) states that *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

The application site comprises the site of the mill pond associated with Teanford Mill, which was the site of a former water mill. The HER states that the pond existed by the late 19th century, but had been drained and hard surfaced by the end of the 20th century. There is currently no evidence of the pond.

SCC Archaeology were consulted and have not raised any archaeological issues and do not recommended the imposition of any conditions. The proposed development is therefore not considered to cause any harm to the significance of the former mill pond.

It is for these reasons that it is considered that the proposed development will comply with policy DC2 of the Local Plan (2020) and the NPPF (2021).

Amenity

Policy DC1 and paragraph 130(f) of the NPPF (2021) seek to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

The proposed dwellinghouse will not directly face the side elevation of the existing converted mill building and therefore it will not adversely affect this property's amenity.

To the east of the proposed dwellinghouse is 'Mill Cottage' and 'Mill House'. The rear elevation of the proposed dwellinghouse will directly face the rear elevations of the neighbouring dwellinghouses. A gap of between 22-23 metres will be maintained between facing windows. This is in accordance/exceeds the separation distance outlined in the Space About Dwellings SPG. The proposed dwellinghouse will therefore not adversely affect the amenity of these neighbouring properties.

It is for these reasons that the proposed development will comply with policy DC1 of the Local Plan (2020) and the NPPF (2021) in respect of amenity.

Highway Safety

Policies DC1 and T1 seek to achieve a level of parking and an access that is appropriate to the development it serves.

The Highways Engineer has assessed the application and made the following comments:

'The red line access route through the site is convoluted and tight in places. It is not clear if this access route will be clearly defined with boundary treatments or if it's a theoretic indicative route. This should be clarified. In either case, consideration should be given to how larger vehicles - construction vehicles, removal vehicles will access the site.'

'From the junction with Breach Lane, the access is private. Application is full. However, the site plan does not show parking or turning arrangement or garden or landscaping arrangements. Condition seeks clarification of parking and turning provision.'

The Highway Engineer raises no objection to the application subject to the imposition of a condition.

In respect of larger vehicles accessing the site during the construction of the dwellinghouse, the adjacent yard is owned by the applicant's father and therefore access can be gained through the yard. In respect of the red edge access route, this is a theoretical route that follows the perimeters of the buildings to be demolished.

It is therefore considered that the proposed development will not have a detrimental effect on highway safety. The development will comply with policies DC1 and T1 of the Local Plan (2020) and the NPPF (2021).

Pollution and Water Quality

Policy SD4 and chapter 15 of the NPPF (2021) seek to protect people and the environment from unsafe, unhealthy and polluted environments by ensuring proposals avoid potential adverse effects and only permitting proposals that are deemed to result in pollution if after mitigation, potential adverse effects are deemed acceptable.

Contamination

The site has been in industrial use for over 150 years, as a flint mill, dye works, concrete works and general building works. The application is supported by a desktop review of the contamination issues (Ref CW/SRL1319) Letter Report Phase1 Contamination by Strat Renewables.

The application has been assessed by Environmental Health, who consider that both the initial and updated reports are not sufficient and therefore they recommend a condition requiring the submission of further information in respect of contamination and the associated protection of the Groundwater Source Protection Zone.

Groundwater Source Protection Zone

Part of the site is located close to the River Tean and within a Groundwater Source Protection Zone. The Environment Agency were therefore consulted as part of the application process and requested additional information. On receipt of this additional information, the Environment Agency stated:

'In terms of contamination, there does not seem anything untoward at present from a 'Controlled Waters' perspective. Likewise, other than one minor TPH soil reading of 360 mg/kg at TP03 in the former UST area, there seems to be no pollution present there either, nor anywhere else on this site. Therefore, whereas the site setting is clearly vulnerable next to the river Tean and close to a water supply abstraction, there does not seem to be any noticeable contamination on site. Therefore, our previously recommended conditions have now been addressed and are no longer relevant. In light of the above, we withdraw our previously recommended planning conditions and now advise that an alternative condition is attached should permission be granted.'

In this respect the proposed development will not impact on the controlled waters.

Noise

In order to protect the night time and weekend amenity of the area, all noisy workings should be restricted to the times set out in a condition. A scheme for demolition and construction should also be submitted for approval prior to work commencing.

Conclusion

Subject to the imposition of conditions requested by both Environmental Health and the Environment Agency, the proposed development is considered to comply with policy SD4 of the Local Plan (2020) and chapter 15 of the NPPF (2021).

Flooding

Policy SD5 of the Local Plan (2020) outlines that the Council will follow a sequential approach to the management of flood risk. New development will be guided to the areas with the lowest risk of current and future flooding where this is viable and compatible with other policies aimed at achieving a sustainable pattern of development. The development of sites within areas at greater risk of flooding will only be considered where they are deemed acceptable due to national or other policies or material considerations.

According to the flood maps, the application site falls within Flood Zones 1, 2 and 3, and the proposed development is classified as being 'More Vulnerable'. On this basis, it is usual for the development to be assessed against the Sequential Test and the Exception Test.

The planning application is accompanied by a Flood Risk Assessment and an Addendum that answers questions raised by the Environment Agency. After assessing these documents, the Environment Agency removed their objection in respect of flooding and recommended the inclusion of a condition. On clarifying this with the Environment Agency, the following response was received by the Planning Officer:

'When reviewing this application it became apparent the flood modelling exercise undertaken superseded our Flood Map for Planning (Rivers and Sea) as it is more up to date. Therefore, I am happy to confirm based on the information presented at this time (Flood Risk Assessment by Ambiental) the proposed dwelling is located in Flood Zone 1, however, it should be noted the red line boundary is located in Flood Zone 3 which therefore triggers the Sequential Test.

We note the applicant has undertaken a 'sequential approach' to the development within the site by locating the proposed dwelling outside of the flood extents.

In terms of a response, I can only advise in this capacity as the LPA are the decision makers for this - whilst the site boundary is located in Flood Zone 3 according to both the Environment Agency's Flood Map for Planning (Rivers

and Sea) and the updated flood modelling within the Flood Risk Assessment, we (the EA) can confirm that we are satisfied a sequential approach has been undertaken to ensure the proposed dwelling is located in Flood Zone 1.

I think it's important to consider the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding (Flood Zone 1) which we are satisfied this proposal has demonstrated.

Whilst some parts of the application site will be located in Flood Zone 3, the dwellinghouse itself has been positioned to ensure that it is in the most sequentially preferable part of the site (Flood Zone 1). The remainder of the site forms the garden to the dwellinghouse and therefore it is not necessary to apply the Sequential Test or the Exception Test. On this basis, the proposed development will comply with policy SD5 of the Local Plan (2020) and the NPPF (2021), in respect of flooding.

Ecology

Policy NE1 outlines that the biodiversity of the District will be conserved and enhancement by positive management and the strict control of development by (1) protecting and enhancing habitats and species of principal importance for conservation; (2) ensuring development produces a net gain in biodiversity and; (3) any unavoidable impacts are mitigated.

The planning application is accompanied by a Bat Activity Report. This is because the proposed development will result in the demolition/removal of certain buildings and structures on the site, in particular an open-fronted building attached to the former mill building (identified as building 8 in the report) and an open-sided building to the rear of the mill building (identified as building 2 in the report).

The report concluded:

'Only building 1 and building 8 possessed any suitable bat roosting potential with the other buildings/containers lacking potential roosting features.

A small number of old bat droppings and feeding remains were found in building 1 likely from foraging rather than roosting bats and building 8 a well-used workshop which is proposed for modification were both determined to be of low roost potential and were therefore subject to bat activity surveys.

A further evening emergence survey was undertaken on building 8 on the 04/09/2020 the results of the survey confirmed the findings of the August survey and no evidence of roosting was observed in building 8.

Conclusion

The buildings earmarked for development are not currently in use as bat roosts; therefore, a protected species licence will not be required in order for the works on site to proceed.

It is recommended that as bats are likely to be present in adjacent buildings [not forming part of the application] that works are undertaken during the

period when bats are least likely to be disturbed i.e. removal of the lean-to (building 2)'

Subject to the imposition of a condition that requires the development to be undertaken in accordance with the mitigation and avoidance measures contained within section 5 of the report, the proposed development will not adversely affect protected species or their habitats.

No details have been provided as to how the proposed development can achieve a net gain in biodiversity. However, it is considered that this can be conditioned, with details to be submitted to and approved by the Local Planning Authority.

In light of the above, it is considered that the proposed development will comply with policy NE1 of the Local Plan (2020) and the NPPF (2021).

CONCLUSION / PLANNING BALANCE

For the reasons outlined above, the proposed development is considered to accord with the relevant policies contained in the Staffordshire Moorlands Local Plan (2020) and the NPPF (2021). As such the application is recommended for approval.

OFFICER RECOMMENDATION: APPROVE subject to Conditions

Case Officer: Ailsa Berry

Recommendation Date: 22/02/2022

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council