

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**22<sup>nd</sup> November 2018**

|  |   |                                 |
|--|---|---------------------------------|
| <b>Application No:</b>   | SMD/2018/0174   |                                 |
| <b>Location</b>  | Land at Cheddleton Park Avenue  |                                 |
| <b>Proposal</b>  | Outline application with means of access for residential development of up to 8 dwellings |                                 |
| <b>Applicant</b>   | Moorlands Homes (Cheadle) Ltd   |                                 |
| <b>Agent</b>   | Sammons Architectural   |                                 |
| <b>Parish/ward</b>   | Cheddleton  | <b>Date registered</b> 10/04/18 |
| <b>If you have a question about this report please contact:</b> Jane Curley tel: 01538 395400 ex 4124 Jane.curley@staffsmoorlands.gov.uk |   |                                 |

**REFERRAL**

This application is locally controversial

**1. SUMMARY OF RECOMMENDATION**

|               |
|---------------|
| <b>REFUSE</b> |
|---------------|

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

2.1 This site lies within the village of Cheddleton. With the exception of the eastern boundary of the site which abuts existing residential development on Cheddleton Park Avenue, the remaining three boundaries are undefined being part of a much larger field of open grassland, noted to be semi improved grassland. There are some significant level changes across the site; overall the land falls in a northerly direction down to the Caudon Canal which is within the Conservation Area. There is a notable mound on the site which the applicants documents refer to as spoil. It would be removed as part of the scheme. There are no trees on the site. There is evidence of informal footpaths crossing the site.

**3. DESCRIPTION OF THE PROPOSAL**

3.1 This is an outline application for up to 8 dwellings including approval of access. The initial application was only accompanied by a Location Plan and Existing Conditions Plan which shows site contours. During the processing of the application further information was requested by the Case Officer to enable a proper assessment of the application. This information has included an indicative layout, indicative housetypes and indicative long and cross sections. These plans are discussed in the Officer comment section below.

**4. RELEVANT PLANNING HISTORY**

None of note

## 5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises of:

- Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998).
- Core Strategy Development Plan Document (adopted March 2014)

### Staffordshire Moorlands Local Plan (1998)

5.2 Development boundaries within the 1998 Adopted Local Plan are still in force until such time as they are reviewed and adopted through the site allocations process. Following consultation last year a Preferred Options Site Allocation DPD is currently out for consultation.

### Adopted Staffordshire Moorlands Core Strategy DPD (26<sup>th</sup> March 2014)

5.3 The following Core Strategy policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SD1 Sustainable Use of Resources
- SD3 Carbon-saving Measures in Development
- SD4 Pollution and Flood Risk
- SS6a Larger Villages
- DC1 Design Considerations
- C1 Creating Sustainable Communities
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures

### Local Plan process

5.4 The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was “sound”. Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

5.5 In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public is now underway in order to determine whether the Local Plan is sound and legally compliant. Subject to the findings of the appointed inspector, the Local Plan is expected to be adopted in the Spring of 2019. At this point, it will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

5.6 In this context, the Council’s position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

The stage of preparation – the Local Plan is now at an advanced stage of preparation as the Council has submitted it to the SoS for examination

The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question. The Officer Comments section of this report identifies the level of outstanding objections to each policy and recommends the amount of weight to

be given to them at this stage in the process

The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

#### Emerging Policies

The following policies are considered to be relevant to this application:

Policy SS1 Development Principles

Policy 1a Presumption in favour of sustainable development

SS2 Settlement Hierarchy

SS8 Larger Villages Area Strategy

Policy H1 New Housing Development

Policy H3 Affordable housing

Policy DC3 Landscape and settlement setting character

#### National Planning Policy NPPF

#### National Planning Policy Guidance

### **6. CONSULTATIONS CARRIED OUT**

Press Notice expiry date: 17/05/18

Site Notice expiry date: 16/05/18

6.1 Local residents have been notified by letter. 29 letters of representation received raising the following points:-

- Loss of informal path linking through to the village
- Danger to children playing the road from extra traffic
- Basford Bridge Lane is in a state of disrepair
- Speeding traffic on the Avenue is already a problem
- Disruption during construction – noise, dust, mud, heavy traffic
- There is only one exit to Cheddleton Park Avenue
- More traffic on Cheddleton Park Avenue will endanger the safety of children and the elderly
- Erosion of green space
- Increase noise and congestion
- Cars already park on the pavement
- Difficulty for emergency vehicles to reach properties
- Damage to landscape
- Topography is unsuitable
- Lack of neighbour consultation by the Council

6.2 2 letters raising 'No objection' but raise these matters:-

- Building in the village will protect Green belt from development
- Detached housing is in keeping with Cheddleton Park Avenue
- A footpath link, provision of a turning head can be conditioned
- Considers that double yellow lines at the entrance to the Avenue would help
- Considers that a path should be provided to link to the village otherwise it is a long walk to the school etc. via Basford Bridge Lane

### **Parish Council**

6.3 Object most strongly. Overdevelopment of the site; as this is a cul-de-sac development and any further development of the site would require an emergency access. The only access onto the site is from Basford Bridge Lane and the Council oppose any further development that would add to the traffic both emerging and egressing from this very bad junction. This is a further attempt to increase the density and traffic using Cheddleton Park Avenue and would endanger the safety of the residents and the prospective purchaser. The Council would also like to raise their concerns about the sewerage and the undulating nature of the land and it's instability for any type of development. Following the previous development in Cheddleton Park Avenue this site was designated as Visual Open Space due to the fact that this is a cul-de-sac development and no emergency access could be provided. It now seems that this designation has been removed and the Council must question the reason why.

### **Ecology Officer**

6.4 Initially objected to the application on the grounds of lack of a Reptile survey. Reptile survey subsequently provided by the applicant – no evidence of reptiles found. During the application process the Ecology Officer clarified his position with regard to Great Crested newts and based on the applicants submitted Ecological appraisal advised that a GCN survey must be submitted before the application can be determined. He recommends a number of conditions to protect badgers and breeding birds and to secure biodiversity enhancement as part of a detailed landscaping scheme.

### **Environmental Health Officer**

6.5 No objection subject to conditions. In respect of nuisance advises that proposed development is close to existing properties so care needs to be taken during the construction phase to ensure these activities do not cause unreasonably disruption to the neighbour's enjoyment of their properties. In respect of noise comments that the development overlooks an industrial estate and the boundary of units 5-8 are approximately 130m at the closest point to the boundary of LM Bateman (metal fabrication factory). Prior to any development commencing it would be expected that an acoustic assessment is conducted and based on the findings an appropriate scheme for sound insulation submitted for approval to ensure that construction will achieve the criteria sound levels set out in BS8233:2014.

### **Conservation Officer**

6.6 Awaited

### **Regeneration Officer**

6.7 Advises that the proposal will provide the following outputs:

- The new householders occupying each new house will spend some of their income locally through shopping and use of local services. National research has identified that 34% of all household expenditure is spent at district level or below. For this development of 8 units this is calculated at £75,104 per year.
- Each new house will generate direct jobs within the construction industry or associated supply chain, of which 25% are likely to be locally based. Indirect Jobs are also generated by local spend in shops and services. This is calculated at an additional local job for every seven new homes. Using these multipliers the development will generate 9 direct jobs and 1 indirect jobs.

- The development will also generate approximately £1,469.68 council tax for the area per annum

### **Local Highway Authority**

6.8 No objection subject to conditions

### **Local Lead Floor Authority**

6.9 The site is not within the uFMfSW 1 in 100 year outline and there are no recorded flooding hotspots within 20m or Ordinary Watercourses within 5m. Given the scale of the proposal, the Flood Team have no further comment to make on this application.

### **Severn Trent Water**

6.10 No objection subject to drainage condition

## **7. OFFICER COMMENT AND PLANNING BALANCE**

7.1 As with all applications, the Local Planning Authority (LPA) is required to determine this application 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.

7.2 Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' in line with the National Planning Policy (herein referred to as the NPPF) where: (1) planning applications that accord with policies within the Core Strategy will be approved without delay and (2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:-

- I. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or,
- II. Specific policies in within the NPPF indicate that development should be restricted.

### **Principle of development.**

7.3 This site lies within the development boundary of Cheddleton which is identified as a Larger Village in the Core Strategy. Support in principle for housing in such locations is provided in Policy SS6a which confirms that such villages will retain their role as rural service centres providing for the bulk of the local housing needs of the rural areas.

7.4 On the Saved Proposals map the site immediately adjoins land to the west and north which is designated as Visual open space. However it noteworthy that this designation has not been carried forward in the Submission Version of the Local. In this document the land (including the application site) is shown without any designation but still within the defined settlement boundary.

7.5 There is as such no objection in principle to housing on this site. Issues to consider include access, impact on the character and appearance of the area, affordable housing, ecology and drainage. These matters are considered under sub headings below:-

## Access

7.6 The proposal is a continuation of development on Cheddleton Park Avenue which leads from Basford Bridge Lane. Cheddleton Park Avenue is constructed to a high standard with footways either side.

7.7 The Local Highway Authority (LHA) raise no objection to the application. They comment that visibility at the junction with Basford Bridge Lane is good with no recorded injury accidents. They advise that Cheddleton Park Avenue already serves over 100 dwellings and that an additional 8 dwellings will not have a severe effect on the highway and that the proposed access is safe and reasonable for all users. They further comment that Manual for Streets (MfS) (which replaced Design Bulletin 32) has removed any limits on the number of dwellings that may be served off a cul de sac. MfS refers to the fire services adopting a less numbers-driven approach and for each application/site to be considered on a risk assessment basis and response time requirements. Staffordshire Fire and Rescue Service has been consulted on the application although no comments have been received.

7.8 The LHA also comment that if the proposed access road is to be adopted, the existing turning head will likely not be required. This may require stopping up and the land returning to the fronting house owners. They have recommended a condition to deal with this.

7.9 It is for these reasons that no objection is raised to the proposed means of access and there is as such compliance with the relevant part of Policy DC1 and Policy T1.

## Impact on the character and appearance of the area including the Caudon Canal Conservation Area,

7.10 The application seeks consent for up to 8 dwellings. The LPA therefore need to be satisfied that, in terms of the character and appearance of the area 8 units can be satisfactorily accommodated on the site. This is particularly relevant in this case given the significant level changes across the site. In order to make this judgement further information was requested from the applicant as described above. It includes an indicative layout, indicative house types and indicative sections.

7.11 The indicative layout follows the pattern of existing development on Cheddleton Park Avenue with dwellings flanking a central access road. This is logical and in keeping with the pattern of existing development. No objection is raised to this approach. The long sections show development to the south of the access working with existing levels which is done presumably to reduce the extent of engineering work; excavation into the hillside and retaining structures. However these levels rise such that the more westerly section is some 5 metres higher than existing levels on Cheddleton Park Avenue. Any development here would sit on a ridge of land abutting open land. It would appear harsh and prominent in the wider landscape, particularly in views from Cheadle Road and Cheddleton Heath Road for example and in closer views from the public footpath to the north and tow path of the Caudon Canal beyond. It is difficult to see how this impact could be mitigated. The remainder of the field is outside the applicant's control and therefore there are no opportunities for off-site screen planting, and in any event the rising ground levels would significantly limit its effectiveness. Cutting into the hillside to reduce ground levels and lower the dwellings would generate amenity concerns for future residents and would result in its own landscape concerns through the creation of a heavily engineered appearance to the site. Indicative cross sections and house types show a possible split level approach to development to the south of the road with the inward facing roadside frontage reading as a bungalow with the rear being two storey. There are almost uninterrupted views of the application site from the Caudon Canal tow path where the full impact of the development and particularly that to the north of the proposed access road (indicative plots 5-8) would be

experienced. There is an argument of course that this is simply an extension of existing development which already impacts views from the canal. However site visits and aerial photographs show that this section of the canal is particularly open, unlike that to the north of the existing Cheddleton Park Avenue development which benefits intervening mature planting. This existing development also sits further along the valley to the east than the application site, thus reducing its prominence in views, particularly from Cheadle Road. Furthermore, land levels rise significantly from the existing turning head into the application site. The judgement is that up to eight dwellings on the application site would appear unduly prominent in the wider landscape and in close views from the public footpath to the north. It would also be harmful to the setting of the Cauldon Canal Conservation Area. This harm is considered to be less than substantial in terms of paragraph 196 of the NPPF but is not outweighed by public benefits for reasons set out in the planning balance below. There is as such conflict with Policies DC1 and DC2 of the Core Strategy and policies in the NPPF

### Affordable housing

7.12 The application does not propose any affordable housing. The applicant seeks to rely on the Ministerial Statement of 28<sup>th</sup> November 2014 (given legal effect by the Court of Appeal 13<sup>th</sup> May 2016) which states that contributions, including affordable housing, should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1000 square metres (gross internal area). The applicant is prepared to accept a condition in the event of an approval to limit gross floorspace thus avoiding the need to provide any affordable housing or other contributions. A condition would be required to ensure that this threshold is not exceeded. With this in place there is compliance with Policy H2.

### Ecology

7.13 A preliminary Ecological Appraisal dated February 2018 was submitted with the application. A further Reptile survey was submitted during the processing of the application in response to an objection by the Ecology Officer that one had not been provided. The Reptile survey found no evidence of reptiles on the site.

7.14 The Ecology Officers initial objection to the application based on the lack of a Reptile survey only. He advised that matters relating to Badgers, Great Crested Newts, breeding birds and biodiversity enhancement could be dealt with by condition. However following further consideration, particularly in relation to the applicant's submitted Ecological Appraisal which advised of the need for a Great Crested Newt survey to be carried out (because of the suitability of habitats present on application site for GCN and there is a pond within 500m which has a 2007 record for GCN presence), the Ecology Officer has reviewed his advice and advised that a Great Crested newt survey must be carried out before the application can be determined. As he correctly points out until the presence or absence of Great Crested Newts and population size is established impacts cannot be established. Proportionate compensation or mitigation, if it is required cannot be determined until this survey information is obtained.

7.15 Great Crested Newts are a UK and European Protected species protected by Schedule 5 Wildlife and Countryside Act 1981 as amended and Regulation 39 Habitats Regulations 1994 (European protected animal species). Both pieces of legislation place a statutory duty on the Council to have regard to their requirements in the exercise of its function.

7.16 There is some sympathy with the applicant's frustration at the Ecology Officers change of position. However the simple fact is that without the survey information, which the applicants own consultant has recommended, the LPA would not be discharging its legal duty. That puts the Council at risk of challenge. This has been explained to the applicant

however he wishes for the application to be determined without the survey information. On this basis there is clear conflict with Policy NE1 and the NPPF and this alone is grounds to refuse the application.

### Drainage

7.17 The applicant confirms that the development would be served by mains drains. Severn Trent Water and the Local Lead Flood Authority have been consulted; they raise no objection subject to a standard drainage condition.

### Planning Balance.

7.18 Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.19 As set out above there is conflict with Policies DC1, DC2 and NE1 of the Development Plan. However the NPPF is a material consideration of weight in the determination of this application. It sets out a presumption in favour of sustainable development. For decision taking it says at paragraph 11 that where those policies which are the most important for determining the application are out of date (as in this case because the Council can not demonstrate a 5 year deliverable supply of housing) planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 confirms that such policies include those relating to Heritage Assets. As discussed above, there would be harm to the setting of the Cauldon Canal Conservation Area. There is, in this case a clear reason for refusal. The 'tilted balance' is disengaged and the application should be refused.

7.20 Even if the alternative view is taken that footnote 6 does not apply, then paragraph 11 says that permission must be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would deliver economic benefits through the construction of the dwellings and once completed through extra spending power in the local economy and increased Council tax receipts. Moderate weight is attached to this. The provision of housing in circumstances of a chronic housing under supply attracts very significant weight and is a social benefit of the proposal. However the harm to the character and appearance of the area including harm to the Cauldon Canal Conservation Area and the potential adverse impact on protected species is considered to be significant and demonstrable and outweighs any benefits that housing would deliver in this particular case. In this scenario also the application should be refused.

## **RECOMMENDATION**

### **A. That planning permission be refused for the following reasons:-**

- 1. Although the application site is situated within the development boundary of Cheddleton, it is a greenfield site forming part of a larger field situated on ground which rises appreciably from the Cauldon Canal to the north. The Canal being part of the Cauldon Canal Conservation Area. Within the site there are further level changes. The site is open and prominent in the wider landscape with undefined boundaries to the north, south and west. It is considered that up to eight dwellings could not be accommodated on the site without adverse impact on the character and appearance of the area including harm to the Cauldon Canal Conservation Area. In particular, as a result of existing levels and level changes necessary to accommodate development on the site, it**

would not be sympathetic to its surroundings but would be visually intrusive within the landscape. As such the proposal is contrary to Policies DC1 and DC2 of the Staffordshire Moorlands Core Strategy DPD and the NPPF.

2. Insufficient information has been submitted to assess the potential impact of the development on protected species, particularly the Great Crested Newt. As such the proposal is contrary to Policy NE1 of the Staffordshire Moorlands Core Strategy DPD and the NPPF.
  3. Whilst it is acknowledged that the Council cannot demonstrate a 5 year supply of housing, and therefore policies which are most important for determining the application are out-of-date, the application of policies in the Framework relating to Heritage assets provides a clear reason for refusing the proposed development. Notwithstanding this it is considered that the public benefits of the provision of housing, including the social and economic benefits are significantly and demonstrably outweighed by the harm arising to the character and appearance of the area, including the Conservation Area and potential adverse impact on protected species.
- 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 'Operations Manager-Development Services' has delegated authority to do so in consultation with the Chairman of the Development Control Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

