

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

14 February 2019

Application No:	SMD/2018/0537	
Location	Land Rear Of Jim Hallam Land Rovers Macclesfield Road Rushton Spencer	
Proposal	Outline permission with details of access (all other matters reserved) for the erection of up to 9no. dwellings	
Applicant	Mr J Hallam	
Agent	Rob Duncan Planning	
Parish/ward	Rushton	Date registered 30/8/18
If you have a question about this report please contact: Jane Curley tel: 01538 395400 ex 4124 Jane.curley@staffsmoorlands.gov.uk		

REFERRAL

This is a locally contentious scheme.

1. SUMMARY OF RECOMMENDATION

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site lies on the edge of the village of Rushton Spencer. It is some distance from the defined Development boundary and within open countryside. The land is currently pasture land and forms part of a larger field directly adjacent to and to the rear of buildings and land associated with Hallam's Garage which is the applicants business involved in the sale and repair primarily of land rovers. To the north east the site is bound by the Canal feeder which at this point is carried on an embankment. The site slopes steadily away from the embankment to the south west. To the south east Tanhouse Lane defines the boundary. The north western boundary is undefined, being part of the larger field. At this point the site is completely open.

2.2 A Public footpath runs alongside the feeder to the south. It is on raised land and from here there are clear views into the site. At the bridge on Tanhouse Lane this footpath connects to a small network of footpaths one of which heads north through open fields and another runs alongside Tanhouse Lane for a short distance and then heads east.

3. DESCRIPTION OF THE PROPOSAL

3.1 This is an outline application seeking consent for up to nine dwellings. Approval of access is also sought at this stage. Access is proposed from Tanhouse Lane which connects to the A523 Macclesfield Road.

Amended plans

3.2 During the processing of the application the applicant withdrew 'Layout' from the application including the plan showing the layout of 9 dwellings, AL (0) 02A. The only matter for approval at this stage therefore being access.

3.3 The applicant did not seek pre application advice.

4. RELEVANT PLANNING HISTORY

None

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 (26th 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
- SS6C Rural area strategy
- 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 was held in November 2018 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 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:

5.7 The stage of preparation – the Local Plan is now at an advanced stage of preparation as the Council has submitted the plan and the examination in public has now taken place

5.8 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

5.9 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

SS9 Smaller Villages Area Strategy

SS10 Other Rural Areas Strategy

SD4 Pollution and Water quality

SD5 Flood Risk

H1 New Housing Development

DC 1 Design Considerations

DC 3 Landscape and Settlement Setting

NE1 Biodiversity and Geological Resources

T1 Development and Sustainable Transport

National Planning Policy NPPF

National Planning Policy Guidance

6. CONSULTATIONS CARRIED OUT

Press Notice expiry date: 10th October 2018

Site Notice expiry date: 8th November 2018

Local residents have been notified by letter. Six households and the Rushton Neighbourhood Plan Team have objected to the application on the following grounds

- This doubles the actual need for Rushton as per the SMDC plan
- No provision for affordable homes is made
- No provision for bungalows which is a priority for the village
- Tanhouse Lane serves 4 dwellings not 2 as noted by the applicant
- Tanhouse Lane is single track and already dangerous to enter and exit with limited visibility
- No Drainage scheme is shown and no mention of existing septic tanks which are on the application site.
- Collection of bins has not been adequately considered
- Removal of the wall by Horsecroft Cottage will not improve visibility as the property is too close the road
- Construction vehicles will cause major problems on the single track road
- The proposed plans would significantly harm the open space aspect of the village.
- This plan will not enhance community vitality or meet social and economic needs.
- existing drainage runs under the A 523 and into eventually into the beck which runs through the field alongside Mill Lane and under Dye House Lane. This field regularly floods as does Dye House Lane. Any further water directed into this beck is going to cause even worse problems. The "shoe-horning" of more water into this beck is going to make this type of incident more prevalent and is unacceptable.
- There is no shop in the village
- This development with others in the village will overwhelm the facilities available. The school for example is now at capacity and public transport is very limited
- Tanhouse Lane would not be a safe road to walk along as there is no footpath
- Two cars cannot enter or leave Tanhouse Lane ; it is too narrow
- Large vehicles currently have to reverse up Tanhouse Lane as there are no turning facilities
- There is a weight restriction on the bridge at the top of Tanhouse Lane
- More traffic on Tanhouse Lane would have devastating consequences in an emergency. The land does not have the capacity for more traffic
- Main water supplies, electivity/telephone supplies and drains to other properties cross this line and must be safeguarded.

- Tanhouse Lane is used daily by pedestrians and ramblers
- Loss of view
- Negative impact on the existing open landscape
- Rushton has a surplus of unsold houses on the market which can meet the requirements
- It is contrary to Policy SS6B
- Tanhouse Lane regularly floods

Parish Council

Members of Ruston Parish Council strongly object:-

- Dislike the tight entrance and exit onto a single track road
- Tight layout of dwellings, excessive for the village
- Too many for the site, too dense
- 18 vehicles extra using this track – against green policy
- Concerns re drainage
- Directly opposite Station Lane, both poor junctions
- 10 car park spaces for 9 houses
- Disposal of foul service water?
- Waste disposal vehicle would not enter the site. All large vehicles reverse into the Lane
- How would fuel, oil deliveries access the site?
- Septic tank located in Tan House garden
- What would happen to existing septic tank arrangements which are based on this site?
- No pavements in Tanhouse Lane for pedestrians

Plans under current and recent consideration show 21 extra dwellings in the Parish. This is a 10% increase in our village. The S.M.D.C. current plan recommends that Rushton has 4 - 8 new dwellings by 2023.

Local Highway Authority

No objection subject to conditions to secure visibility splays, off site works to widen Tanhouse Lane, parking and turning areas and access for refuse vehicles. Advise that existing visibility at Tanhouse Lane/A523 junction is poor. This application proposes an improvement in visibility conditioned to meet current standards. This will also be an improvement for existing users of Tanhouse Lane. Visibility is stated on the drawing as being 61046 in each direction. Set back distance is not stated. Visibility required at this junction is 2.4m x 120m as conditioned above. This can be achieved within land under the applicants control or highway land. The layout as proposed is not adoptable. However, conditions have been recommended to provide a turning area for refuse vehicles using the access to the development which could potentially be adoptable, and storage area for bins for use on collection day. As there is no footway on Tanhouse Lane, a footway within the site is not required

Environmental Health Officer

Objects due to insufficient information supplied to assess its suitability with regard to the local water regime (drainage / flooding etc) and amenity of the proposed unity (noise).

There is a history of drainage problems (both foul and surface), high water table and surface water flooding in the area yet the applicant has not included any information on how they intend to deal with these issues. In addition the land is in a source protection zone (outer) for the protection of drinking water, so consultation should be also sought from the Environment Agency.

With regard to noise there is no advice provided with the application on noise impacts from the highway and the car showroom/garage. Additionally there is no scheme for sound insulation to ensure that properties are built to current sound insulation standards. A Noise Assessment prior to development should be submitted

Canals and Rivers Trust

The application site lies immediately adjacent to the Dane Feeder Channel which is owned by the CRT. This is a feeder channel originally designed to transfer water from the River Dane to Rudyard Reservoir which in turn provides a water supply to the Cauldon Canal.

The channel is carried on an embankment where adjacent to the application site. Express concern that development close to the feeder embankment could adversely affect the stability of the embankment and thus the integrity of the feeder and request a condition to require a Construction Method Statement for any work within 20m of the embankment and the removal of permitted development for those dwellings shown on the layout adjoining the north east boundary

In respect of drainage suggest a condition to secure the details. Advise that any discharges to the feeder require consent of the CRT.

In respect of biodiversity recommend a condition to protect the trees and hedges on the north east boundary of the site given their positive contribution to the biodiversity value of the feeder as a wildlife habitat

United Utilities

The proposed development is located within the Rushton Spencer drinking water catchment which is a designated Safeguard Zone. The developer should have due regard to this, in particular with regard to foul water disposal.

United Utilities has abstraction boreholes used for public water supply in the vicinity of this application which could be affected. The prevention of pollution to drinking water supplies is critical.

Refer to the EA's position statements with regard to their approach to managing and protecting groundwater.

United Utilities do not provide water/wastewater services in this area and therefore have no further comments to make. Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

Severn Trent Water

No objection subject to the imposition of a condition requiring the submission and approval of a drainage scheme

Local Lead Flood Authority

As this is classed as a minor development and as a non –statutory consultee have no comment to offer

Environment Agency

Object on the grounds that the location of the proposal represents an unacceptable use of land because it is likely to result in a significant risk to groundwater resources from which supplies of potable water are obtained. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. Groundwater is particularly sensitive in this location because the proposed development site:

- is within a groundwater Source Protection Zone 2 for a nearby public water supply abstraction
- is within a groundwater Safeguard Zone
- is located upon Principal aquifer

Source Protection Zones and Safeguard Zones are designated to identify the catchment areas of sources of potable water (that is high quality water supplies usable for human consumption) and show where they may be at particular risk from polluting activities on or below the land surface. To ensure development is sustainable, applicants must provide adequate information to demonstrate that the risks posed by development to groundwater can be satisfactorily managed. In this instance the applicant has failed to provide this information and the EA considers that the proposed development may pose an unacceptable risk of causing a detrimental impact to groundwater quality because:

No information has been provided with respect to the proposals for foul and surface water drainage from the site. Given that the site is located in a highly sensitive area and is within a groundwater Safeguard Zone, these details are required to ensure that the development does not present an unacceptable risk to groundwater and the nearby public water supply. Advise that their objection will be maintained until in receipt of a satisfactory risk assessment that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed. The applicant will also need to provide a

detailed drainage plan demonstrating that there will be no discharge to ground from the development.

Council for the Protection of Rural England

Object on grounds of loss of greenfield land and inappropriate and unsustainable development, in a rural village location. Having reviewed the outline plans we do not consider the density and layout of the proposal reflects or accords with the village location and therefore would be a significant departure from the character of the area, on an open greenfield site. We have concerns that a decision in favour of this type of development would set an unwelcome precedent for future developments on greenfield land, in rural and small village locations, eroding their character and that of the countryside. We note and fully share the concerns and objections raised by the Parish Council, Rushton Neighbourhood Plan team and Local Residents. In particular, we share the detailed objections raised regarding issues of flooding on site, lack of drains and services provision in the village, transport and access issues and the lack of long-term local employment benefits. We respectfully request a decision to refuse the application to uphold the importance of the protection of greenfield land, to maintain the character of small rural village locations and to set a precedent against this type of inappropriate over development, in unsustainable locations.

7. OFFICER COMMENT AND PLANNING BALANCE

Principle of Development

7.1 As with all applications, the 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.

7.3 This is a greenfield site which lies outside the Development boundary of Rushton Spencer in open countryside. Rushton Spencer is identified as a Smaller Village in the Core Strategy. In terms of facilities it has a Primary school, Church and two pubs.

7.4 Policy SS6B provides the development strategy for the Smaller Villages which aligns with and underpins the spatial strategy for the District as set out in the Core Strategy. It seeks to restrict new housing development in such locations to that which meets a local need. This is because the smaller villages have a poor range of services and facilities; they are not sustainable locations. If the alternative view is taken that the site is not within the village, then Policy SS6C is relevant. It refers to the Other Rural Areas Area Strategy; in other words those open countryside areas beyond the Smaller and Larger Villages. It also aligns with and underpins the District's spatial strategy. It seeks to strictly control new housing in such locations to that only which is essential to local needs.

7.5 The applicant takes the view that the relevant policy in terms of establishing the principle of development is SS6B. However the site is somewhat divorced from the defined Settlement boundary and no evidence is provided with the application to suggest that the proposed housing would meet a specific local need; indeed it is given to be open market housing. In any event Policy SS6B seeks to restrict new development to limited infilling and redevelopment within Infill boundaries.

7.6 In the Submission Version of the Local Plan, the concept of development boundaries for the Smaller villages has been removed and instead these villages will be subject to an infill policy. Although some of these policies have been subject to objection, in his Post Hearing Advice the Inspector has specifically commented on the proposed removal of settlement boundaries. He has not objected to this but has commented that the effects of the new approach are uncertain in terms of achieving the right balance between sustainable growth in these smaller villages and protecting their character. He has recommended that the policy approach be monitored and reviewed in order for this policy approach to be 'sound'. In other words subject to this he finds the policy approach acceptable.

7.7 Emerging Policy H1 refers to new housing development and for the Smaller villages it says at bullet point 4 that this may be acceptable where;

- *it is well related to the existing pattern of development,*
- *it will not create or expand ribbon development nor lead to a sporadic pattern of development.*
- *It will not lead to a prominent intrusion into the countryside or have an adverse impact of significance to the character of the countryside.*

7.8 For the Other Rural areas in the open countryside emerging Policy H1 says at bullet point 5 that only the following forms of housing development will be permitted;

- *Affordable housing,*
- *A new dwelling that meets an essential local need,*
- *replacement dwellings,*
- *conversion of rural buildings,*
- *redevelopment of previously developed land or*
- *the subdivision of an existing residential dwelling.*

Although only limited weight can be applied to these emerging policies given the status of the Plan, they give a very clear indication of the 'direction of travel' of the Plan, reinforced by the Inspectors comments in his Post hearing report.

7.9 Having regard to all of the above factors and the assessment below on landscape and visual impact, the conclusion is that the application site has to be regarded as 'open countryside' rather than being within the village and thus SS6C and bullet point 5 of emerging H 1 apply. The development of the site for open market housing would not meet any of the permitted categories in these policies. There is strong conflict with SS6C. Even if the alternative view is taken that the site is within a Smaller village and thus Policy SS6B and bullet point 4 of H1 apply then the judgement is that:

- a) The site is not considered to relate well to the settlement of Rushton Spencer.
- b) Development on the site would lead to a sporadic pattern of development
- c) Development on the site would lead to a prominent intrusion into the countryside.
- d) The proposal is not meeting a local need
- e) The site is divorced from the Saved Settlement boundary.

For these reasons the proposal conflicts with SS6C and SS6b. There is an objection in principle.

7.10 There are however other material considerations in the form of the NPPF. The Council's current housing supply is 1.99 years. The NPPF says at paragraph 11, footnote 7 that where a five year supply of deliverable housing sites can not be demonstrated, then policies which are most relevant for determining the application are out of date and in these circumstances planning permission must be granted unless the any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The so-called "tilted balance." This matter is returned to in the planning balance below.

Access

7.11 Approval of access is sought at this stage. Access is proposed from the site directly onto Tanhouse Lane, which connects to the main A 523 Macclesfield Road. The Local Highway Authority advises that Tanhouse Lane is adopted for approximately 63 m from its junction with the A 523 i.e. to a point just past the proposed access. It is understood to currently serve four properties. The existing width of the Lane varies considerably. The applicant proposes to improve visibility at the point of exit onto the A 523 by reducing the height of the wall to Horseshoe Cottage.

7.12 The Local Highway Authority has considered the application. They advise that subject to securing improvements to visibility at the Tanhouse Lane /Macclesfield Road junction (which they say can be achieved within land under the control of the applicant or LHA) and subject to securing the widening of Tanhouse Lane to a minimum width of 4.5m that no objection is raised. They say that these improvements will benefit existing users of Tanhouse Lane also. They further advice that where the lane needs to be widened to 4.5 m width this can be achieved within the highway. These matters can reasonably be conditioned and with these in place there is compliance with relevant parts of Policies T 1, DC 1 and the NPPF.

7.13 In locational terms the site is not remote but neither could it be described as highly sustainable. Whilst Rushton Spencer does have a primary school, two pubs

and a church, as the letters of objection received state, there are no shops, post office, medical facilities etc and the bus service is infrequent. Residents from the proposed houses would be heavily reliant on the car for the majority of their regular journeys. This matter is considered to weigh against the application and conflicts with that part of T 1 which seeks to promote and support development which reduces reliance of the private car for travel journeys.

Landscape and Visual Impact

7.14 It is clear both from a site visit and by reference to a map that spatially the application site relates poorly to the existing village of Rushton Spencer, the nucleated part of which is centred around Sugar Street (the school, church and Royal Oak pub) to the south east. It was for this very reason that the settlement boundary was defined as it was, taking in this central core but excluding land beyond in order to protect and preserve the character of the village. From this central core development extends outwards alongside Macclesfield Road and Station Lane in a linear and much more dispersed pattern with large undeveloped gaps between buildings providing views into open countryside. These gaps and loose arrangement of buildings contribute significantly to both the setting of the settlement and the rural and character and appearance of the area in which the application site is experienced.

7.15 In the Council's Landscape and Settlement Character Assessment (2008), an evidence based document, the site lies within the Landscape character area of Ancient Slope and Valley Farmland. Localised residential development is noted as an incongruous feature in this landscape. Whilst the LCA acknowledges that this landscape is generally well structured, it says that the impact on urban expansion needs to be monitored.

7.16 The application site is some distance from the defined settlement boundary. It is part of an open field land which is prominent in views from Macclesfield Road (travelling southbound). There are also clear views into the site from the Public footpath on the Canal feeder which is on raised land and from Tanhouse Lane. It makes a positive contribution to the character of the area. The applicant's position that from Macclesfield Road development on the site would be 'framed' by existing development on Tanhouse Lane is not accepted. In all public views the site reads very much as part of the open countryside. Development on this site would introduce a visually intrusive suburban form of development which would be completely at odds with the prevailing pattern and character of development. A small estate development of up to 9 dwellings would relate very poorly to the existing settlement; it would result in a sporadic and prominent intrusion into the open countryside. Policy DC 3 seeks to protect and enhance where possible local landscape and the setting of settlements. The NPPF also says that the countryside should be recognised for its intrinsic character and beauty. For the reasons given above the proposal is considered to be harmful both to local landscape and the setting of Rushton Spencer. There is conflict with Policy DC 3 and those parts of Policies SS6B and SS6C relating to landscape and requiring development to be well related to existing settlements. There is also conflict with emerging policy H1 in this regard.

The Trees and Woodland Officer's comments are awaited and will be reported at the meeting.

Ecology

7.17 The application is accompanied by a Phase 1 Habitat Survey together with Surveys for Reptiles and Great Crested Newts. The survey identified the site as constituting poor quality semi-improved grassland. No evidence of reptiles or great crested newts were found. Avoidance, mitigation and compensation measures were advocated for breeding birds, bats and badgers. Overall it concluded that the proposed development will not give rise to any significant and demonstrable adverse impacts to ecological interests in the locality.

7.18 The Ecology Officer objected to the application on grounds firstly that the submitted did not provided sufficient space from existing hedgerows which are a habitat of 'Principal Importance'. Secondly he advised that the site is located close to two Staffordshire Sites of Biological Importance (SBI), Lane End Farm which is located 25m north of the site and Sugar Street Fields which is located 245m to the east of the site. He commented that no consideration appears to be had in the submitted layout as to how biodiversity on the site could be enhanced with reference to the adjacent and nearby SBI.

7.19 In response to the Ecology Officers objection the applicant removed 'Layout' from the determination at this stage. However this has not overcome the Ecology Officers objection. Although the proposed layout (now withdrawn) was the reason for his objection, as he says without a layout it is not clear how the development will buffer impacts on the adjacent SBI or provide satisfactory enhancements to the network of SBIs through an appropriate size and scale of habitat creation, in particular species rich grassland to add value to the network of nearby SBI sites designated for this habitat presence. He says that in order to minimise impact on and provide the necessary net gains for biodiversity as required by local and national policy, a holistic approach to the development is needed in this case because of the specific circumstances, to clearly demonstrate how impacts and enhancements can be accommodated. In the absence of such clarification, there is conflict with Policy NE1 and the NPPF.

Drainage

7.20 No Drainage strategy was provided with the original application leading to a strong objection from the Environment Agency, an objection from the Councils Environmental Health Officer and concerns (rather than an objection) from the Canals and Rivers Trust.

7.21 A Drainage Strategy has now been provided which the applicant feels will address the concerns raised. At the time of writing this report, responses to this from consultees is awaited. Members will be updated on this at the meeting. If the concerns of statutory consultees are not addressed it may lead to a further reason for refusal.

Residential Amenity

7.22 As noted above the application site lies immediately to the rear of Hallam's garage and close to the A 523 Macclesfield Road. The Environmental Health Officer has expressed concern about the proximity of the proposed new housing to these existing noise sources. No site specific Noise Assessment has been submitted to assess likely impact and whether any mitigation within the houses or externally (acoustic fencing/ bunding) is needed. This leaves some uncertainty also as to whether up to 9 houses can be accommodated on the site. In addition to the lack of a Noise Assessment the existing garage buildings and use of some land at the rear of the buildings for storage of tyres etc. presents a very unneighbourly outlook for the proposed houses. The NPPF places very strong emphasis on the planning process achieving high quality places. In light of the EHO's advice and lack of an assessment, the proposal is contrary to Policies DC1 and SD 4 and the NPPF.

Affordable housing

7.23 The NPPF confirms at paragraph 63 that affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. This is not a Major development nor is it in a designated rural area and accordingly no affordable housing is sought.

Developer contributions

7.24 The size of the site does not trigger any developer contributions

Planning Balance

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

7.26 As set out above there is conflict with Policies SS1, SS6B, SS6C, DC1, DC3, NE1, SD1 and SD4 of the Development Plan. The NPPF is however a material consideration of weight. 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, the tilted balance applies i.e 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. Footnote 7 confirms that 'out of date' includes applications for the provision of housing where the LPA cannot demonstrate a 5 year supply of deliverable housing sites. That is the case here with the District having a less than 2 year supply. The tilted balance applies.

7.27 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 significant weight. Some social benefit is also attributed to the fact that housing would help to sustain the limited facilities available in the village. However there are

serious environmental dis-benefits to the scheme. The site is not in a highly sustainable location. It is an undeveloped greenfield site in the open countryside. As discussed above its development for housing would result in harm to the character and appearance of the area and harm to biodiversity. Insufficient information has been provided to demonstrate that the amenity of the dwellings can be protected or that a drainage solution exists. Although the application seeks up to 9 dwellings, it has not been demonstrated either that this number could be accommodated and at the same time protect these acknowledged interests. There is as such conflict with Policies SS1, SS6B, SS6C, DC1, DC3, NE1, SD1 and SD4 of the adopted Core Strategy and with emerging Policy H1. The judgement is that this environmental harm is significant and demonstrable and clearly outweighs the benefits that up to 9 dwellings would bring. The proposal will not deliver sustainable development. A recommendation of refusal is therefore made.

8. RECOMMENDATION

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

1. This is a greenfield site situated outside the Settlement boundary of Rushton Spencer within open countryside. Rushton Spencer is identified as a Smaller village in the adopted Staffordshire Moorlands Core Strategy DPD because of the poor range of services and facilities. The Settlement boundary is drawn tightly around the nucleated core of the village in order to accommodate limited infilling but restrict peripheral growth. Policy SS6C of the Core Strategy seeks to restrict new housing development in the open countryside to that which meets an essential local need (agricultural worker for example). Policy SS6B restricts new housing within Smaller villages to development to which meets a local need. There is no evidence that the proposal is meeting a local need or an essential need for a rural worker. Furthermore Policy SS1 (amongst other things) expects new development to provide easy access to jobs, shops and transport services and to contribute towards a reduction in carbon emissions. The majority of trips from the development would be car borne. In addition the application fails to make effective use of land by using greenfield land. For all of these reasons the principle of development is unacceptable and there is conflict with Policies SD1, SS1, SS6B and SS6C of the adopted Staffordshire Moorlands Core Strategy which form part of and underpin the spatial strategy for the District, emerging Policy H1 and the NPPF.

2. The site consists of part of a larger open field which is prominent from the main A523 Macclesfield Road and from a network of Public footpaths including that which runs alongside the Canal Feeder immediately adjacent to the site and which is on raised land providing clear views into the site. It is considered that the development of the site for up to 9 dwellings would be at odds with the prevailing settlement pattern. It would lead to sporadic, peripheral development and would have an urbanising impact on the area. It would be harmful to the open character and appearance of the site which makes a positive contribution to the local landscape and setting of the village. The proposal would neither protect nor enhance this local landscape or the

settlement setting. As such there is conflict with Policy DC3 of the adopted Staffordshire Moorlands Core Strategy and the NPPF which requires development to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

3. The site is located close to two Staffordshire Sites of Biological Importance (SBI). Lane End Farm located 25m north of the site, and Sugar Street Fields, approximately 245m to the east. It has not been demonstrated that up to 9 dwellings can be accommodated on the site whilst providing an appropriate buffer from possible impact on the adjacent SBI or providing satisfactory enhancements to the network of SBIs through an appropriate size and scale of habitat creation. As such the proposal conflicts with Policy NE1 of the adopted Staffordshire Moorlands Core Strategy and the NPPF which require development to contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.

3. It has not been demonstrated that the development of the site for up to 9 dwellings will provide a satisfactory living environment for future occupiers owing to the close proximity to potential sources of noise. As such the proposal conflicts with policies DC 1 and SD4 of the adopted Staffordshire Moorlands Core Strategy and the NPPF.

4. Whilst it is acknowledged that the Council cannot demonstrate a 5 year supply of housing, in accordance with paragraph 11 of the National Planning Policy Framework, it is concluded for the above reasons that the adverse impacts of granting planning permission in this case and conflict with Policies SS1, SS6b, SS6C, SD1, SD4, NE1, DC1 and DC3 of the adopted Staffordshire Moorlands Core Strategy and would significantly and demonstrably outweigh the benefit that the provision of up to 9 dwellings would bring when assessed against the policies in the Framework taken as a whole.

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 Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision

INFORMATIVES

1. The Framework advises that LPA'S should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. In this case the applicant did not seek pre application advice. Although discussions have been held with the application to try and address the technical matters, the matter of the principle of residential development on the site is unacceptable and thus no solutions have been sought.

