

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

30 May 2019

Application No:	SMD/2019/0143	
Location	Land adjacent to no. 10 Oxpasture, Cheddleton	
Proposal	Outline planning application for residential development with all matters reserved	
Applicant	L&C Homes Ltd	
Agent	Sammons Architectural Ltd	
Parish/ward	Cheddleton	Date registered: 08/03/19
If you have a question about this report please contact: Rachael Simpkin tel: 01538 395400 ex 4122 rachael.simpkin@staffsmoorlands.gov.uk		

REFERRAL

This is a major application and locally contentious.

1. SUMMARY OF RECOMMENDATION

APPROVE, subject to conditions and the completion of s106 planning obligation securing matters of on site affordable housing provision, education contributions and off site play and playing field contributions by the 6th June 2019 (the determination date in the event of an otherwise suitable and agreed time extension with the Council).

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The greenfield 'amenity grassland' site extends to 0.8 ha and forms a broadly triangular shaped parcel of land which lies to the northwest of the Cheddleton centre within the village development boundary. It further adjoins VOS (Visual Open Space) to the site's eastern and northern boundary (excluding a small section, which accommodates nos 6 and 8 Ox Pasture). No.8 Ox Pasture accommodates a group TPO (SM113G003), which affects a small section of the site's eastern boundary. Individual TPOs are featured along the site's southern boundary and to the rear of no. 47 Ostlers Lane. Existing residential development to the south (Ox Pasture) and west (Ostlers Lane) adjoin the application site boundary. A PROW (Public Right of Way) commences at no.10 Ox Pasture and is routed along the site's eastern boundary towards Fold Terrace in a northerly direction.

2.2 The application site is designated as VOS (Visual Open Space) and is located within the development boundary of the larger village of Cheddleton as contained within the 1998 Adopted Local Plan. These remain in force until such time as they are reviewed and adopted through the site allocations process.

3. DESCRIPTION OF THE PROPOSAL

3.1 The submission constitutes an outline planning application seeking approval for the principle of development only at this stage. As a consequence, all matters relating to access, layout, scale, landscaping and appearance are reserved for a later date. A red line location and block plan showing the extent of the site boundary, together with the point of access form the main submitted plan documents for the scheme. Specific housing numbers are not sought within the application description nor has an indicative plan been submitted which shows a potential layout of the site.

3.2 The scheme follows a similar proposal ref. SMD/2018/0700 presented to the 7th March 2019 Planning Applications Committee meeting where Members resolved to refuse the scheme as follows:

1. *The NPPF (National Planning Policy Framework) at paragraph 189 requires that an applicant must describe the significance of any heritage assets affected, including any contribution made by their setting. This is to enable the decision maker to fully understand the potential impacts of the proposal on their significance. In this case, the applicant has not carried out such an assessment of the impact of the development on the setting of the Cheddleton Conservation Area and setting of the Grade II* Listed church of St. Edward the Confessor. As a result, there is insufficient information to adequately assess the impact on these designated heritage assets and to correctly apply NPPF policies. Accordingly, there is conflict with Policies SS1, SS6a, DC1 and DC2 of the Adopted Staffordshire Moorlands Core Strategy and the NPPF.*

3.3 The applicant is only required to define the point of access into the site as such matters of access are not sought within the scope of this outline planning application scheme. The point of access is proposed from Ox Pasture and would involve taking part of the existing garden of no.10 Ox Pasture along its eastern edge. Indicative details show a 1.8m single pavement and 5.0m carriageway aligned with the eastern boundary of no.10 and PROW route, which is adjacent to the existing route of the private access drives to nos. 6 and 10 Ox Pasture.

3.4 Future access matters will need to address: “the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network” as defined by Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3.5 The application also includes an Ecology Report, Planning Statement, revised drainage details and Heritage Statement. Members are advised to consider all of these documents prior to the meeting.

3.6 It has been confirmed that the applicant L&C Homes Limited was the owner of the application site (other than the part owned by Mr Lymer on whom Notice has been served) on the date the application was submitted, was the owner of the site 21 days before the application was submitted, and continues to be the owner of the site.

3.7 Details of the application scheme can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=128617>

4. RELEVANT PLANNING HISTORY

4.1 Recent or relevant site history is as follows:.

- SMD/2018/0700 - Outline planning application for residential development. Refused 7th March 2019.

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.

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
- SS6 Rural Areas
- SS6a Larger Villages Area Strategy
- SS7 – Churnet Valley Area Strategy
- SD1 Sustainable Use of Resources
- SD3 Carbon-saving Measures in Development
- SD4 Pollution and Flood Risk
- H1 New Housing Development
- H2 Affordable and Local Needs Housing
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- C1 Creating Sustainable Communities
- C2 Sport, Recreation and Open Space
- C3 Green Infrastructure
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport

Emerging Local Plan

5.4 The existing plan for the Staffordshire Moorlands does not include any allocations for housing and other types of land uses. The new plan will include sites for developments and boundaries. It will be a single document that will take a fresh look at the development needs of the district for the next 14 years to 2031. As well as early public engagement, the Council have undertaken public consultations on the draft plan site allocation options during 2015, preferred options and boundaries in 2016 and preferred options in 2017. The comments received in response have been used to prepare, publish and consult upon the final Local Plan draft 'submission' version, which was examined by the Inspector during sessions held in October 2018.

5.5 The Inspector's post hearing advice in respect of main modifications and related matters was published on the 11th January 2019. The Green Infrastructure Designations have been commented upon by the Inspector, which is of particular relevance to the application proposal. In these regards, he stated:

"The Landscape, Local Green Space and Heritage Impact Study (2013) considered whether areas protected as Visual Open Space (VOS) within the existing LP should be subject to Local Green Space (LGS) designations within this LP. It appears to me that the majority of VOS designations have been carried forward to LGS designations despite the high bar set by paragraph 77 of the Framework in relation to LGS – 'demonstrably special to a local community'.

As an example, the two areas that were discussed in Cheddleton and Werrington and which I saw on site have some attributes in providing visual relief and views beyond the settlement. The fields at Ox Pasture are attractive. However, I do not consider that their designation as LGS is justified on the basis of them being 'demonstrably special.' In addition both villages are hemmed in by Green Belt with few opportunities for infill development (windfalls). Similar considerations would apply in other settlements. Providing the equivalent of Green Belt protection to land within settlements which is not 'demonstrably special' would limit opportunities for windfalls and would run counter to the Council's objective of delivering at least 30 dpa through windfalls in the rural area (some 45% of the net housing requirement for the sub-area).

I would recommend that these two designations be deleted and that other LGS designations are reviewed in the light of this advice (MMs). In this respect I note the summary and recommendations in Table 9.1 and Appendix 2 to SD22.5 setting out why the LGS designation was considered appropriate for each site. However, in the light of my recommendations I would ask for each LGS to be reviewed applying the criteria within paragraph 77 of the Framework. A summary table of the Council's conclusions on each site following this review should be provided".

5.6 In response, the Council sought further evidence from town and parish councils, and district councillors to support the LGS designations in terms of them being "demonstrably special". Whilst the Inspector did not request additional supporting information in relation to the Ox Pasture LGS, further information was received from the Parish Council and local community and subsequently submitted to the Inspector for consideration.

5.7 On 17th May 2019, the Inspector responded to the Council's further submission regarding LGS and has stated:

"Thank you for the reassessment of the Local Green Space (LGS) designations.

In my post hearings advice, I referred to paragraph 77 of the Framework. To reiterate the Framework states that the LGS designation will not be appropriate for most green areas or open space. The designation should only be used where all three bullet points within paragraph 77 are met. In providing the following recommendations I have also had regard to the advice on LGS designations within the Government's Planning Practice Guidance.

A number of the LGS sites appear to be characterised as open space planned in connection with housing development, some of which are owned by the District or Town/Parish Councils. Examples of these types of open space are references 13, 14, 23, 35, 38, 47, 51 and 52. Whilst these areas provide visual relief and, in some cases recreational value, they are not demonstrably special. I would recommend that the designation of these areas is changed from LGS to open space (MM). As open space, protection, would be provided by Policy C2. Policy C2 could be reinforced if the policy itself referred specifically 'to areas identified on the Policies Maps' as noted in paragraph 8.104 of the Plan (MM).

For the reasons given in the post hearing advice I do not support the LGS designations at Ox Pasture West and East, Cheddleton (29 and 30) and north of Cotehill Road, Werrington (35). The Werrington site, part of which is used as a play area, should be changed to open space (MM).

Site No 25 at Brown Edge is similar in character to the LGS designations at Cheddleton referred to above in that it is privately owned land skirted by a public footpath and with extensive views across it. That said the nature of many settlements in the Moorlands is that they are on higher ground and at locations within them there will be views across the surrounding landscape, often over existing development, and so are not demonstrably special. As with the Cheddleton sites the LGS designation should be deleted (MM).

Site No 31 at Cheddleton appears to be used as a beer garden to the pub above it. It does not seem to me to be demonstrably special. In any event I note that it lies within a Conservation Area and is crossed by a public footpath. The site is hemmed in by the canal and rising land to the south. It would not seem to be vulnerable to built development. I would recommend that the LGS designation is removed (MM).

The justification for the designation of Site No 39 at Waterhouses as LGS is limited. Unless there is further evidence that shows that the site is demonstrably special it should be deleted (MM). Are there other designations that would provide protection such as a conservation area? Alternatively has consideration been given to excluding this part of the village from the settlement boundary?

In terms of Bagnall I can see the justification for the village green (Site No 41) and pub garden (Site No 40) being included as LGS. However, the pub car park forming

part of No 40 less so. The car park does not function as green space and would be protected by the conservation area designation that covers the historic part of the village. However, LGS designation would appear to be warranted for the triangular village green on the opposite side of the road and to the east of the No 41 which has not been included. I would recommend MMs to reflect these comments.

I was unable to identify anything demonstrably special about the area of grassland adjacent to the stream in Blythe Bridge (Site No 50). Although SD 22.5 indicates that there is evidence of informal public access, I could not see any signs of this on site. I would recommend that this LGS designation is removed from this site (MM).

I look forward to a response on my questions about Site No 39. Otherwise the above recommendations should be incorporated into the Schedule of MMs. A draft schedule should be drawn up as soon as possible so that it can be finalised before the June 2019 Council meeting. If you require any clarification let me know via the Programme Officer”.

5.8 In summary, the Inspector has requested that the Council draws up a schedule of main modifications to the Local Plan which reflect his recommendations, including those regarding the removal of the LGS designation from the proposed Local Plan as is set out above.

5.9 A full schedule of main modifications to the Local Plan is expected to be subject to consultation this Summer. The schedule will consist of modifications that the Inspector has so far deemed necessary to make the Local Plan sound. Following the consultation, the Inspector is expected to consider the responses before issuing his final report. Depending on the recommendations in the report, the Council may then be in a position to adopt the Local Plan.

5.10 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 discussed above.
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question.
- 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

5.11 The following policies (including their weighting) are considered to be relevant to this application:

- SS1 Development Principles (Moderate)
- SS1 a Presumption in Favour of Sustainable Development (Significant)
- SS2 Settlement Hierarchy (Limited)
- SS3 Future Provision and Distribution of Development (Limited)

- SS4 Strategic Housing and Employment Land Supply (Limited)
- SS8 Larger Villages Areas Strategy (Limited)
- SS10 Other Rural Areas Strategy (Limited)
- SS11 Churnet Valley Area Strategy (Limited)
- SS12 Planning Obligations and Community Infrastructure Levy (Limited)
- SD1 Sustainable Use of Resources (Limited)
- SD3 Carbon-saving Measures in Development (Moderate)
- SD4 Pollution and Water Quality (Significant)
- SD5 Flood Risk (Significant)
- H1 New Housing Development (Limited)
- H3 Affordable Housing (Limited)
- DC1 Design Considerations (Moderate)
- DC3 Landscape and Settlement Setting (Significant)
- DC4 Local Green Space (Limited)
- C1 Creating Sustainable Communities (Moderate)
- C2 Sport, Recreation and Open Space (Moderate)
- C3 Green Infrastructure (Significant)
- NE1 Biodiversity and Geological Resources (Moderate)
- NE2 Trees, Woodlands and Hedgerows (Significant)
- T1 Development and Sustainable Transport (Moderate)
- T2 Other Sustainable Transport Measures (Moderate)

Supplementary Planning Document

Space about Dwellings (1996)

Supplementary Planning Guidance

Staffordshire Moorlands Design Guide (2018)

National Planning Policy Framework (NPPF) revised.

National Planning Policy Guidance

6. CONSULTATIONS

6.1 Expiry date:

Press Notice: 17th April 2019

Site Notice: 27th April 2019

Neighbours: 8th April 2019

An Assessment of the Setting of Heritage Assets and Preliminary Ecological Appraisal has been submitted on behalf of 'Cheddleton Residents Save our Greenspaces Group'. These documents will be discussed under the relevant consultee sub headings below.

In addition, a total of some 245 objections have been received, which are summarised as follows:

Principle of Development

- Lack of facilities and infrastructure to support further housing;
- There are many more suitable sites if demand for housing is a priority in this village;
- The site should continue to be protected as a Local Plan protected VOS (Visual Open Space) for present and future generations;
- There are strong reasons why the Council has designated this land as a VOS, including to protect and retain the village integrity;
- It is also the last rural green space in the centre of Cheddleton village, and is adjacent to the conservation area;
- Such tracts of land need to be retained as set out in CS policy DC3 Landscape and Settlement Setting;
- The land is zoned as Local Green Space in the submission version of the Local Plan and it should not be developed, especially when other parcels of land have been identified as suitable for residential development;
- LGS designation should be taken into account as should the existing VOS in the assessment of the tilted balance and should be afforded significant weight;
- Less than substantial harm to heritage assets is not outweighed by the benefits of the scheme, which should be refused;
- Decision maker is the Planning Applications Committee and not the case officer who may be unduly influenced by pressure to achieve housing allocation targets;
- Council has failed to engage residents on both the preparation and defence of the submitted emerging Local Plan, which has impacted upon the Inspector's recommendations against a LGS designation;
- Scheme premature to the conclusion of the LGS designation;
- Brownfield land should be prioritised for development;

Highway Safety

- The proposed access from Ox Pasture is on a sharp bend, which is already a hazard to drivers owing to visibility;
- Scheme is not supported by any transport assessment or statement (as required by para 111 of the NPPF 2018);
- The plans do not demonstrate whether acceptable visibility splays could be achieved for any vehicles entering/exiting the site;
- Without these, it is unclear how the Council can determine the application;
- It conflicts with the shared drive access of nos. 6 and 10 Ox Pasture;
- I have experienced several near miss collisions on the blind bend;
- The site is adjacent to a pedestrian walkway, which is the main walking route to and from the local primary school;
- Lack of school car parking emphasising the importance of the pedestrian route;
- The proposed site access would no longer segregate this section of the PROW creating an added safety risk for such users;
- There would be noise / pollution / heavy traffic behind my house;

- Further traffic would add more pressure on road maintenance in the future;
- Should planning permission be granted, then the number of dwellings should be restricted due to the size of the site and access, for utility vehicles such as refuse collectors and emergency service vehicles, where exiting guidelines stipulate access distances and turning facilities for these vehicles to operate safely;

PROW (Public Right of Way)

- The public footpath that runs behind the properties on Ox Pastures has been a PROW for the past 60 years;
- I am concerned that the proposal includes this footpath and it is queried whether there are there plans to redirect it;
- It is particularly well used for journeys to and from the school aided by a crossing assistant on the main A520, south of the junction with Ox Pasture;
- The unsurfaced footpath adjoining the southern boundary of the field offers uninterrupted views across the old village, Peak District National Park and the Roaches, which would be lost if the development were to proceed;
- I am concerned that I will not be able to get to St Edward's Church in Hollow Lane and Hollow Lane is a narrow, steep and busy with traffic both ways;
- The proposed scheme would have an adverse impact on the PROW adjacent to the site;
- NPPF para 98 states that: "Planning policies and decisions should protect and enhance public rights of way and access";
- The location of the proposed access road adjacent to the existing public footpath (the gully) would neither protect or enhance this public right of way;
- Instead it would erode and undermine the character of this PROW and consequently the safety of its users;
- The Parish Council has been making enquiries in respect of purchasing the footpath, however, this 3rd party has not been consulted;

Character and Appearance

- The application site is very special being an important part of the green buffer; it separates the old village to the north from larger newer developments to the south, supporting the conservation area and character of the old village;
- The managed agricultural grassland adds to the rural feel of the village;
- Pockets of 'green open space' around the village are important to retain the village's character and appearance;
- The houses that surround the proposed development were built back in the 1940/50s and the scheme would be an eyesore for the old part of the Cheddleton village;
- This lovely green space does not need spoiling with housing;
- Proposal would impede Peak District and The Roaches views;
- Scheme is contrary to the Churnet Valley Masterplan;
- Full planning application is required for this sensitive site together with a detailed visual impact assessment of the proposal on both setting and character;

- The scheme would not be sympathetic to its surroundings and would be visually intrusive within the landscape contrary to CS Policies DC1 and DC3 and the NPPF;

Heritage

- The site is prominent in the wider landscape offering views and public access to the historical heritage centre of Cheddleton village, which is part of the Cheddleton Conservation Area and home to the Church of St Edward the Confessor (Grade II) and up to 12 Grade 2 listed structures, monuments and buildings;
- Previous application refused owing to lack of a heritage impact study;
- Submitted Heritage Impact Study is prejudiced in support of the scheme;
- Development of any kind would have an adverse impact on the character and appearance of the heritage area;

Ecology/Nature

- The extent of the wildlife supported by the application site and its importance has been understated in the application and ecological appraisal;
- There is a requirement for a Great Crested Newt Survey owing to the presence of ponds nearby;
- The site is home to valuable wildlife including bats, hedgehogs and a host of bird life;
- Development would destroy the ecosystem within the Local Green Space and hedgerows would be at greater risk of being removed by purchasers of individual dwellings;
- Site is of educational importance to children;

Local Flooding / Drainage

- During heavy rains the grids overflow with open sewerage out onto the Cheadle Road and this has been reported several times in the past and photos have been submitted to the local Parish Council;

Amenity

- The access road appears to run immediately adjacent to an existing dwelling and therefore a noise impact assessment should also be undertaken to determine the impact on residents at existing dwellings;
- Any development in the areas marked on the outline plan would inhibit the privacy of residents who occupy properties on Ostlers Lane and Ox Pasture;

Other

- The scheme would severely reduce value of properties;
- The correct land ownership is queried;
- Incorrect reference within the applicant's D&A to NPPF version 2012, and,
- Site notice did not take into account public bank holidays.

CPRE

“The Staffordshire branch of the Campaign to Protect Rural England (CPRE Staffordshire) objects to this application. We support the decision of Staffordshire Moorlands District Council to refuse a previous application at this site (SMD/2018/0700).

This development of 21 houses would result in the loss of an area designated as Visual Open Space in the 1998 Staffordshire Moorlands Local Plan. As this Local Plan is still in force, any development would therefore be contrary to Core Strategy Policy DC3: Landscape and Settlement Setting (paragraph 8.6.15). Six other major developments have recently been refused, specifically referencing Policy DC3 as reasons of refusal.

Under the revised NPPF, the Visual Open Space designation has changed to Local Green Space. Ox Pasture (west and east) in Cheddleton is on the list of Local Green Spaces proposed for allocation as Local Green Spaces (LGS) in the revised 2018 Staffordshire Moorlands Local Plan. This follows a study by Wardell Armstrong LLP in 2016, which identified Ox Pasture (west) as being suitable for designation as a LGS as 1). The green space is in reasonably close proximity to the community it serves; 2). It has high tranquillity and visual amenity value, and some ecological and recreational value; and 3) It is local in character and not an extensive tract of land.

Policy DC4 of the 2018 Local Plan states that Development that would harm the openness or special character of a Local Green Space or its significance and value to the local community will not be permitted unless there are very special circumstances which outweigh the harm to the Local Green Space.

The proposed development site is also close to the green belt and the Cheddleton Conservation Area.

Policy T1 (Development and Sustainable Transport) of the Local Plan states: Where appropriate all new development shall facilitate walking and cycling within neighbourhoods and town centres. In addition applicants should also consider how their schemes can enhance the existing path network in line with the Staffordshire County Council Rights of Way Improvement Plan and also give consideration to the protection of non-definitive public footpath routes in addition to definitive routes.

The development would contradict this policy by resulting in the loss of a footpath that has been in use for decades. Known as the gully, this joins Ostlers Lane and the sunken footpath on the eastern side, and is widely used to reach the school, local amenities, and for recreation, as it has extensive views over the Staffordshire Moorlands and the Roaches. The footpath runs between the rear boundary of the houses on Ox Pasture and the fenced field identified for development. Local residents are in the process of applying to have this added to the Ordnance Survey map with the help of the Ramblers Association’s Don’t Lose Your Way project. Losing this footpath would be likely to discourage people from walking, thus adding to the traffic congestion on the narrow lanes at busy times.

Note: CPRE's representation above relates primarily to planning principles. There may be other objections to this proposal from the District Council or other parties on heritage, landscape, biodiversity, highways, access, sustainability, updated housing figures or other grounds. The absence of CPRE comment on these matters should not be construed as suggesting that CPRE considers that there are no other matters of significance to consideration of the application".

The Cheddleton Residents – Save our Green Space” have submitted the following documents:

(1) Assessment of the Setting of Heritage Assets

In summary, the report states:

“This report assesses whether the proposed development site falls within the setting of heritage assets and whether, if it does, there is any harm to that setting.

The site, and the footpaths bounding it on two sides, currently makes a positive contribution to the setting of the Conservation Area and the Grade II listed parish church of St. Edward the Confessor.

The historic character of the site derives from its agricultural use and link to Fold farm, which was part of the historic settlement. The ownership is one of only two remaining fields, and marks the transition of the historic settlement into its rural surroundings.

Public views towards the site from the top of the church tower (periodically open to the public), would be affected by the development, experienced as urbanisation encroaching on the setting of the church and Conservation Area and resulting in harm to the setting.

The development would impinge on the foreground of rural views from the public southern footpath and disrupt appreciation of the open, rural setting of designated assets. Due to the elevation of the site, relative to the church, views of the church across it would be overwhelmed by any development, detracting from the church's significance. Consequently, mitigation would not be possible. This leads to the conclusion that any development of the site would result in harm to the setting of both the Conservation Area and the church.

Linear views of the church from the southern end of the historic eastern footpath would be affected by development to the west. The loss of public views of the church in direct line-of-sight would again result in harm to the setting.

If the level of heritage harm that would be caused by this development is determined as “less than substantial harm” this should not be equated with a less than substantial planning objection.

The economic viability of a heritage asset can be reduced if the contribution made by its setting is diminished by insensitively located development, thereby

affecting sustainability. It is concluded that this site is insensitively located, for the reasons set out in this report”.

(2) Planning Objection

“Recommending the refusal of the proposal on the following grounds:

- It fails to meet the criteria for enabling residential development in previously undeveloped, non-allocated greenfield land set in Policy SD1, Sustainable Use of Resources, of the adopted Local Plan 2014;
- It would directly result in the loss of a proposed Local Green Space designation in the post examination emerging Local Plan (site currently designated as Visual Open Space);
- The proposed highways access is detrimental to the safety of other road users and increased traffic movements would contribute to congestion of the highway network;
- The lack of local community infrastructure and the distance to many community facilities make this an unsustainable location for development;
- The scheme is contrary to the policies of the Local Plan Core Strategy March 2014, the emerging Staffordshire Moorlands Local Plan 2016-2031 and does not constitute sustainable development, so is contrary to the policies of the National Planning Policy Framework, February 2019; and
- The application is in outline and adjacent to a conservation area, so the scheme does not meet the Council’s own validation criteria and it is difficult to properly apply the special heritage statutory duties”.

(3) Preliminary Ecological Appraisal March 2019

In summary, the report states:

“Based on all of the evidence collated, the site was found to contain protected and / or rare species. To ensure the proposed development does not create a negative impact upon the local wildlife populations, the following surveys are necessary to obtain a presence/absence around the site. The proposed development site could be a pivotal ecological network and developments need to ensure resilience to current and future change by preserving said networks (as per the NPPF, 2019). Without all of these surveys being undertaken, the development is likely to be of a negative impact on biodiversity ...”.

These documents have been considered under the relevant sections of the report as is detailed below.

Cheddleton Parish Council

Cheddleton Parish Council strongly object to this application on the grounds that the Local Plan is still under consultation for the designation of Local Green Space and in the current Local Plan this is Visual Open Space. It would remove a welcome green space and affect the heritage of the village. Also, loss of wildlife with some rare

species in habitat locally. Access is not viable as the gully has a huge footfall and the current infrastructure can support additional residents, cars, school etc.

Local Highways Authority

NO OBJECTION

17/05/19 Conditional Response: There are no objections on highway grounds to the proposed development subject to the following conditions:

1. No development hereby approved shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- layout and disposition of roads and buildings;
- details of access;
- details of intervisibility between proposed access, existing footway Cheddleton 1R/2575 and existing
- adjacent accesses to 4, 6 and 8, Ox Pasture;
- Provision of parking, turning and servicing within the site curtilage;
- Means of surface water drainage
- Surfacing materials;
- Pedestrian routes to and through the site;
- arrangements for future maintenance of the hedge between site access and existing footway Cheddleton 1R/2575
- bin collection points clear of the access track and footway (to store bins on collection day);

The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of the development.

2. The development hereby permitted shall not be commenced until details of the 2.4m x 43m visibility splays have been submitted to and approved in writing by the Local Planning Authority. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development being brought into use.

Informatives:

The construction of the bellmouth shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales. <https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/Highways> This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 219 - 226 exemption of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

Notes to Planning Officer

The application is outline with all matters reserved. However a drawing has been submitted showing an access point. This response takes into account the possibility of the stated point of access or an alternative point of access being proposed at reserved matters stage. Concern has been expressed over forward visibility for drivers entering the site when approaching from the south. There is a relatively wide footway outside number 11 and with the positioning and alignment of the access any driver approaching from the south would have a clear view along Ox Pasture before commencing a turning manoeuvre. The access road is not to adoptable standard as the proposed service is of an inadequate width.

SMDC Waste

NO OBJECTION

Revised Comments 15.05.19: It is stated that as the plan only shows the access road into the site, AES will require details of the turning point(s) for a truck and confirmation as to whether the highway would be adopted.

Ecology Officer

NO OBJECTION

21.05.19 (additional comments): The great crested newt survey carried out by Absolute Ecology is to an acceptable standard. Reasonable attempts appear to have been made to get access to all ponds identified. Results indicate it is highly unlikely that great crested newts will be impacted by the development. Absolute Ecology's letter in response to issues addressed by the Elite Ecology report appears reasoned. As set out in my original response I would agree that without more detail all anecdotal records lack validity. The rationale that further reptile, invertebrate or bat roost surveys are not proportionate is justified. A survey for foraging or commuting bats would be useful to inform a lighting strategy, but would not be a constraint preventing the granting of planning permission. In addition a precautionary survey for the presence of badgers in advance of development is sensible.

14.05.19 (additional comments): Two ecological appraisals have been received for the site. A preliminary ecological appraisal by Absolute Ecology dated September 2018 on behalf of the applicant and a preliminary ecological appraisal was produced by Elite dated March 2019 on behalf of Cheddleton Residents. Both surveys conclude that the habitats on site are widespread and common. The majority of the site consists of semi improved species poor grassland. These appraisals differ in the assessment of ecological constraints in relation to species that may be present at the site.

Great crested newts: The survey by Elite Ecology identified a number of ponds in adjacent garden and indicated that there were records of great crested newts present. E DNA and or presence/absence surveys for great crested newts of these ponds would therefore be proportionate before the application can be determined.

Bats: Both surveys and assessments indicate that bats are likely to use the site for commuting and foraging. Especially in relation to lines of trees / scrub and hedgerows. Surveys conclude that features are likely to be of low importance for foraging and commuting bats. According to Absolute Ecology there is no evidence of existing roost sites in close proximity to the development. Absolute Ecology assessed trees along the edge of the site as having negligible potential to support bat roosts with some beech trees were assessed as having low potential to support bat roosts. These trees will not be directly impacted by the development. Elite ecology advocate further surveys based on evidence that 2/3 bat roosts are located directly adjacent to the development. However, no further details of these roost locations are provided in the report. Further confirmation of where these roosts are and their size is necessary to justify further survey effort.

The planning application is outline for the principle of development with all other matter reserved. Features of importance to foraging or commuting bats, in particular trees associates scrub and hedgerows are likely to be able to be retained with appropriate landscaping. According to the size and scale of the development it should be possible to devise a lighting scheme and landscaping to avoid impacts on foraging or commuting bats. Appropriate landscaping is likely to be able to add biodiversity value to habitats for commuting and foraging bats. For example where wide species rich buffers and scrub belts are designed along existing hedgerows or tree lines around the edge of the site. A bat transect survey may be proportionate to inform the number of housing units, size and scale and layout details, in a future reserved matters application.

Reptiles: Absolute Ecology conclude that the habitats on site are unlikely to support a significant population of reptiles and do not advocate further surveys. In particular citing a lack of records and the relatively fragmented isolated nature of the site. Elite Ecology recommend a further reptile survey, justifying this on the basis of recent records adjacent to the site of grass snake and slow worm in adjacent gardens. Specific details of times, dates, and locations are required to substantiate the need for further surveys.

The Chartered Institute of Ecology and Environmental Management (CIEEM) advise that ecological assessment is an iterative process. As further information becomes available survey requirements may change:

If further records are substantiated then following a the precautionary principal further reptile surveys are justified as detailed in the survey report before the application can be determined.

Invertebrates: Habitats are described as common and widespread. Habitats would not normally warrant futher inveretebate survey. Elite Ecology cite the record of a 'European Protected bee' as identified by a council pest control officer inan adjacent garden.

Further details of the species to includes dates, times of records and how it may utilise adjacent habitats are required before further surveys are justified.

Badgers: Both surveys indicate that the site has evidence of use by badgers for foraging. An appropriate working method to avoid impacts should be in place, as a condition of relevant reserved matters.

Comments 05.04.19:

I understand a series of ponds have been located with evidence, or the potential to support great crested newts adjacent to the proposed development. Great crested newt and the habitats that support them are fully protected by the Conservation of Habitat and Species Regulations 2017 and Wildlife and Countryside Act 1981 (as amended). Destruction or isolation of terrestrial habitat less than 50m from a breeding pond is defined as a high impact by Natural England. Any development could have an impact on great crested newts and the close proximity of potential breeding ponds increases the requirement for survey information.

The level of impact and proportionate mitigation can only be defined when survey information is available. A survey to assess for the presence and population size of great crested newts will be required before the application can be determined. Surveys should be carried out between mid April – June according to best practice methods.

Other comments attached in respect of SMD/2018/0700 are still relevant to the proposed development. Maintaining and enhancing the existing hedgerows through appropriate management, and maintenance including establishing adjacent buffer strips should be prioritised in the landscape management plan.

Conservation Officer

Comments 14.05.19:

Recommendation: Less than substantial harm to setting of Grade II* Church of St Edward the Confessor. No harm to the setting of the Conservation Area.

Application's Supporting Information: Is any adverse impact on the Conservation Area/Listed Building or their Setting raised? Heritage Statement concludes that there is no harm to the character of the Conservation Area or setting of the Listed Church. It does note, however, that there is some negligible harm to the views of the church from the informal southern footpath.

Comments:

The Heritage Statement prepared by Mel Morris Conservation on behalf of the applicant carries out an assessment of potential impacts of the proposed development on the setting of the Conservation Area and setting of the Grade II* Listed Church of St Edward the Confessor.

Conservation Area: The heritage statement comments that the character of the Conservation Area is dominated by the mediaeval alignment of Hollow Lane and how the settlement is viewed and experienced from the north and along Hollow Lane itself. I would agree that the historic core no longer has a strong relationship with its

rural setting to the south, particularly in relation to the application site because of the 20th century residential ribbon development along the east side of Ostler's Lane, estate housing to the south and other piecemeal development. I would also agree that the application site does not form part of the setting of the Conservation Area because of the physical detachment from it, the tapering of the site and lack of views of the historic core, apart from the church tower. The fields to the east have a much greater affinity with the setting of the Conservation Area.

The historic footpath is a significant historic route-way but because of the changing ground levels, retaining wall and hedgerows the route funnels views along the walkway and has little visual connection with the application site.

Setting of Grade II* Listed Church of St Edward the Confessor: The Heritage Statement notes that there will be an impact on the setting of the Church when viewed from the informal footpath running west to Ostler's Lane. It considers that these long views of the church tower are of lesser significance to those of an adopted route as they are not historic or based on any design intention. Consequently, it argues that impact on these views should be given less weight. It considers that in order to maintain glimpses of the church from the informal footpath careful design and layout can mitigate the 'negligible' harm.

The impact on the views of the church tower from the informal footpath and upper part of the application site are the key heritage impacts to consider. Whilst these may be incidental they still provide a prominent view of the upper part of the church tower, flag the historic core of the village and highlight the setting of the church within the rural landscape. Whilst mitigation through siting, design and landscaping can seek to protect some views there will be less than substantial harm to the setting of the church (placed at the lower end of the 'less than substantial' spectrum). In accordance with Paragraph 196 of the NPPF this harm will need to be weighed against the public benefits of the scheme.

Comments about the status of an Outline application

There is no legal requirement for all applications in an around designated heritage assets to be accompanied by all details. The crucial issue is whether the Authority has sufficient information to understand the significance of the heritage asset affected and likely impact upon it. No two sites are the same. The Council has local validation requirements to require FULL applications in particularly historically sensitive areas (within Conservation Areas and affecting the setting of Conservation Areas and Listed Buildings) in order to be able to fully consider the impact of proposals on them. However, for applications affecting setting it is officer discretion when to require FULL applications as this is a matter of judgement. Because the development boundary does not directly adjoin the Conservation Area boundary and intervening more recent development, it was considered that an Outline application was acceptable.

Residents Heritage Statement

The report prepared by Mel Morris conservation is an analysis of significance and impact based on the NPPF, Planning Practice Guidance and Historic England

Guidance. Its level of detail is proportionate to the assets' importance and sufficient to understand potential impact. It is a report prepared by a professional consultant and it carries significant weight in determining heritage impact.

The Resident's Heritage Report does not introduce any new issues or factual information which would lead me to reach a different view on this application. The report talks about setting in its broadest sense (where you can see the church tower from) rather than the more focussed aspects of setting which contribute to significance. It is this latter analysis which must form the basis of professional assessment, based on detailed guidance produced by Historic England).

Arboricultural Officer

Comments 20.05.19:

This current application is now completely outline with all matters reserved, seeking only to establish the principle of residential development of the site. No amount/scale of development in terms of number of dwellings is given in the development description, and there is no indicative layout submitted.

The main core body of the site is free of trees and tree-related constraints, and clearly could accommodate an amount of residential development without impact on trees. I therefore have no objection on grounds of tree-related impacts to the principle of residential development.

As before, the constraints imposed by existing trees/hedges, both on- and off-site, are in some cases significant and would clearly have an influence on any subsequent detailed layout, and possibly also the overall capacity of the site. A detailed tree survey and arboricultural impact assessment report in accordance with British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations and addressing both direct and indirect tree impacts and relationships with trees should be submitted in conjunction with any subsequent reserved matters application in the event that outline planning permission is granted at this stage.

Further to this, part of the current outline application includes a strategic drainage layout. In the absence at this stage of a suitable arboricultural assessment, it is not demonstrated that the strategic drainage layout would not have adverse impact on existing hedgerow and trees along the eastern boundary of the site, and as the drain run is indicated close to this boundary there is certainly the potential for harmful impact to arise. Therefore, I would advise that should outline planning permission be granted, the specific drainage layout (although presumably only indicative at present anyway) should not be approved at this stage pending more detailed consideration and assessment.

Although not submitted for approval at this stage, an access details drawing is included showing, as before, a proposed new roadway from the bend in Ox Pasture, running alongside (and taking in part of the present curtilage of) 10 Ox Pasture. My comments on this element remain as per the previous application (i.e. no objection in principle; seeking retention – as indicated – of the existing garden boundary hedge

between The Gulley public footpath IR/2575 and the new roadway; ideally achieving a wider than shown soft landscape buffer strip along the western side of this hedge, if necessary by omitting the proposed pavement adjacent to 10 Ox Pasture).

I would request that the following conditions be imposed in the event that outline planning permission is granted:

1. The first action on commencement of development, prior to any further action (including any site clearance, site stripping, site establishment, formation of new access or installation of any drainage infrastructure) shall be the erection of temporary tree protection barriers and advisory notices for the protection of the existing trees to be retained, in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations, and this shall be retained in position for the duration of the period that development takes place, unless otherwise agreed by the LPA. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed by the LPA.
2. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development, unless otherwise approved by the LPA. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), unless otherwise agreed by the LPA and in this case only following careful inspection by a competent person to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds. The existing hedgerows including hedgerow trees along the eastern boundary of the site with public footpath IR/2575, including that part along the proposed new access road, shall be permanently retained.

Landscaping would be a reserved matter, so there would be no requirement at this stage to impose landscaping conditions on outline planning permission, if granted.

Operations Manager – Open Space

Awaited. Members will be updated at the meeting.

Previously: This site has not been specifically raised within the Open Space, Sport and Recreation Study. The Standards Paper states that there are no significant gaps in provision identified from catchment mapping for amenity greenspace across the District, which would be the classification of this site. The focus for amenity greenspace is therefore on ensuring quality standards are met. In the rural areas, which Cheddleton falls under, there are several amenity greenspace sites which rate low for quality. One such site is Cheddleton Recreation Ground, across from the proposed development. The recommendation is that enhancing site quality should be explored where possible (exploring options for improved maintenance, enhancement of general appearance and opportunities for additional ancillary facilities on site). We are therefore seeking off site contributions towards enhancing this site from the proposed development.

Contributions requested are based on the threshold of 20 properties. Due to the close proximity of Cheddleton Recreation Ground, and Pointon's Sports Facility, we would not be looking for any on site provision, but would seek off site contributions for both play and playing pitches. Cheddleton Recreation Ground is owned and managed by Cheddleton Parish Council, and without wishing to prejudice the impartiality of the Parish Council, we do feel that the play contribution should be targeted to enhancements to the existing play area here, as the site will be accessed by the new residents.

The Football Association have developed a Football Facilities Plan for Staffordshire Moorlands, which has identified the need for improvements to the grass pitch at Pointon's Sports Facility, as well as the grass pitch at the recreation ground. We would therefore seek off site contributions towards playing pitch improvements at either of these sites. The current formula for calculating these contributions is as follows: Play – number of bedrooms x £502.65 and Playing pitches – number of bedrooms x £627.21.

Environmental Health Officer

NO OBJECTIONS

Comments 15.04.19:

No objections: Potential Areas of Environmental Concern relate to: Noise (during construction); Dust during construction; Foul Drainage; Asbestos (advisory) and Waste. The proposed development is near 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. If consent is granted the following conditions are recommended: Construction and Demolition Works; Construction and Demolition: Construction Method Statement; Unexpected Contamination; Importation of Soil/Material and Waste Management.

Local Lead Flood Authority (LLFA)

NO OBJECTIONS

Revised Response 15.05.19:

The development hereby permitted shall not be commenced until such time as the details of a satisfactory surface water design has been submitted to and approved in writing by, the Local Planning Authority. Including:

- The results of ground investigation and percolation tests to determine the viability of Soakaways.
- Surface water drainage system(s) designed in accordance with the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to existing greenfield rates.

- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

Severn Trent Water

NO OBJECTIONS

I can confirm that we have no objections to the proposals subject to the inclusion of the following conditions: (1) The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and, (2) The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

SCC Education

NO OBJECTIONS

This development falls within the catchments of St Edward's C of E Academy Cheddleton, St Edward's Church of England Academy and Westwood College. The development is scheduled to provide 24 dwellings. A development of this size could add 4 First School aged children, 3 Middle School aged children, 2 High School aged children and 1 Sixth Form aged child.

The education contribution for a development of this size would be as follows:

4 First School places (4 x £13,165 = £52,660), 3 Middle School places (3 x £15,140 = £45,420), 2 High School places (2 x £17,114 = £34,228) and 1 Sixth Form place (1 x £18,560 = £18,560). This gives a total request of £150,868 for up to 24 houses.

However, St Edward's C of E Academy Cheddleton and Westwood College are projected to have sufficient space to accommodate the likely demand from pupils generated by the development and therefore no request will be made towards First School or High School provision.

However, St Edward's C of E Academy Cheddleton and Westwood College are projected to have sufficient space to accommodate the likely demand from pupils generated by the development and therefore no request will be made towards First School or High School provision. St Edward's Church of England Academy is projected to have insufficient space to accommodate the likely demand from pupils

generated by this development. An Education Contribution will be requested towards Middle School provision only.

The education contribution for a development of this size would be as follows; 3 Middle School places (3 x £15,140) which gives a total request of £45,420.

The above comments are based on a development providing 24 dwellings; if the number of houses or total dwellings increases a revised contribution may be necessary. The above contribution is based on the cost multipliers published in the current EPOP which are subject to change.

Police Architectural Liaison Officer

NO OBJECTIONS

Comments 28.03.19:

There would appear to be no reason on conventional crime and disorder grounds why the proposed development site would not be suitable for residential housing. In terms of layout, the rear gardens of new housing could perhaps back on to the rear gardens of Ostlers Lane to provide mutual security and the fronts of the housing/internal road accesses perhaps address the footpath behind Ox Pasture and The Gully footpath running alongside the eastern boundary thus providing some natural surveillance over them. Any reserved matters application would need to ensure that the layout demonstrated that crime prevention and community safety had been considered and appropriate measures incorporated to minimise criminal and anti-social opportunity and provide a safe environment in accordance with the above bullet points.

With regard to the above, Staffordshire Police would direct the applicant to the Police Crime Prevention Initiative's Secured by Design Homes 2019 Design Guide available online, which provides a raft of information as in relates to crime prevention and layout, which the applicant would find useful. Incidentally, this document also provides comprehensive guidance on a range of physical security matters that are important to residents.

Clearly providing safe vehicular access into and egress from the site will be critical with the need to prevent conflict with pedestrians on the bend at Ox Pasture, those using The Gully to the side of the proposed access road and where the footpath behind 10 Ox Pasture will cross the proposed access road to meet The Gully. Although the application is outline in nature, an Access Details drawing has been provided which appears promising in terms of addressing certain safety concerns. Utilising a strip of 10 Ox Pasture's garden should provide sufficient width for the access road in the main and the existing telegraph pole that would otherwise be in the way, relocated. Larger, wider vehicles using the access road from time to time may admittedly complicate access/egress. Vehicles turning into or pulling out of the new access road could have very clear visibility of Ox Pasture in both directions and thus need not have an adverse impact in terms of safety upon existing road users.

One presumes vehicle movements from No. 6 and 8 Ox Pasture are low and in any event such vehicles currently have to exercise extreme caution when crossing the pavement particularly because of pedestrians exiting The Gully from behind the hedge that separates The Gully from the No.6/8 access road. Having to consider vehicles entering or exiting the new access road need not present new dangers above those that currently exist.

What is not shown on the Access Details drawing and could contribute to vehicle and pedestrian safety would be the incorporation of a number of traffic calming measures across the new access road, which could reduce vehicle speeds. These could perhaps be added close to the access road entrance and just before where the footpath behind 10 Ox Pasture will cross the proposed access road to meet The Gully.

For pedestrians using the Ox Pasture pavement and passing behind the railings outside No.4 before entering The Gully, the new access road should not present any difficulty, assuming there is some form of safe barrier along the length of the new access road separating it from The Gully. From observations made, pedestrians looking to use The Gully and approaching the bend on the opposite pavement (outside no. 3-11) or coming from Hillside Road direction, appear to converge and cross the road at or close to the inside of the bend (seemingly the safest point), where it is possible to see Ox Pasture in both directions. From this position, it should also be possible to clearly see straight up the new access road and assess for traffic coming from that direction as well. Admittedly, pedestrians going in the opposite direction may need to exercise greater caution.

These observations obviously do not cover all permutations of pedestrian movement, but demonstrate that there may be scope to address the very real concerns that local residents clearly have regarding pedestrian safety, which are one among many. Any reserved matters application will need to demonstrate this is the case as well as that Ox Pasture (and local road network?) can absorb the additional vehicle traffic likely to be generated.

The Ramblers and Peak & Northern Footpath Society

There are two footpaths affected by the development, please advise us of what plans there are for the paths.

7. OFFICER COMMENT AND PLANNING BALANCE

Policy

7.1 The determination of a planning application should be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining

applications the Local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the Staffordshire Moorlands Core Strategy.

7.3 The revised National Planning Policy Framework (NPPF) was issued in February 2019. The NPPF is considered to be a mandatory material consideration in decision making. The applicable contents of the revised NPPF will be referenced within the relevant sections of the officer report as detailed below.

7.4 Once again achieving sustainable development sits at the heart of the revised NPPF as referred to within paragraphs 10 and 11. As before, achieving sustainable development requires the consideration of three overarching and mutually dependant objectives being: economic, social and environmental matters where they are to be applied to local circumstances of character, need and opportunity as follows:

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering a well designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well being; and,
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making the effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.5 Core Strategy policy S1a establishes a presumption in favour of sustainable development as contained within the NPPF. Paragraph 11 of the NPPF requires decision makers to apply a presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay; or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless:-

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. (Para 11 NPPF July 2018).

7.6 It is acknowledged that the Council cannot demonstrate a five year supply of deliverable housing land and as at 31st March 2018 the figure was 1.8 years. Recent case law has established that the application of the test in paragraph 14 (now paragraph 11) is a 'tilted balance' which is predisposed in favour of granting planning permission unless adverse scheme impacts are outweighed by scheme benefits (11i) or NPPF policies protecting areas or assets of particular importance apply (11ii).

7.7 Section 5 of the NPPF seeks to deliver a sufficient supply of homes, section 6 seeks to build a strong, competitive economy and section 8 seeks to promote healthy and safe communities.

7.8 The policies contained in the Framework are supplemented by the National Planning Practice Guidance (NPPG), which is also a material consideration in the determination of applications.

7.9 A list of key policies, guidance and other material considerations is provided above (section 5).

Principle of Development

Heritage Assets

7.10 The scheme raises potential harm to designated heritage assets in relation to the setting of the Cheddleton Conservation Area and setting of the Church of St Edward the Confessor (Grade II* Listing Building) requiring the application of NPPF para 11(i) above. In these circumstances, the presumption in favour of sustainable development would be reversed and the starting point for assessment is whether the protection of such assets of particular importance would provide a clear reason for refusing the development proposed before any application of the tilted planning balance test in NPPF para 11(ii) above can be performed.

7.11 As set out above, the scheme follows a similar proposal ref. SMD/2018/0700 presented to the 7th March 2019 Planning Applications Committee meeting where Members resolved to refuse the scheme as follows:

1.The NPPF (National Planning Policy Framework) at paragraph 189 requires that an applicant must describe the significance of any heritage assets affected, including any contribution made by their setting. This is to enable the decision maker to fully understand the potential impacts of the proposal on their significance. In this case, the applicant has not carried out such an assessment of the impact of the development on the setting of the Cheddleton Conservation Area and setting of the Grade II* Listed church of St. Edward the Confessor. As a result, there is insufficient information to adequately assess the impact on these designated heritage assets and to correctly apply NPPF policies. Accordingly, there is conflict with Policies SS1, SS6a, DC1 and DC2 of the Adopted Staffordshire Moorlands Core Strategy and the NPPF.

7.12 NPPF para 189 states: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets

affected, including any contribution made by their setting". The applicant's Heritage Statement has carried out an assessment of potential impacts of the proposed development on the setting of the Conservation Area and setting of the Grade II* Listed Church of St Edward the Confessor. It concludes that there is no harm to the character of the Conservation Area or setting of the Listed Church. It does note, however, that there is some negligible harm to the views of the church from the informal southern footpath and in order to maintain glimpses of the church from the informal footpath careful design and layout can mitigate the 'negligible' harm.

7.13 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and there is a duty of the decision maker in these respects.

7.14 The views of the Council's Conservation Officer have been sought and are set out in full in the relevant section above. The Officer concludes that the scheme would result in a 'less than substantial harm' (at the lower end of the spectrum) to the setting of Grade II* Church of St Edward the Confessor and 'no harm' to the setting of the Conservation Area. Regarding this issue, she sets out that the impact on the views of the church tower from the informal footpath and upper part of the application site are the key heritage impacts to consider. Highlighting whilst these may be incidental they still provide a prominent view of the upper part of the church tower, flag the historic core of the village and highlight the setting of the church within the rural landscape. It is also acknowledged whilst mitigation through siting, design and landscaping can seek to protect some views; there will be a 'less than substantial harm' to the setting of the church (placed at the lower end of the 'less than substantial' spectrum). In reaching these conclusions, the Conservation Officer has also considered the Cheddleton resident's submitted Heritage Report.

7.15 NPPF para 196 sets out that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the scheme. This matter will be considered below in the conclusion section of this report.

7.16 The district's Town and Village development boundaries from the 1998 Local Plan have been 'saved' and will remain in force for decision making purposes until they are superseded by the new Local Plan. Cheddleton is a larger village as defined by CS Policy SS6a 'Larger Villages Area Strategy' as a settlement with a role as a rural service centre providing for the bulk of local housing needs. The application site cannot be regarded as highly sustainable in the context of the larger settlements within the district. Cheddleton, however, does offer alternatives to car travel. Walking and cycling opportunities are available and there is a regular bus service which offers opportunities for sustainable travel modes to accord with the relevant parts of CS Policy T1 and the NPPF. In this case, the proposal would provide for a windfall housing opportunity within a larger village set in the context of a chronic housing under supply. In these circumstances, the significance of such heritage matters raised would not provide a clear reason for refusing the proposal. The application of the tilted planning balance test in NPPF para 11(ii) above can therefore be performed in relation to remaining scheme issues as will be discussed in the relevant sections below.

Visual Open Space

7.17 The proposed development is part of a larger site identified as 'VOS' (Visual Open Space) on the village inset map for Cheddleton. Accordingly, CS Policy DC3 'Landscape and Settlement Setting' seeks to protect and where possible enhance local landscape and the setting of settlements within the district by (4) "Identifying through the Site Allocations DPD and protecting from inappropriate development, areas of visual open space where the intention will be to retain the land's open and undeveloped appearance. Where appropriate the Council will seek public access agreements with the land owners and seek proposals for the enhancement or improvement of these areas as part of the green infrastructure network in accordance with CS Policy C3. In exceptional cases, limited development of areas of visual open space may be acceptable where this will bring about overriding improvements to the open space itself ...".

7.18 The Local Plan evidence base 'Landscape and Settlement Character Assessment (2008)' has assessed existing areas of VOS. For Cheddleton, the application site forms VOS CN01 / Ox Pasture and is recommended as suitable for these purposes. The site description is as follows: "The site forms a break in development when combined with the adjacent VOS. The rural character is visible locally with a public footpath alongside its hedgerow boundary". CN02 / Land adjacent to the Vicarage have also been recommended as suitable VOS as follows: "The site is an important break in development in this part of Cheddleton particularly when combined with the adjacent VOS. It is also valuable as visual amenity, providing a strong rural feel".

7.19 In August 2016, a 'Landscape, Local Green Space and Heritage Impact Study' for the district was published by the Council and assessed the landscape sensitivity / heritage impacts of the proposed development allocations. As well, a review of the VOS designation against national planning policy was undertaken to ensure compliance with the NPPF.

7.20 In terms of policy background, the application site is designated as VOS (Visual Open Space) as contained within the 1998 Adopted Local Plan. These remain in force until such time as they are reviewed and adopted through the site allocations process and fall under CS Policy DC3 as detailed above. The VOS designations were carried through from the Policy R5 allocations of the previous Local Plan into the current Adopted CS Policy DC3. The preamble and justification to the previous Policy R5 stated: "These may be areas of land which are not essential as part of the 'public' open space provision in a settlement but which form valuable functions within towns and villages. These include forming a visual break between areas of development, contributing to local character, protecting attractive views and enhancing the setting of a public amenity such as a footpath. Such sites are considered worthy of protection from development as far ahead as can be foreseen. Paragraph 27 of former PPG note 3 'Housing' indicates that such informal open spaces can be of great importance to the character of a neighbourhood and states that planning policies should identify sites, which need to be protected."

7.21 Within the NPPF, open space is defined as "All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and

reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity”.

7.22 The application site is not afforded protection in respect of CS Policy C2 ‘Sport, Recreation and Open Space’ and relevant national planning policy guidance. It has been discounted on the basis that it is not included within this study for such open space purposes. In addition, there are no significant gaps in provision identified from catchment mapping for amenity greenspace across the District, which would be the likely classification of this site if it had been deemed suitable for such purposes. Consequently, due to these factors, it has been conclusively established that the site does not comprise of amenity greenspace for the purposes of the Council’s Open Space, Sport and Recreation Study or that the development as proposed would detrimentally affect the supply of such space within the Cheddleton area. In these circumstances, the Council’s Project Officer confirms therefore that the focus would be for recognised and existing amenity greenspaces to meet relevant quality standards e.g. Cheddleton Recreation Ground in relation to s106 offsite POS provision. On this issue, it is found that the proposed development would cause no material harm to the provision of amenity green space within the area to accord with CS Policy C2.

7.23 In respect of the emerging local plan, the ‘Landscape, Local Green Space and Heritage Impact Study’ (2016) evidence base has reviewed the existing VOS designations to ensure compliance with the NPPF. This review identified that the LGS (Local Green Space) designation as referred to within the NPPF would be a more robust designation to take forward within the emerging local plan. As a result, the VOS designation element of CS Policy DC3 is deemed to be out of date and inconsistent with the NPPF. Instead such spaces need to meet the strict LGS criteria as detailed below. The existing VOS allocations and relevant section of CS Policy is considered to be inconsistent with the NPPF and therefore attract significantly reduced weight in these regards when assessing the ‘titled’ planning balance of the scheme against housing benefits.

7.24 In relation to the designation of LGSs within the emerging Local Plan, NPPF paragraph 99 states: “The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period”.

7.25 Furthermore, at NPPF para 100: “The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land”.

7.26 The ‘Landscape, Local Green Space and Heritage Impact Study’ (2016) has found that the previously identified sites were found to be suitable for designation as

Local Green Space: Ox Pasture (west – the application site) “High tranquillity and visual amenity value, some ecological and recreational value” and Ox Pasture (east) “High tranquillity and visual amenity value, some ecological and recreational value” and have been designated as such in the emerging Preferred Options Local Plan.

7.27 As set out in more detail within the relevant policy section above, the Local Plan Inspector whilst considering the fields at Ox Pasture to be attractive; does not consider them to be ‘demonstrably special’. In these circumstances, he considers that awarding the equivalent of Green Belt protection to land within settlements which is not ‘demonstrably special’ would limit opportunities for windfalls and would run counter to the Council’s objective of delivering at least 30 dpa through windfalls in the rural area. In these circumstances, he has recommended that two LGS designations be deleted, including Ox Pasture and that other LGS designations are reviewed in the light of this advice. As stated above, LGS can only be designated when a plan is being prepared or updated. The Inspector’s objections indicate a direction of travel and are yet to be concluded through the adoption of the local plan.

7.28 On the 17th May 2019, the Inspector responded to the Council’s further submission regarding LGS, which is set out in full in the relevant section above. In relation to the application site, the Inspector has stated the following: For the reasons given in the post hearing advice I do not support the LGS designations at Ox Pasture West and East, Cheddleton (29 and 30) and north of Cotehill Road, Werrington (35). In summary, the Inspector has requested that the Council draws up a schedule of main modifications to the Local Plan which reflect his recommendations, including those regarding the removal of the LGS designation from the proposed Local Plan as is set out above. Notwithstanding this, the emerging Local Plan has not reached an advanced stage and therefore only limited weight can be attached to any LGS designation.

7.29 Importantly, at preceding NPPF para 49, it is confirmed that: “in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both: a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area”. Clearly, such circumstances do not apply to the application proposal and arguments of prematurity would not be relevant as a reason for refusal in relation to the emerging local plan ‘Local Greenspace Designation’. These matters will be returned to in the balance section below.

Character and Appearance

7.30 This is an outline application with matters of access, scale, appearance, layout and landscaping reserved for future consideration. As before, it is considered that where visible, the development itself would generally be seen from within the developed village boundary and against / in the context of existing development and in particular against properties along Ostlers Lane. There are considered to be no

significantly harmful visual impact on close range views from the public footpath (IR/2575). From the Ox Pasture to Ostlers Lane footpath along the southern boundary of the site, the development would be in much more prominent view, however, this in itself it would be seen in the context of existing dwellings / gardens / structures along Ostlers Lane. In these circumstances, there is no reason why an appropriate, high quality scheme, that has an affinity and resonance with its village context and the local architectural vernacular could not be secured at a detailed design stage should Members be minded to approve the proposal. Particular consideration would need to be given to securing a spacious and non-engineered layout, an appropriate two storey scale of development and limiting hard garden boundary features. Accordingly, it is acknowledged that the development of this area of attractive grassland would irreversibly change its character as a result of built development, however, it would not constitute a significant harmful visual impact to conflict with CS Policies SS6a, DC1, DC3 in particular and relevant national planning policy guidance. Furthermore, there would be no conflict with CS Policy SS7 'Churnet Valley Area Strategy' and the related masterplan, which provides a framework for sustainable tourism and rural regeneration within an identified area.

7.31 With regard to specific tree and hedgerow matters, the Council's Arboricultural Officer has suggested that the proposed pavement along the western side of the new access road could be omitted to allow for a greater buffer to the retained garden hedge. It is also highlighted that the existing field hedgerow and its trees along the eastern boundary; the off-site groups of protected trees directly across the gully footpath to the east and mature Hollies at the western boundary, and the large mature protected Beech trees across the unregistered footpath to the southern boundary would all impose a degree of constraint at a detailed layout design stage (including drainage matters), both in terms of avoiding direct impact on roots / branches and responding to shading / over-bearing effects. With regard to drainage issues, the LLFA (Lead Local Flood Authority) confirm that a specific drainage layout has not been approved at this stage and would be dealt with by means of a planning condition. In these circumstances, a tree survey and arboricultural impact assessment report in accordance with BS 5837:2012 taking full account of these issues would be required in support of any subsequent reserved matters layout submission should Members be minded to approve the scheme. The balance of considerations is returned to at the end of the report.

Access

7.32 Approval of access is not sought at this stage, however, future access matters will need to address: "the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network" as defined by Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.33 Point of access is shown from the corner of Ox Pasture taking in the side garden of 10 Ox Pasture into the field. Indicative point of access details show that a 5.0 metre carriageway can be achieved with 1.8m pavement and 0.6m service margin into the site. The views of the Local Highways Authority confirm that the proposed access point and proposals are acceptable. Any driver approaching from

the south would have a clear view along Ox Pasture before starting a turning manoeuvre in respect of concerns raised over forward visibility for drivers approaching from the A520 (the south). The Officer also confirms that the access road is not to an adoptable standard as the proposed service is of an adequate width. The views of Council's Waste Department are sought on this matter, however, this issue alone is unlikely to cause significant concern. Members will be updated at the meeting. Despite concerns raised by local residents about the impact on the surrounding public right of way, the development would not encroach on or prevent use of these pedestrian routes.

7.34 On this basis, there are no grounds that the scheme would compromise highway safety, subject to those conditions as detailed below. The development would provide for a safe and suitable access to the site and would not have a significant impact on the local transport network. There is considered to be no conflict with CS Policy T1 which requires, among other things, that all new development is located where the highway network can satisfactorily accommodate traffic generated by a proposed development and the NPPF. These matters will be returned to in the balance section below.

Drainage

7.35 This small scale major application is accompanied by a revised strategic drainage plan, which shows that such matters would not be a technical constraint to the residential development of the site. On this basis, the LLFA confirm that any outline planning permission should be subject to a planning condition securing details of a satisfactory surface water design. In addition, Severn Trent Water also require details of foul and surface water detail to be approved in a similar manner. In these circumstances, there would be compliance with the relevant part of CS Policy SD4 and the NPPF. Again, these matters will be returned to in the balance section below.

Biodiversity / Ecology

7.36 The application is accompanied by a Preliminary Ecological Appraisal. As before, the Council's Ecology Officer confirmed that the survey did not find any significant ecological impacts likely to result from development. It was reported that there were records of hedgehog, a species of conservation concern listed under the Natural Environment and Rural Communities Act 2006 (NERC Act 2006). In addition hedgerows, a NERC Act 2006 habitat of principal importance were present along site boundaries. Protection and enhancement of habitats and species of principal importance is a duty under the NERC Act 2006. An updated badger survey had also been recommended within three months prior to the commencement of any development work. Other precautions relating to the timing of work to avoid impacts on breeding birds and working methods to avoid impacts on badgers or hedgehogs. Once again, these surveys and the timing of works can be suitably conditioned as part of any detailed application scheme should Members be minded to approve the scheme.

7.37 A preliminary ecological appraisal has recently been submitted on behalf of the Cheddleton Residents group, which has also been considered by the Council's

Ecology Officer. He sets out that both surveys conclude that the habitats on site are widespread and common mainly consisting of semi-improved species poor grassland. These appraisals, however, differ in the assessment of ecological constraints in relation to species that may be present at the site. The Council's Ecology Officer has confirmed that the great crested newt survey recently carried out by the applicant's Ecologist is to an acceptable standard whereby reasonable attempt appear to have been made to gain access to all ponds identified. He also set out that the results indicate it would be highly unlikely that great crested newts would be impacted by the development scheme. In addition, the applicant's letter response to additional survey issues raised appears to be reasoned. The Officer acknowledges that without more detail all anecdotal records lack validity. The rationale that further reptile, invertebrate or bat roost surveys are not proportionate is justified in these circumstances. Additional recommendations highlight the requirement for a survey for foraging or commuting bats to inform a lighting strategy and a precautionary survey for the presence of badgers in advance of development is sensible. As above, these surveys and the timing of works can be suitably conditioned as part of any detailed application scheme should Members be minded to approve the scheme.

7.38 Accordingly, the scheme is considered to comply with the relevant part of CS Policies DC1, NE1 and the NPPF.

Residential amenity (including noise, air quality and contamination)

7.39 The amenity of existing and future residents is a material planning consideration as supported by CS Policies DC1 and SD4, both of which seek to minimise pollution and protect residential amenity as does the relevant NPPF guidance. Such matters would also fall within the scope of the reserved matters application(s), which will include the detailed scheme's assessment against the Council's 'Space out Dwellings' guidance to ensure good privacy and sunlight standards are met.

7.40 In relation to concerns raised regarding traffic noise as a result of the proposed scheme, the proposed road would run through the existing side garden of no.10 Ox Pasture and would create a buyer beware situation. Notwithstanding this, no.10 would be most impacted by passing traffic relating to a residential access road, which is unlikely to be heavily used or likely to cause night time disturbance as to cause a conflict with Policy SD4. Given the location of the site close to existing properties care needs to be taken during the construction phase and post construction to ensure site related activities do not cause unreasonably disruption to the neighbour's enjoyment of their properties, which can be suitably conditioned. With the imposition of suitable conditions where reasonable and necessary, the proposal scheme would comply with Policies DC1 and the relevant parts of SD4 and the NPPF.

Affordable Housing

7.41 In accordance with CS Policy H2, the applicant is offering 33% of the total number of dwellings to be affordable homes. The application makes no reference to tenure, however, this should be a 70% rent and 30% shared ownership / intermediate tenure split. The Council's expectation is that the affordable dwellings

will be built to NDSS minimum space standards and be appropriately placed within the site to ensure a sustainable community. The affordable housing contribution / details would need to be secured through a Section 106 agreement should Members be minded to grant planning permission.

Developer Contributions

7.42 As advised above, SCC School Organisation Team is requesting a financial contribution to mitigate the impact on school capacity arising from this development. In addition the Council's Open Spaces Officer considers that off site contributions for both play and playing pitches to be directed towards Cheddleton Recreation Ground and Pointons Sports Facility should be secured. Together with onsite affordable housing provision and the above financial contributions, the development would be considered to accord with CS Policy C1 and C2. To secure these matters, the applicant would be required to enter into a section 106 planning obligation to be completed by the 6th June 2019 (the determination date).

Other Matters

7.43 Devaluation of property is generally not viewed as a material consideration to be weighed in the planning balance.

Planning Balance & Conclusions

7.44 As set out above, the Local Planning Authority must determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'.

7.45 The scheme has raised potential harm to designated heritage assets in relation to the setting of the Cheddleton Conservation Area and setting of the Church of St Edward the Confessor (Grade II* Listing Building) requiring the application of NPPF para 11(i) above. In these circumstances, the presumption in favour of sustainable development has been reversed and the starting point for assessment is whether the protection of such assets of particular importance would provide a clear reason for refusing the development proposed before any application of the tilted planning balance test in NPPF para 11(ii) above can be performed. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and there is a duty of the decision maker in these respects.

7.46 On heritage matters, therefore, it is concluded that the scheme would result in a 'less than substantial harm' (at the lower end of the spectrum) to the setting of Grade II* Church of St Edward the Confessor and 'no harm' to the setting of the Conservation Area. In these circumstances, NPPF para 196 sets out that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the scheme.

7.47 The district's Town and Village development boundaries from the 1998 Local Plan have been 'saved' and will remain in force for decision making purposes until they are superseded by the new Local Plan. Cheddleton is a larger village as defined by CS Policy SS6a 'Larger Villages Area Strategy' as a settlement with a role as a rural service centre providing for the bulk of local housing needs. The application site cannot be regarded as highly sustainable in the context of the larger settlements within the district. Cheddleton, however, does offer alternatives to car travel. Walking and cycling opportunities are available and there is a regular bus service to offer opportunities for sustainable travel modes to accord with the relevant parts of CS Policy T1 and the NPPF. In this case, the proposal would provide for a windfall housing opportunity within a larger village set in the context of a chronic housing under supply.

7.48 Under these circumstances, the NPPF 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. planning 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 Council cannot demonstrate a 5 year supply of deliverable housing sites. The tilted balance applies as the District has less than 2 years of supply.

7.49 There is some conflict with CS Policy DC3 in respect of those elements which relate to the site's VOS (Visual Open Space) designation. The application site is a designated visual open space within the adopted Core Strategy, however, it does not form an 'amenity' greenspace within the Council's Open Space, Sport and Recreation Study nor does the standards paper consider that there is a deficit of such space to be protected under relevant open space planning policy. Notwithstanding the recent Inspector's comments as set out above, the site cannot be considered to be a designated Local Green Space owing to the status of the emerging local plan. Clearly, the weight to be afforded to the visual open space designation element of CS DC3 is reduced in these circumstances owing to its out of date nature and conflict therefore with the NPPF. As discussed above, the development for housing would result in an acceptable level of visual harm to the character and appearance of the area to comply with CS Policies SS6a, DC1 in particular and NPPF.

7.50 The small scale scheme would appropriately provide for a suitable level of housing for a larger village and rural service centre such as Cheddleton within the defined village settlement boundary and is considered to be accessible to relevant services and facilities. The provision of housing in circumstances of a chronic housing under supply attracts significant weight in the overall planning benefit contributing to the sustainable objective of sustainable development as defined by the NPPF. 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 these economic benefits. There would be social benefits with the provision of additional housing and the provision of affordable housing. The impact on the setting of Grade

It* Church of St Edward the Confessor, can be addressed by a sensitive layout of the site and therefore the overall benefits of the scheme are considered to outweigh the less than substantial harm to the significance of the heritage asset.

7.51 The application proposal has been found to be acceptable on matters of highway safety, nature conservation and residential amenity and these are considered to be neutral factors in the planning balance.

7.52 In conclusion, the 'titled' planning balance judgement is that the development of a Visual Open Space allocation, as defined by the previous local plan and the limited visual impact would not constitute significant and demonstrable harm in the terms of the NPPF to outweighs the clear benefits of a small scale housing scheme within the larger village and rural service centre of Cheddleton. In these circumstances, the social and economic benefits are considered to outweigh any limited environmental harm. A recommendation of approval is therefore made.

8. RECOMMENDATION

A. That planning permission be APPROVED, subject to conditions and the completion of s106 planning obligation securing matters of on site affordable housing provision, education contributions and off site play and playing field contributions:

Time Limits

- 1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters.
Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.**
- 2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and thereafter the development shall only be carried out in accordance with the details as approved.
Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.**
- 3. Details of the Access, appearance Layout, Scale, Appearance and Landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced and thereafter the development shall only be carried out in accordance with the details as approved.
Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Articles 4 and 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.**
- 4. The development hereby approved shall be carried out in accordance**

with the following submitted plans

- Location Plan ref. 2018/2351/01

Reason:- To define the permission and in the interests of proper planning.

Dwelling Type and Size

5. The reserved matters application(s) shall be based on the Nationally Described Space Standards Technical Housing Standards.
Reason: - To ensure dwellings of adequate size in line with national policy.
6. The type / mix of units at the reserved matters stage shall reflect the Council's Strategic Housing Market Assessment (SMHA).
Reason: - To ensure an appropriate mix of units in line with national policy.
7. A detailed Arboricultural Method Statement to include a scheme for the retention and protection of trees and hedges on or adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority with the first reserved matters application. Development shall be carried out in accordance with the approved Statement and protection scheme for the site and in particular:
 - a) No trees or hedgerows shall be cut down, uprooted or destroyed, cut back in any way or removed without the written approval of the Local Planning Authority;
 - b) If any tree, shrub or hedge plant is removed without such approval, or dies or becomes severely damaged or diseased within 5 years from completion of the development hereby permitted, it shall be replaced by another tree, shrub or hedge plant of similar size and species, planted at such time as may be specified in writing by the Local Planning Authority;
 - c) No operations shall commence on site (including soil moving, temporary access construction and/or widening or any operation involving the use of motorised vehicles or construction machinery) unless the protection works required by the approved protection scheme are in place;
 - d) No excavation for services, no storage of materials or machinery, no parking of vehicles, no deposit or excavation of soil or rubble, no lighting of fires and no disposal of liquids shall take place on the site within any area designated as being fenced off or otherwise protected in the approved protection scheme, and,
 - e) All protective fencing erected in accordance with the approved scheme shall be retained intact for the full duration of the construction of the development for that phase of the site hereby permitted and shall not be moved or repositioned, without the prior written approval of the Local Planning Authority.

Reason:- To retain important existing trees and hedgerows in the interests of the character and appearance of the area.

- 8. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development, unless otherwise approved by the LPA. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), unless otherwise agreed by the LPA and in this case only following careful inspection by a competent person to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds. The existing hedgerows including hedgerow trees along the eastern boundary of the site with public footpath IR/2575, including that part along the proposed new access road, shall be permanently retained.**

Reason:- To protect existing trees and hedgerows during construction in the interests of the character and appearance of the area.

- 9. Prior to the commencement of development, (including any site clearance, site stripping, site establishment, formation of new access or installation of any drainage infrastructure) temporary tree protection barriers and advisory notices shall be erected for the protection of the existing trees to be retained, in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations, and this shall be retained in position for the duration of the period that development takes place, unless otherwise agreed by the LPA. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed by the LPA.**

Reason:- To protect existing trees and hedgerows during construction in the interests of the character and appearance of the area.

Biodiversity/Ecology

- 10. No development including site clearance shall take until a Construction Environmental Management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). This must include:**

- Risk assessments of potentially damaging construction activities.**
- Identification of biodiversity protection zones.**
- Practical measures during construction to avoid or reduce impacts during construction (may be provided by method statements).**
- The location and timing of sensitive works to avoid harm to biodiversity.**
- Confirmation that there will be no clearance of trees, shrubs, tall ruderal or brambles between 31st March and 31st August inclusive unless a competent ecologist has undertaken a careful detailed**

check of vegetation for active birds nests, immediately before vegetation removal, and provided written confirmation that no birds will be harmed and/or appropriate methods are in place to protect nesting bird interest on sites. Any such written confirmation should be submitted to the LPA for its written approval before any clearance of trees, shrubs, tall ruderal or brambles.

- Suitable methodology for the removal of Japanese Rose before any work is undertaken on the hedgerows.
- Lighting used during construction to minimise impacts on wildlife.
- Open excavations or pipes to be sealed at night. Ramps / planking to be installed to permit wildlife to escape being trapped in structures during construction.
- The role and responsibilities of an ecological clerk of works or similar competent person.
- Disposal of waste material on site.
- Use of protective fences, exclusion barriers and warning signs.

The CEMP shall be implemented and adhered to throughout the construction period strictly in accordance with approved details.

Reason:- In the interests of protected species and habitats during construction

11. The first reserved matters application shall be accompanied by an Ecological Management Plan (EMP) addressing mitigation and enhancement. The EMP should include:

- Purpose and conservation objectives of the proposed enhancements.
- Detailed designs and/or working methods to achieve stated objectives.
- Extent and location of proposed works on appropriate plans and scale maps.
- Type and source of material used where appropriate e.g. native species of local provenance.
- Creation and enhancements of semi natural habitats linked to Staffordshire and UK biodiversity Action Plan priorities prioritising the enhancement and creation of hedgerows and associated buffer strip (up to 2m from hedgerows).
- Timetable for the implementation of works demonstrating that works are aligned with the proposed phases of the development. This should include a ten year plan detailing implementation, monitoring and remediation and habitat maintenance measures
- Creation of bird nesting features for bats, house martin and house sparrow within new buildings.
- A lighting design plan and technical specifications to minimise light spill into surrounding hedgerows and the adjacent countryside. Lighting must demonstrate acceptable impacts on foraging or commuting bats that may use adjacent hedgerows and allow birds species to exhibit undisturbed behaviour patterns.
- Garden planting to benefit pollinating insects including climbing species to create green infrastructure.
- Persons responsible for implementing the proposed works.

The EMP shall be implemented in accordance with the approved details and all features shall be retained in that manor thereafter.

Reason: In order to secure a net gain in biodiversity.

12. Prior to any commencement of development on site, an updated badger survey shall be carried out to check for the presence of any newly dug setts, which shall be submitted to and approved in writing by the Local Planning Authority. If a new sett is discovered during this updated survey a mitigation strategy shall be required. The mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority before any commencement of development. Any such mitigation strategy shall be implemented in accordance with the approved details and timescales.

Reason:- In the interests of nature conservation.

13. No development hereby approved shall be commenced until details of a lighting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The design and location of lighting shall not impact on foraging or commuting bats and shall minimise disturbance to other wildlife avoiding retained and enhanced habitat areas. The scheme shall be implemented in accordance with the approved details.

Reason:- In the interests of nature conservation.

Drainage

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

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

15. The development hereby permitted shall not be commenced until such time as the details of a satisfactory surface water design has been submitted to and approved in writing by, the Local Planning Authority. Including:

- The results of ground investigation and percolation tests to determine the viability of Soakaways.
- Surface water drainage system(s) designed in accordance with the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to existing greenfield rates.
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme. Calculations should

demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Construction/Demolition

16.No development (including site clearance) hereby permitted shall take place until a Demolition and Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

- i. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
- ii. the arrangements for prior notification to the occupiers of potentially affected properties;
- iii. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- iv. a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;
- v. a scheme for recycling/disposal of waste resulting from the construction works;
- vi. the parking of vehicles of site operatives and visitors;
- vii. the loading and unloading of plant and materials;
- viii. the storage of plant and materials used in constructing the development;
- ix. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- x. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works.

All works shall be carried out in accordance with the approved details.

Reason: To protect the amenities of the area.

Unexpected Contamination

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority and subsequently implemented. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

Soil Importation

18. No soil shall be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be first submitted to and approved in writing by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.

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

Waste Management

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

Reason: To protect the amenities of the area.

Highways

20. Details of access as part of any reserved matters shall include:

- layout and disposition of roads and buildings;
- details of access;

- details of intervisibility between proposed access, existing footway Cheddleton 1R/2575 and existing adjacent accesses to 4, 6 and 8, Ox Pasture;
- Provision of parking, turning and servicing within the site curtilage;
- Means of surface water drainage
- Surfacing materials;
- Pedestrian routes to and through the site;
- arrangements for future maintenance of the hedge between site access and existing footway Cheddleton 1R/2575

The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of the development.

Reason: In the interests of highway safety.

21. Details of access, as part of any reserved matters application shall comprise 2.4m x 43m visibility splays. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level and be provided prior to the development being brought into use.

Reason: In the interests of highway safety.

B. In the event that the applicant fails to enter into a section 106 agreement by the 6th June 2019 to secure on site affordable housing, education contributions and financial contributions towards off site play and playing fields, that planning permission be REFUSED as follows:

1. The applicant has failed to enter into and secure a s106 planning obligation securing matters of onsite affordable housing provision, financial education contributions, and, financial off site play and playing field contributions by the 6th June 2019 (the determination date). This is contrary to policies, in particular, H2, C1 and C2 of the Adopted Core Strategy Development Plan Document and the NPPF (as revised) to make the development acceptable in planning terms and secure the necessary community infrastructure as a result of the impact of the proposed residential development scheme.

C. 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.

Informative

1. A sustainable development has been negotiated which complies with the National Planning Policy Framework.

Location Plan

