

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**15<sup>th</sup> August 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 <a href="mailto:rachael.simpkin@staffsmoorlands.gov.uk">rachael.simpkin@staffsmoorlands.gov.uk</a>		

## **REFERRAL**

This is a major application and is locally contentious.

### **1. SUMMARY OF RECOMMENDATION**

**APPROVE, subject to conditions and the completion of s106 planning obligation securing matters of onsite affordable housing provision, education contributions and off site play / playing field contributions by the 31<sup>st</sup> August 2019 (the determination date in the event of an otherwise suitable and agreed time extension with the Council).**

**The time extension agreement accounts for scheme negotiations primarily in relation to further ecological survey matters.**

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

2.1 This greenfield 'amenity' grassland site extends to 0.8 ha and broadly forms a triangular shaped parcel of land which lies to the northwest of the Cheddleton village centre. 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 boundaries remain in force until such time as they are reviewed and adopted through the site allocations process. The site further adjoins VOS to its eastern and northern boundaries. Existing residential development to the south (Ox Pasture) and west (Ostlers Lane) adjoin the application site boundary.

2.2 The Cheddleton Conservation Area runs along Ostlers Lane to the west and bypasses no. 9 Ostlers Lane and Fold Terrace to the north of the application site. Land levels generally fall away from Ox Pasture along Ostlers Lane in a south to

north direction. A PROW (Public Right of Way) commences at the access point between nos. 6 and 8 and no. 10 Ox Pasture. It is routed in a northerly direction along the site's eastern boundary towards Fold Terrace. Individual TPOs are featured along the site's southern boundary and to the rear of no. 47 Ostlers Lane. Outside of the application site, No.8 Ox Pasture accommodates a group TPO (Tree Preservation Order) ref. SM113G003.

### **3. DESCRIPTION OF THE PROPOSAL**

3.1 The submission constitutes an outline planning application seeking approval for the principle of residential development only at this stage. As a consequence, all matters relating to access, layout, scale, landscaping and appearance are reserved for a later date should planning permission be granted. A red line location and block plan showing the extent of the site boundary, together with the point of access into the site and drainage plan 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 7<sup>th</sup> 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 Town and Country Planning (Development Management Procedure) (England) Order 2015, Part 3, 5 (3) states that "*Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposal will be situated*". The block plan shows that a point of access is proposed from Ox Pasture and would involve taking part of the existing 'side' garden of no.10 Ox Pasture along its eastern edge. Indicative details show a 1.8m single pavement, 5.0m carriageway and 0.60m service strip aligned with the eastern boundary of no.10 and existing hedge aligning the PROW route. The adjacent private access arrangements to nos. 6 and 10 Ox Pasture would remain as existing. As a consequence, future access matters would 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.

3.4 The application details also include an Ecology Report (including Great Crested Newt Surveys), Planning Statement, including Design and Access Statement, revised drainage details and Heritage Statement. Members are advised to consider all of these documents prior to the meeting.

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

3.6 Details of the application scheme can be viewed at:

<http://publicaccess.staffsmoorlands.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 7<sup>th</sup> 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 (26<sup>th</sup> March 2014)

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

- SS1 Development Principles
- SS2 Future Provision of Development
- SS3 Distribution of Development
- 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
- DC2 Historic Environment
- DC3 Landscape and Settlement Setting
- C1 Creating Sustainable Communities
- C2 Sport, Recreation and Open Space
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport

### Emerging Local Plan

5.4 The existing development plan document for the Staffordshire Moorlands does not include any allocations for housing and other types of land uses. The new Local 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 11<sup>th</sup> 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 to the Inspector's advice, 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 the 17<sup>th</sup> 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 autumn. 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)
- DC2 Historic Environment (Significant)
- DC3 Landscape and Settlement Setting (Significant)
- DC4 Local Green Space (Limited)
- C1 Creating Sustainable Communities (Moderate)
- C2 Sport, Recreation and Open Space (Moderate)
- 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: 17<sup>th</sup> April 2019

Site Notice: 27<sup>th</sup> April 2019

Neighbours (revised): 12<sup>th</sup> June 2019

Consultees (revised): 25<sup>th</sup> June 2019

A total of some 262 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;
- Within a 3 mile radius of the site there are 144 homes for sale and therefore there is no need to build new houses;
- Brownfield land should be prioritised for development;
- 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;
- The 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 and should be refused;
- The decision maker is the Planning Applications Committee and not the case officer who may be unduly influenced by pressure to achieve housing allocation targets;
- The 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 is premature to the conclusion of the LGS designation;
- Economic benefits would be short term with reference to construction jobs;

#### 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;
- The scheme access would conflict with the shared drive of nos. 6 and 8 Ox Pasture;
- Several near miss collisions on the blind bend have been observed;
- 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, where exiting guidelines stipulate access distances and turning facilities for these vehicles to operate safely;

#### PROW (Public Right of Way)

- The public footpath running behind the properties on Ox Pastures has been a PROW for the past 60 years;
- There are concerns whether the proposal includes this footpath or if there are plans to redirect it;
- This route is 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;
- There is concern that its closure would prevent pedestrian only access to St Edward's Church on Hollow Lane as Hollow Lane is 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 and this 3<sup>rd</sup> party has not been consulted;
- The southern footpath has not been acknowledged within the applicant's D&A where the view of the historic village can be appreciated;
- The owner of the land that accommodates the PROW is not on the list of consulted people for this application;

## Character and Appearance

- The application site is special being an important part of the green buffer and separates the old village to the north from larger newer developments to the south in 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 in retaining 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 development;
- The proposal would impede both Peak District and The Roaches views;
- The scheme is contrary to the Churnet Valley Masterplan;
- A full planning application should be required for this sensitive site together with a detailed visual impact assessment of the scheme on both setting and character matters;
- The scheme would not be sympathetic to its surroundings being visually intrusive within the landscape contrary to CS Polices 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, St Edward the Confessor (Grade II) Church and up to 12 Grade 2 listed structures, monuments and buildings;
- The previous application was refused owing to a lack of a heritage impact study;
- The 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;
- The Council's Conservation Officer Consultation response does not acknowledge the resident's assessment, which also references Historic England advice;

## Ecology / Nature

- The extent of the wildlife supported by the application site and its importance has been understated in the application and supporting 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;
- The scheme would destroy the ecosystem within the Local Green Space and hedgerows would be at greater risk of being removed by purchasers of individual dwellings;
- The site is of educational importance to children;

- The applicant's ecology letter of the 15th May contains several inaccuracies, assumptions and is defamatory to the Cheddleton Residents Ecology Report;
- New ecology information has been submitted, which is based on up-to-date information;
- Cheddleton Residents Ecology Report has confirmed that Great Crested Newt DNA has been found in the garden pond of no. 19 Ox Pasture which is approximately 86.0m from the application site;
- It is known that frogs also access this pond and are seen every year migrating across Ox Pasture so it is highly likely that the Great Crested Newt will also take this route;
- It is queried whether the Local Plan Inspector is aware of the protected species on site;
- The applicant's Ecology Letter dated the 19<sup>th</sup> June states that the first Great Crested Newt survey was carried out at no. 19 Ox Pasture on the 15<sup>th</sup> May pm not on the 14<sup>th</sup> May and this means that only 5 surveys were carried out and only 1 during the peak season;
- As well, photographs have been provided showing a 2 inch gap under a gate and amphibian (frog) which had visited the garden pond via that access at no.19 Ox Pasture;
- It is also confirmed that there is at least one other garden pond within 100m of the site that is known to have newts (species unknown) and which has not been surveyed by the applicant's ecologist despite the newt population being recorded on the Staffordshire Ecological Record;

#### Local Flooding / Drainage

- During heavy rains the grids overflow with open sewerage onto the Cheadle Road and this has been reported several times in the past with photos being submitted to the Parish Council;
- The applicant proposes to bring drainage pipes down to Fold Terrace, which holds the rights on the land in question;

#### Amenity

- The access road appears to run immediately adjacent to the existing dwelling no.10 Ox Pasture and therefore a noise impact assessment should be undertaken to determine the impact on these residents;
- Any development in the areas marked on the outline plan would inhibit the privacy of residents who occupy the properties on Ostlers Lane and Ox Pasture;
- Construction noise and disturbance concerns during the build out of the scheme;

#### Other

- It is queried whether the Council has informed the Secretary of State about the application as it would affect the setting of the Grade II\* Listed Church of St Edward the Confessor;

- The D&A appears to be of a standard text and is misleading with reference to housing growth targets, facilities which can be accessed by cycle and heritage harm;
- It is queried how the assessment of harm to the setting of the church can be evaluated without a housing layout;
- The previous scheme was refused on a technical point concerning the lack of a heritage statement, however, there were many other reasons to refuse it which did not need to be aired at the time;
- The application process has been rushed, resulting in two rejections and remains flawed;
- The statement "existing vehicular access point off ox pasture" is misleading as it only accesses the properties to the east of the Gully;
- The scheme would severely reduce the value of surrounding properties;
- The correct land ownership is queried; and,
- Site notice did not take into account public bank holidays.

## CPRE

11.06.19: As per the response below.

*"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 ...”.*

(4) A letter has been enclosed from the Staffordshire Ecological Survey which confirms that we had requested a data report from the Staffordshire Ecological Records on the 3<sup>rd</sup> April 2019 and that we were supplied with the

same on the 8<sup>th</sup> April. We provided this data to our ecologist to use in their Ecological Survey of the application site and surrounding area. This further demonstrates that the applicant ecologist's last letter, which officers considered to be "reasonable", was in fact unreasonable and should not have been accepted at face value.

- (5) In summary: The application contains a proposal for an access road across part of the land contained in the registered title of no.10 Ox Pasture. The residents of Ox Pasture are beneficiaries of two restrictive covenants attached to no.10. It is stated that the construction of an access road would be a breach of both covenants, residents would oppose any application to discharge or modify the covenants and residents reserve the right to take steps to enforce the covenants.

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

#### Cheddleton Parish Council

*Comments 21.06.19:* Cheddleton Parish Council strongly objects 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 as it is alongside a conservation area. Loss of wildlife with some rare species inhabit locally. Access is not viable as the gully has a huge footfall. SCC Highways are now stating that it is too narrow. The current infrastructure can support additional residents, cars, school etc.

*Comments 25.03.19:* Cheddleton Parish Council strongly objects 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**

*Comments 14.06.19:* as per below.

*Comments 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**

*Comments 06.06.19:* No objection.

*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**

*Comments 31.07.19:* I have considered the applicant report dated July 2019.

The report stipulates six surveys for great crested newts have been carried out between 14<sup>th</sup> May - 20<sup>th</sup> June. Two of these surveys were clearly within the mid April – Mid May period. However, the third survey was carried out on the 20<sup>th</sup> May but only a few days later. I am assuming the survey dates and timings as accurate. I note that the first survey date has been contested by an objector (email dated 26/6/19). Techniques, timing and survey effort are reasonable given:

- The extremely small area of the pond.
- The largely enclosed, isolated location of the pond. The garden has limited access for great crested newts under a paved pedestrian side gate.
- Further separation of the site from the development site by a road and other close boarded fence obstructions.

The applicant's ecologist concluded that the pond supports a very small population of great crested newts with only a single record. It is reasonable to deduce that the impact on great crested newts using adjacent terrestrial habitat within the development is likely to be of low significance.

A method statement ensuring sensitive working methods should be a condition of granting planning permission, to avoid and mitigate direct harm to great crested newts.

The retention of hedgerows, creation of new hedgerows / scrub and hibernacula as suggested in the report should mitigate and compensate development impacts on the very small, isolated population of great crested newts identified at 19 Ox Pasture. These features should be an integral part of any detailed landscaping plan for the site.

The applicant's ecologist efforts to carry out surveys of garden ponds within the vicinity of the development appear proportionate. I note in email communication from objector, dated 26/6/19 that a further pond within 100m of the development is suggested to hold amphibians. However no details are provided.

I would suggest the following planning condition:

No development shall take place including, site clearance or ground works until a method statement has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include:

- Detailed working methods to avoid direct impacts on great crested newts.
- Retention of habitat features such as hedgerows likely to be of most value to terrestrial great crested newts.
- The creation of new terrestrial habitat features that may be used by great crested newts. This should include hedgerows, scrub, grassland buffer strips adjacent to hedgerows and new artificial hibernacular.
- Ensuring that the development is permeable to the movement of great crested newts and other amphibians throughout.

*Comments 26.06.19:* The planning application is outline only. For both reptiles and bats it is appropriate to add a condition requiring further surveys to inform avoidance, mitigation and compensation.

I have already indicated the appropriate wording for bats and for reptiles I would suggest a similar condition:

Surveys are required to be carried out according to best practice for the presence of reptiles to establish appropriate avoid, mitigation and compensation. Survey results will inform on site landscaping and working methods to avoid impacts. Full details shall be submitted to the local planning authority.

Reason: Reptiles are protected for killing or injury under the Wildlife and Countryside Act 1981.

*Comments 20.06.19:* The survey information and pond details now provided are adequate to indicate that there are likely to be negligible impacts on great crested newts.

On the basis of information now submitted I have no objection to the planning application on the grounds of insufficient survey data relating to great crested newt. The applicant should submit a report containing the great crested newt survey information and recommendations to the Local Planning Authority for full consideration.

Assuming the report confirms details provided by email I would suggest the following planning condition:

A method statement shall be provided for site clearance to ensure impacts on great crested newts are avoided. Habitat enhancement features must be provided on site as part of the development to provide features for great crested newts. Full details shall be provided to the Local Planning Authority for approval and shall be implemented in accordance with the approved details.

*Comments 21.05.19:* 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.

*Comments 14.05.19:* 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 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 further invertebrate survey. Elite Ecology cite the record of a 'European Protected bee' as identified by a council pest control officer in an adjacent garden.

Further details of the species to include 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 Liaison Panel:

**NO OBJECTION**

*Comments 04.06.19:* Councillors Roberts and Emery, and C. Walton declared an interest in the application and did not take any part in the discussion. No objection. The Panel considered that there would be no heritage impact on the setting of the Conservation Area and that the impact on the setting of the Listed Church would be negligible.

#### Conservation Officer

*Comments 29.05.19:* Comments in response to observations on my Heritage Consultation submitted below.

I am satisfied that the applicant's heritage statement is adequate and proportionate to the asset's importance as required by the NPPF. I do not consider that the development will impact on the setting of the Conservation Area (for the reasons stated in my consultation) and the further comments made largely repeat those made by the resident's heritage representative do not change this position.

It is accepted that there will be some harm to the setting of the Listed Church. The less than substantial 'spectrum' referred to is used in planning appeals by Inspectors to more closely quantify the level of harm within the 'less than substantial range'.

The Council is aware of the statutory obligations under Section 66(1) which creates a strong presumption in favour of the preservation of Listed buildings and their setting and that considerable weight should be given to the desirability of preservation. It has been accepted that there is less than substantial harm to the setting of the Listed church but that this harm is at the lower end of the scale (spectrum) and harm can be mitigated at Reserved Matters stage. The NPPF is very clear that where there is less than substantial harm this should be weighed against the public benefits of the proposal (Para.196). The planning officer will examine the justification for the harm and will carry out the balancing exercise.

***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 20<sup>th</sup> 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 the Applicant's Conservationist 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 provided with an update at the meeting.

*Comments Previously (17.01.19):* 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.

*Comments Previously (16.01.19):* 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 OBJECTION**

*Comments 15.04.19:* 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 OBJECTION**

*Comments 25.06.19:* As per the response below.

*Comments 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 OBJECTION**

*Comments 21.03.19:* 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 OBJECTION**

*Comments 06.06.19:* As per the response below.

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 OBJECTION**

*Comments 04.06.19:* As per the response below.

*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

*Comments 06.04.19:* There are two footpaths affected by the development, please advise us of what plans there are for the paths.

## **7. OFFICER COMMENT**

### **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 2014.

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

7.4 As before achieving sustainable development sits at the heart of the NPPF as referred to within paragraphs 10 and 11. This 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 NPPF paragraph 11. It 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.*

7.6 It is acknowledged that the Council cannot demonstrate a five year supply of deliverable housing land and as at 31<sup>st</sup> March 2018 the figure was 1.8 years. Case law has established that the application of the test in 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 The policies contained in the NPPF are supplemented by the National Planning Practice Guidance (NPPG), which is also a material consideration in the determination of applications. A list of key policies, guidance and other material considerations is provided above (section 5).

### **Principle of Development**

7.8 The scheme constitutes an outline planning application with all matters reserved i.e. access, scale, appearance, layout and landscaping for future consideration should outline planning permission be granted. As such, outline planning permission is being sought for the principle of residential only at this stage as defined by the redline location plan with identified access point.

7.9 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.

7.10 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 ..."*.

7.11 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 was recommended as suitable VOS. 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"*.

7.12 In terms of local plan policy context, the application site is designated as VOS 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 to be assessed under CS Policy DC3 as detailed above. The VOS designations were carried through from 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”*.

7.13 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 their compliance with the NPPF. This review has 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 therefore inconsistent with the NPPF attracting significantly reduced weight in these regards. Instead such spaces would need to meet the strict LGS criteria as detailed below.

7.14 In relation to the designation of LGSs within the emerging Local Plan, NPPF para 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”*.

7.15 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”*.

7.16 The study has found that the previously identified sites were found to be suitable for designation as LGS: Ox Pasture (west) – the application site is described as: *“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.

7.17 The Local Plan Inspector whilst considering the fields at Ox Pasture to be attractive; does not however consider them to be ‘demonstrably special’ as is set out in more detail within the relevant policy section above. 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 windfall housing sites 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.

7.18 On the 17<sup>th</sup> May 2019, the Inspector responded to the Council’s further submission regarding LGS as detailed 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.

7.19 The Inspector’s comments indicate a direction of travel and are yet to be concluded through the adoption of the local plan. Therefore despite the fact that the emerging Local Plan has reached an advanced stage, only limited weight can be attached to a proposed LGS designation.

7.20 Importantly, at 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’.

7.21 As such, the scheme would conflict with CS Policy DC3 however, this policy would attract only limited weight as is set out above. These matters will be returned to in the balance section below.

### Public Open Space

7.22 The application site is not afforded protection in respect of CS Policy C2 ‘Sport, Recreation and Open Space’ and the NPPF. It has been discounted on the basis that it is not included within the Council’s Open Space, Sport and Recreation Study for such ‘amenity greenspace’ 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 as such. Consequently, due to these factors, it has been conclusively

established that the site does not comprise of amenity greenspace for the purposes of the relevant study or that the development as proposed would detrimentally affect the supply of such space within the Cheddleton area. In these circumstances, and notwithstanding future layout and design considerations, the Council's Project Officer confirms that the focus of any planning obligations would be for recognised amenity greenspaces to meet relevant quality standards, for example, the Cheddleton Recreation Ground in relation to any s106 offsite public open space provision monies sought should the scheme exceed 20 dwellings. On this issue, it is found that the proposed development would cause no material harm to the provision of amenity green space within the Cheddleton area to accord with CS Policy C2.

### Heritage Assets

7.23 In relation to the setting of the Church of St Edward the Confessor, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for the development, which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Accordingly, the Local Planning Authority has a statutory duty to consider the scheme's effect on the listed building.

7.24 Adopted CS (Core Strategy) Policy DC2 'Historic Environment' seeks to protect the historic environment and landscape. This policy is inconsistent with NPPF paras 195 to 196 as it does not allow the weighing of any public benefits against any less than substantial harm. In addition, it makes no distinction between the approach to be taken depending on the importance of the heritage asset, i.e. designated or non-designated heritage assets. As a consequence, only limited weight can be attached to this policy in accordance with NPPF para 213.

7.25 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". NPPF para 193 discusses: "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*".

7.26 The scheme follows a similar proposal ref. SMD/2018/0700 presented to the 7<sup>th</sup> March 2019 Planning Applications Committee meeting whereby Members resolved to refuse the scheme as there was deemed to be insufficient information to adequately assess 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 is set out above.

7.27 For this proposal, the applicant's has submitted a Heritage Statement, which sets out whether the proposed development site falls within the setting of heritage assets and whether, if it does, there is any harm to their setting. The statement concludes that "*the development of the site as a matter of principle does not harm the character of the conservation area or the setting of the parish church of St*

*Edward the Confessor. The level of permeability of the site (mitigation) can be arranged in such a way so that views of the parish church from the informal footpath lying to the south of the site are retained within and across the development”.*

7.28 In more detail, the applicant’s Heritage Statement discusses that: *“The church tower is the principal landmark in the settlement. The visibility of the church has changed over time and significantly during the last century. There are many places where it is still visible, including from the footpath to the east of the application site although these are limited, and from land to the north of the conservation area. There are incidental views of the parish church and its tower from the informal footpath to the south of the application site. However, these views from the southern informal footpath to the south of the site are not the only views of the parish church. However they offer long views of the church tower, which can be seen above surrounding vegetation and between modern development. The main consideration as part of this heritage assessment is whether these views contribute to the significance of the church (i.e. NPPF – make a positive ... contribution to the significance of an asset). They are incidental, as they were established around 1937, and they are not designed or located along desire lines and are unrelated historically to the church. So in terms of value they make no specific contribution to the significance of the church. However, they provide some connection across the settlement and in terms of good urban and rural planning and legibility it is desirable to maintain some glimpses of the church tower ... I consider that from the high ground at the southern edge of the development site, the height of the development would still retain views of the church tower and that with permeability views of the church tower could still be gained from this footpath and from the development itself. These, in my opinion, would preserve its significance and its setting with no harm”.*

7.29 The views of the Council’s Conservation Officer have been sought in respect of the applicant’s heritage statement and are set out in full in the relevant section above. The Conservation 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 Cheddleton Conservation Area. It is also highlighted that the key heritage impacts to consider are the impact on the views of the church tower from the informal southern footpath and upper part of the application site. Acknowledging 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.

7.30 In conclusion, the Council’s Conservation Officer advises whilst mitigation through siting, design and landscaping can seek to protect some views; there would still be a ‘less than substantial harm’ to the setting of the church (placed at the lower end of the ‘less than substantial’ spectrum) as a result of the scheme. The Conservation Officer also concludes that there would be no harm to the setting of the Conservation Area. The Conservation Officer has also considered the Cheddleton Resident’s Heritage Report in reaching these conclusions. In addition, the Council’s Conservation Liaison Panel has confirmed no objections to the scheme. They have considered that there would be no heritage impact on the setting of the Conservation Area and that the impact on the setting of the Listed Church would be negligible.

7.31 In response to further neighbour objections, the Council's Conservation Officer has responded and reaffirmed her position as follows: *"I am satisfied that the applicant's heritage statement is adequate and proportionate to the asset's importance as required by the NPPF. I do not consider that the development will impact on the setting of the Conservation Area (for the reasons stated in my consultation) and the further comments made largely repeat those made by the resident's heritage representative do not change this position. It is accepted that there will be some harm to the setting of the Listed Church. The less than substantial 'spectrum' referred to is used in planning appeals by Inspectors to more closely quantify the level of harm within the 'less than substantial range'. The Council is aware of the statutory obligations under Section 66(1) which creates a strong presumption in favour of the preservation of Listed buildings and their setting and that considerable weight should be given to the desirability of preservation. It has been accepted that there is less than substantial harm to the setting of the Listed church but that this harm is at the lower end of the scale (spectrum) and harm can be mitigated at Reserved Matters stage. The NPPF is very clear that where there is less than substantial harm this should be weighed against the public benefits of the proposal (Para.196). The planning officer will examine the justification for the harm and will carry out the balancing exercise"*.

7.32 As such, the scheme would conflict with CS Policy DC2, however, this policy would attract only limited weight as is set out above. Furthermore, it would also conflict with CS Policies SS1 and SS6a, which seeks to ensure that development protects and enhances the natural and historic environment of the district.

7.33 Accordingly, 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. These matters will be returned to in the balance section below.

### **Character and Appearance**

7.34 The scheme, where visible, would generally be seen from within the developed village boundary. In particular, it would be viewed in the context of existing development and against a backdrop of two-storey properties along Ostlers Lane with rear gardens contiguous to the site's western boundary. On close range views from the public footpath (IR/2575) to the site's eastern boundary, there are no significantly harmful visual impacts owing to the established hedgerow boundary and set down location of the path, which restrict views of the application site. The scheme would be more prominently viewed from the Ox Pasture to Ostlers Lane informal footpath which runs along the southern boundary of the site. Proposed dwellings, however, would be seen in the context of existing dwellings / rear gardens and outbuilding structures along Ostlers Lane to limit the resultant visual harm to an acceptable level.

7.35 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 outline planning permission be granted. In respect of heritage matters, the layout should be arranged in such a way that would achieve a degree of permeability and

spaciousness both within and across the scheme to enable views of the church from the informal footpath lying to the south of the site be retained.

7.36 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 / trees along the eastern boundary; off-site groups of protected trees directly across the gully footpath to the east; mature Hollies at the western boundary and 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. This would be both in terms of avoiding direct impact on roots / branches and responding to shading / over-bearing effects. 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.

7.37 These are matters which fall to be assessed at the more detailed reserved matters stage. Officers are satisfied that the site can be developed in a sensitive and appropriate manner which could achieve these broad objectives.

7.38 It is acknowledged that this attractive grassland area would irreversibly change its character as a result of built development. This character change would not, however, constitute a significant harmful visual impact to conflict with CS Policies SS6a, DC1, DC3 and S7 in particular and the NPPF. These matters will be returned to in the balance section below.

### **Residential Amenity**

7.39 The amenity of existing and future occupiers would also fall within the scope of the reserved matters application(s), which would include the detailed assessment of the scheme's layout and design against the Council's 'Space out Dwellings' guidance to ensure good privacy and sunlight standards are met.

7.40 These are matters which fall to be assessed at the more detailed reserved matters stage. Officers are satisfied that the site can be developed in an appropriate manner which could achieve these amenity standards to accord with CS Policy DC1 in particular and the NPPF. These matters will be returned to in the balance section below.

### **Highway Safety**

7.41 The approval of access is not sought at this outline stage. The point of access is shown to be taken from the corner of Ox Pasture and involves taking in the side garden of no. 10 Ox Pasture into the application site as per the application plan details. These illustrate that a 5.0 metre carriageway can be achieved with a 1.8m pavement, 0.6m service margin into the site with a 2.4 metre x 43.0 metre visibility sightline from point of access. The Local Highways Authority confirms that the access proposals are acceptable in principle.

7.42 In respect of concerns raised over forward visibility, the Highways Officer discusses that any driver approaching from the A520 south would have a clear view along Ox Pasture before starting a turning manoeuvre. Although the Highway Officer raises a comment that the proposed access road is not to an adoptable standard as the service strip is of an inadequate width, this in itself would not cause harm to the safe operation of the highway as suitable visibility splays can be achieved. As well, it is confirmed that the development would not encroach on or prevent use of these pedestrian routes despite concerns raised by local residents about the impact on the surrounding public right of way network.

7.43 The scheme could provide for a safe and suitable access to the site and would not have a significant impact on the local transport network. Detailed highway matters would be confirmed at the 'access' reserved matters stage. Accordingly, there would be no resultant 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**

7.44 The strategic drainage plans show the foul and storm drain to be connected into the existing storm and foul water sewers if required. On this basis, the Lead Local Flood Authority confirms that any outline planning permission should be subject to a planning condition securing details of a satisfactory surface water drainage design. In addition, Severn Trent Water requires details of foul and surface water detail to be approved in a similar manner. The Council therefore considers that a Grampian style negatively worded condition would be acceptable in these circumstances. Matters of access rights over private land are a civil matter between the landowners involved. As a result, drainage matters would not be a technical constraint to the residential development of the site.

7.45 With the imposition of suitable conditions where reasonable and necessary, the proposal scheme would comply with the relevant parts of CS Policy SD4 and the NPPF.

### **Environmental Matters**

7.46 In relation to concerns raised regarding traffic noise as a result of the proposed road running through the existing side garden of no.10 Ox Pasture; this would clearly create a buyer beware situation. Notwithstanding this, the occupants of no.10 would be most impacted by passing traffic relating to the proposed residential access road. This is unlikely to be heavily used or likely to cause night time disturbance as to cause a conflict with CS Policy SD4.

7.47 Given the location of the application site close to existing properties, care needs to be taken during the construction phase to ensure site related activities do not cause unreasonable disruption to the neighbour's enjoyment of their properties. Accordingly, the Council's Environmental Health Team has recommended a Construction and Demolition Works and Construction Method Statement condition.

Conditions are also recommended to address any unexpected contamination, importation of soil / material and waste management.

7.48 With the imposition of suitable conditions where reasonable and necessary, the proposal scheme would comply with the relevant parts of CS Policies DC1 and SD4 and the NPPF. These matters will be returned to in the balance section below.

## **Biodiversity**

7.49 The application was accompanied by a Preliminary Ecological Appraisal dated the 24<sup>th</sup> September 2018. The habitats on site were described as widespread and common, however, the majority of the site consists of semi improved species poor grassland. On this basis, the Council's Ecology Officer's had 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, which is a species of conservation concern listed under the Natural Environment and Rural Communities Act 2006 (NECR Act 2006). In addition, hedgerows, which are also a NERC Act 2006 habitat of principal importance, were confirmed as being present along site boundaries. An updated badger survey and other precautions relating to the timing of work to avoid impacts on breeding birds and working methods to avoid impacts on badgers and hedgehogs were recommended planning conditions.

7.50 During the processing of the application there have been considerable discussions relating to a lack of ecological survey data, which has subsequently been provided. This is principally in relation to the impact of the scheme on the Great Crested Newt population within the vicinity. The applicant subsequently commissioned a further Great Crested Newt Population Survey dated July 2019, which was submitted to the Council on the 24<sup>th</sup> July 2019 and formalises the submission of earlier survey work. The Council's Ecology Officer is satisfied with the appraisal and supports its conclusions despite further concerns raised by objectors. In reaching these conclusions, the Officer has considered the ecological submissions by the objectors to the scheme, which are accounted for in the relevant consultation comments as detailed above.

7.51 The applicant's further Great Crested Newt Population Survey report has concluded that the pond at no.19 Ox Pasture supports a very small population of great crested newts with only a single record noted. In these circumstances, the Council's Ecologist agrees with the reports findings that the impact on great crested newts using adjacent terrestrial habitat within the development is likely to be of low significance. In reaching these conclusions, he considers that techniques, timing and survey effort are reasonable and proportionate given the following factors: the extremely small area of the pond; the largely enclosed, isolated location of the pond; the garden has limited access for great crested newts under a paved pedestrian side gate and the further separation of the site from the development site by a road and other close boarded fence obstructions. Whilst an objector has referred to a further garden pond within 100m of the site, no details have been provided of this, to conclude otherwise.

7.52 On this basis, the Council's Ecology Officer has advised that securing planning conditions would be appropriate and proportionate to avoid and mitigate against

direct harm to great crested newts in accordance with the applicant's report recommendations. Specifically, these are to secure sensitive working methods practices during scheme construction. As well, a detailing landscaping scheme for the application site should seek the retention of and creation hedgerows / scrub / hibernacula.

7.53 In the case of Bats and Reptiles, the Council's Ecology Officer has confirmed that a condition for both reptiles and bats requiring further survey work to inform avoidance, mitigation and compensation at the detailed layout stage is appropriate given the outline status of the scheme. Whereby reptile survey results would inform onsite landscaping and working methods to avoid such species impacts and a survey for foraging or commuting bats would also inform a lighting strategy at this more detailed planning stage. The Council's Ecology Officer confirms that these are not matters which would be a constraint preventing the granting of outline planning permission for the residential development of the site.

7.54 The planning application is outline for the principle of residential development only with all other matters reserved for future consideration. Features in respect of particular trees, associated scrub and hedgerows would be sought to be retained within an appropriate landscaping and management plan scheme supplemented by further appropriate planting to inform the number of housing units and layout details in a future reserved matters application should outline planning permission be granted.

7.55 Officers are now satisfied that the evidential ecological information submitted with the application together with the mitigation and compensation measures proposed will ensure biodiversity interests can be protected and enhanced. With the imposition of suitable conditions where reasonable and necessary, the proposed scheme has demonstrated that it would not have a harmful effect on biodiversity interests. Consequently, the proposal would meet with the requirements of CS Policies DC1, NE1 and paragraphs 170b), d) and 175a of the NPPF, which of relevance, seek to ensure that development recognises the wider benefits from ecosystems and conserves and does not significantly harm biodiversity.

### **Affordable Housing**

7.56 Outside of towns, CS Policy H2 requires residential development of 5 dwellings or more on sites greater than 0.16 ha to provide for a target of 33% of the total number of dwellings to be onsite affordable homes. The NPPF at para 63, however, states that the: "*Provision of affordable housing should not be sought for residential developments that are not major developments ...*". As a consequence, this part of CS Policy H2 is out of date and inconsistent with the provisions of the NPPF. The scheme will only be required to provide for 33% of onsite affordable provision should it exceed 10 dwellings or more in accordance with the NPPF and emerging Local Plan H2 Policy requirements. Should the requirement for affordable housing be triggered, a 70% rent and 30% shared ownership / intermediate tenure split should be achieved. As well, the Council's expectations are that the affordable dwellings will be built to NDSS (National Described Space Standards) and be appropriately placed within the site. The affordable housing contribution / details would need to be

secured through a Section 106 agreement to ensure compliance with the relevant parts of CS Policy H2 and the NPPF.

### **Developer Contributions**

7.57 CS Policy C1 requires that the impact of development on existing infrastructure particularly local open space provision and local school capacity should be mitigated where necessary. The SCC School Organisation Team is requesting a financial contribution of £45,420 to mitigate the impact on school capacity based on a development providing 24 dwellings and may be subject to change dependant on final scheme numbers as is advised above. The Council's Open Spaces Officer advises that offsite contributions for both play and playing pitches based on a formula based approach should be secured and directed towards Cheddleton Recreation Ground and Pointons Sports Facility should the scheme exceed 20 dwellings as referred to above. With a Section 106 Agreement in place to secure the above contributions if required the scheme is considered to be in compliance with CS Policies C1 and C2 and NPPF.

### **Other Matters**

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

7.59 Officers acknowledge that there are private legal restrictions which would need to be addressed before any development commences, but issues of private law are not material to the planning merits of the scheme.

7.60 The Secretary of State does not prescribe publicity requirements via secondary legislation on a case by case basis. Accordingly, the Council has carried out correct publicity in accordance with the Planning (Listed Buildings and Conservation Areas) Regulations 1990) as amended. This is the relevant secondary legislation for applications affecting the setting of a listed building(s), which requires the posting of a site notice at the proposed site access and press notice for a period of 21 days.

7.61 There would be no scheme conflict with CS Policy SS7 'Churnet Valley Area Strategy' and the related masterplan, which provides a framework for sustainable tourism and rural regeneration within the identified area as is discussed within the relevant sections above. Nor would the scheme cause any adverse visual impacts to the setting of Peak District National Park given the significant intervening distance from the application site.

## **8. PLANNING BALANCE & CONCLUSION**

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory primacy of the development plan is reinforced within the NPPF. The NPPF is a material consideration to which substantial weight should be attached.

8.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for the development, which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Accordingly, the Local Planning Authority has a statutory duty to consider the scheme's effect on the listed building.

8.3 NPPF para 196 states 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 proposal, including securing its optimal viable use"*.

8.4 It is found that there would be less than substantial harm to the setting of the Church of St Edward the Confessor, however, this harm would be at the lower end of the spectrum and such harm could be mitigated through a careful and sensitive design at the more detailed reserved matters stage.

8.5 The proposal would be contrary to CS Policy DC3 in respect of those elements which relate to the site's VOS (Visual Open Space) designation. However, as this policy is not consistent with the NPPF, Officers attribute greater weight to the NPPF, which, in this case does not indicate that development should be prevented for this site which is not categorised as open space within the relevant Council Open Space, Sport and Recreation Study. Although the emerging Local Plan has reached an advanced stage, only limited weight can be attached to a proposed LGS designation.

8.6 In this case, in the absence of a deliverable five year housing land supply, the provision of dwellings, including affordable housing in line with the requirements of the NPPF, would make a moderate contribution towards the very significant shortfall in housing supply and meet the social thread of sustainable development. The larger village of Cheddleton does offer alternatives to car travel. Walking and cycling opportunities are available and there is a regular bus service which all offer opportunities for sustainable travel modes. Economically, the development would create opportunities in the construction industry and the occupants of the dwellings would contribute towards the local economy and community. Furthermore, the proposal would not harm biodiversity interests. It is found that the public benefits of the proposal would still outweigh the less than substantial harm to the setting of the Church of St Edward the Confessor.

8.7 NPPF para 11 contains two alternative limbs in relation to decision-taking. The first limb indicates that the presumption should not be applied if specific policies indicate development should be restricted. Policies in relation to heritage assets fall within the ambit of footnote 6. The second limb requires a balance to be undertaken whereby planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. Whilst the proposal would be contrary to CS Policy DC2, as this policy is not consistent with the NPPF, Officers attribute greater weight to the NPPF, which, in this case does not indicate that development should be restricted. It is necessary therefore to conduct the balance in second limb.

8.8 There would be less than substantial harm to the setting of the Church of St Edward the Confessor and an acceptable level of visual amenity impact to the character and appearance of the area. As a consequence of these matters, it is concluded that the proposal would be contrary to the development plan when viewed as a whole. There is, however, a considerable and significant shortfall in the housing supply in the District. The dwellings would be located in an accessible location and would bring economic activity and other social benefits. All the harms and benefits which have been identified cover the three dimensions of sustainability, as set out in NPPF para 8 as referred to earlier and have been considered in the overall planning balance.

8.9 When all things are considered, it is concluded that the adverse impacts of the proposal do not significantly and demonstrably outweigh the scheme benefits. For the reasons given above, having regard to all matters raised and when assessed against the policies in the NPPF taken as a whole, the proposal will deliver sustainable development and a recommendation of approval is therefore made.

## **9. RECOMMENDATION**

**A. That planning permission be APPROVED, subject to conditions and the completion of s106 planning obligation securing matters of 33% onsite 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 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 place 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 31<sup>st</sup> March and 31<sup>st</sup> 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. 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 specified.

Reason:- In the interests of nature conservation.

12. No development shall take place including, site clearance or ground works until a method statement has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include:

- Detailed working methods to avoid direct impacts on great crested newts.
- Retention of habitat features such as hedgerows likely to be of most value to terrestrial great crested newts.
- The creation of new terrestrial habitat features that may be used by great crested newts. This should include hedgerows, scrub, grassland buffer strips adjacent to hedgerows and new artificial hibernacular.
- Ensuring that the development is permeable to the movement of great crested newts and other amphibians throughout.

The scheme shall be implemented in accordance with the approved details and timescales specified.

Reason:- In the interests of nature conservation.

**13. No development shall take place including, site clearance or ground works until surveys are carried out according to best practice for the presence of reptiles to establish appropriate avoid, mitigation and compensation has been submitted to and approved in writing by the Local Planning Authority. Survey results shall inform on site landscaping and working methods to avoid impacts.**

**The scheme shall be implemented in accordance with the approved details and timescales specified.**

**Reason:- In the interests of nature conservation.**

**14. 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.**

**15. 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 and timescales specified.

Reason:- In the interests of nature conservation.

### Drainage

16.No development shall 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.

17.No development shall commence 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

18.No development (including site clearance or ground works) 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

19. 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

**20. 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**

**21. 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 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(s)**

- 1. It is considered that the proposals comprise sustainable development and therefore conform to the provisions of the NPPF.**

**Location Plan**



