

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

19 September 2019

Application No:	SMD/2019/0451	
Location	Land At Rear Of Former St Johns School, Mill Lane, Wetley Rocks Staffordshire	
Proposal	Proposed construction of replacement access road	
Applicant	JCM Group Holdings	
Agent	Sammons Architectural	
Parish/ward	Cheddleton	Date registered: 21 st June 2019
If you have a question about this report please contact: Ben Haywood 01538 395400 ext 4924 ben.haywood@staffsmoorlands.gov.uk		

REFERRAL

The previous applications on this site have been dealt with by committee

1. SUMMARY OF RECOMMENDATION

APPROVE subject to Unilateral Undertaking & conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site lies outside any designated development boundary within the Green Belt and Landscape Character Area (Ancient Slope & Valley Farmlands). The application site lies adjacent to St. Johns Church which is Grade II Listed. The St. John's Church site is given the reference WR01 in the Staffordshire Moorlands Visual Open Space Assessment stating "this site is a valuable open space on the western edge of Wetley Rocks having significant amenity value and providing significant external and internal views."

2.2 The application site forms part of the field to the east of the site that has recently been granted planning permission for the erection of six affordable homes. The field includes a hard-cored farm track that has been laid between the proposed housing site and Main Road, roughly along the western and northern boundaries of the field. This track was formed with the benefit of a planning permission granted in 2002 and includes a large field gate at its junction with Main Road. This application proposes that this is converted into a permanent road access to the affordable housing development

3. DESCRIPTION OF THE PROPOSAL

3.1 The application proposes an alternative road access to the one that was approved within application SMD/2014/0777 for the erection of six affordable homes on land at the rear of the former St John's School. The approved scheme is served off a "wavy" road whose layout and length were dictated by the need to provide a less than 1 in 8 gradient to achieve adoptable standards. It utilises a new access point opposite 42 Main Road and about 80m north of the junction of Mill Lane.

3.2 This application proposes to relocate the road to an access further to the north and with a route that follows the northern boundary of the field, and then the western boundary. The agent states that the application has been generated by local concern about the positioning of the approved access, and a wish to provide an access road that can be better assimilated into the local landscape. The application site is located adjacent to St John's Church which is a Grade II Listed Building.

3.3 Details of the application scheme can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet>

4. RELEVANT PLANNING HISTORY

SMD/2011/0193 Granted	Six affordable dwellings with new access onto Main Road. Conditionally.
SMD/2012/0407	Alterations to existing School House and conversion of former School to three dwellings. Withdrawn.
SMD/2013/0095	Alterations to approved access. Withdrawn.
SMD/2013/0563 Withdrawn.	Alterations to approved access including new car park.
SMD/2013/0754 Withdrawn.	Alterations to approved access including new car park.
SMD/2014/0334	Alterations to existing School House and conversion of former School to three dwellings. Withdrawn.
SMD/2014/0335	Alterations to approved access including new car park. Refused.
SMD/2014/0777	Variation of condition 4 (amended access road on planning permission 11/00069/FUL. Granted conditionally.
SMD/2015/0288	Alterations To Existing School House And Conversion Of Former School To Three Dwellings (Resubmission Of Planning Application Smd/2014/0334) At The School House, Mill Lane, Wetley Rocks On Behalf Of Jcm Estates (approved)

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)

Adopted Staffordshire Moorlands Core Strategy DPD (26th March 2014)

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

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS6 Rural Areas
- SS6c Other Rural Area Strategy
- SD1 Sustainable Use of Resources
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting

Emerging Local Plan

5.3 A full schedule of main modifications to the Local Plan is expected to be subject to consultation early 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.

5.4 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

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

- SS1 Development Principles (Moderate)
- SS1a Presumption in Favour of Sustainable Development (Significant)
- SS10 Other Rural Areas Strategy (Limited)
- SD1 Sustainable Use of Resources (Limited)
- DC1 Design Considerations (Moderate)

- DC3 Landscape and Settlement Setting (Significant)

Supplementary Planning Guidance

5.6 The following documents supplement and provide an evidence base to the development plan:

Staffordshire Moorlands Design Guide (2018)
Landscape Character Assessment (2008)

National Planning Policy Framework (NPPF) 2019

5.7 The following sections of the NPPF are particularly relevant to this application:

- 2: Achieving sustainable development
- 6: Building a strong, competitive economy (supporting rural economy)
- 12: Achieving well-designed places.
- 15: Conserving and enhancing the natural environment

6. CONSULTATIONS

6.1 Site Notice posted 31st July 2019

Public Comments

One comment has been received:

The "adoptable road" as it has been called DID NOT exist prior to the land being acquired by Pointons (JCM). They have installed it, made up of stone from excavations at the rendering plant. Some hard material recovered from demolition at the old school. The stone wall used to front the highway has been moved back and knocked down to suit their requirements. There used to be a small wooden gate on 'well meadow' as it is called. This was between approximately 8ft in width and infrequently used only when haymaking for instance. Even then it was preferable due to the incline and the visibility with regard to joining the highway that 'well meadow' was accessed via an interconnecting gate into the adjacent field and exit through the wrought iron gate. This gate width was increased very slightly by (Williamsons farmers) to accommodate larger agricultural machinery in the 1980's. There is a plateau once through that gate to allow the gate to be closed behind without the machinery encumbering or encroaching onto the highway. I believe that JCM should be made to construct the road where it has previously been approved (adjacent to the church yard wall) and further more they should be made to reinstate the ground where they have installed their 'adoptable road' as a condition of any development continuing. I reiterate it did not exist prior to them taking ownership of the land. There is a section of stone wall lying in the nettles. That section of circa 5-6ft wall has written in the cement, built by Arthur and David in 1986, I know because I wrote and helped build it. This

comprises a gradual erosion of boundary and access width that has been allowed to accumulate as it serves the newly installed 'adoptable road'. I note with great alarm and distress that the plans DO NOT show the stone wall, after which the field is named. This should be preserved at all costs.

Cheddleton Parish Council:

Cheddleton Parish Council do not object to this application and would like to point out that they approved on this original location before as it is already in use. When the previous application was submitted to amend the course of the road they objected as this is a much better location of the road. They would also like to ask that the wall that has been removed to be put back as it was originally.

Highway Authority:

No objection subject to conditions:

- Provision of visibility splays
- Construction Method Statement
- Construction detail of bellmouth
- Reinstatement of existing site access.
- Length of wall to be demolished as part of previous road junction location to be reinstated.

Tree Officer:

This application relates only to a proposal to construct a new access along a different alignment to that previously approved as part of a scheme for the development of 6 new dwellings at the rear (north) of the former school.

The proposed new alignment would move all but the last 33m or so of the access road further away from existing mature trees in the church yard of St John's Church, hence reducing any risk of impact on these trees. No other significant trees would be affected by the proposed re-alignment. I therefore have no objection to this application on the grounds of impact on trees, but for the avoidance of doubt I would request that a condition for tree protection be imposed in the event that planning permission is granted (a similar condition already applies to the main development permission SMD/2014/0777):

In terms of visual impact, whilst the re-aligned access road would be longer overall than that of the previously approved scheme, its proposed access point onto the A520 Main Road would be less prominent and the road itself would follow the northern edge of the field, an arguably less prominent alignment than meandering down the field away from the boundaries. In addition, the current application includes indication of new landscape planting along the new road which, once established, would assist in better assimilating it into the landscape. I therefore consider that overall the proposed re-aligned access road would have a lesser visual impact than the previously approved scheme.

The proposed layout plan includes details of new tree planting, comprising suitable native species, and this is considered appropriate and also sufficiently specified in

terms of numbers, positions and planting sizes. In addition, the layout plan indicates new native hedgerow to be planted along the southern side of the new road; this again is considered appropriate, but the drawing does not include a specification for the hedge. Whilst this could be subject to a condition, it may be simpler (and avoid a pre-commencement submission conditional requirement) to amend the plan prior to application determination by adding a suitable standard specification for species/numbers/spacing/planting sizes for a double-staggered row field hedgerow; in doing so, I would suggest the inclusion of a few irregularly spaced native standard trees (a selection from the tree species already annotated would be appropriate) and also a further annotation to show similar specification infilling of gaps (of which there are a few) in the existing hedgerow along the northern boundary of the field.

A suitable landscaping implementation/maintenance condition is also requested.

Conservation Officer

No objection

7. OFFICER COMMENT AND PLANNING BALANCE

Main Issues

7.1 The main issues for consideration in this application are the principle of the development within the Green Belt, highway safety, impact on designated heritage assets, ecology and impacts on trees and hedges.

Principle of Development / Green Belt

7.2 The application site is located in an area indicated in the Staffordshire Moorlands Local Plan as being in an area of open countryside that has been included in the North Staffordshire Green Belt. The proposal must therefore be judged against the policies contained in the relevant rural and green belt policies of the Staffordshire Moorlands Core Strategy and the National Planning Policy Framework. The Core Strategy was adopted in March 2014 and its policies carry great weight. Green Belt policy is contained in Policy R1- Rural Diversification. This states that inappropriate development which is otherwise acceptable within the terms of the policy will need to be justified by very special circumstances. Similarly, under the provisions of the NPPF there is a presumption against inappropriate development within the Green Belt. Certain forms of development, as listed in the Framework, are not inappropriate and these including engineering operations provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

7.3 The key consideration in terms of principle of development, therefore, is the impact of the proposal on the openness of the Green Belt. For the purposes of Green Belt policy openness is regarded as being "freedom from development". Clearly re-routing the track around the edge of the field would result in an even longer, disproportionate length of adopted road for such a small scheme, not forgetting the Green Belt encroachment of residential use. Views across the field from the main road are very open so even if hugging the outside, it could be argued

that a new road of adoptable standards (to meet the requirements of the Registered Provider who will take on the new units) would be very noticeable and far more prominent than the existing track.

7.4 That said there is also some logic in the track following the perimeter of the field and making use of an existing base. Moreover, there is some merit in the argument that in approving the road going through the middle of the field, it was more intrusive than going around the edge, whereas the current proposals would allow it to be screened at least on one side by the hedgerow field boundary. This would be particularly the case when approaching from the south along the Main Road. Furthermore, the applicant is proposing to provide a matching stone wall along the other side of the road so that from the Main Road at least the view across the field to a hedgerow (with the access road hidden behind) would be similar to that which already existed.

7.5 As originally submitted, the proposed alternative access road included a kink where it meets the A520. This was initially put in to achieve visibility as the plan wrongly showed the boundary wall cutting across at 45 degrees to the corner of the field. However, the wall in the Leek direction runs straight, parallel to the road and is set back behind a wide area of Public Open Space with trees on it. The trees on the open space have high crowns and would not interfere with visibility. On that basis the kink has been deemed unnecessary and the new access has been amended to follow the straight line of the existing track. This has further reduced the intrusion of the new access road into the field, which was the prime purpose of re-routing around the perimeter.

7.6 Furthermore, because of the fact that the wall to the north side of the access is set back so far from the highway, only a limited amount of stone wall would need to be removed and rebuilt to form a visibility splay to the south of the new access, much less than would have been the case with the previously approved access. The length of wall previously removed to facilitate implementation of the previously approved access could be restored by condition. This will help to maintain the historic, tightly defined highway boundary which is characteristic of the village centre, all of which weighs in favour of the proposal.

7.7 Therefore, on balance, for the reasons set out above, it is considered that the proposal would have no greater impact on the openness of the Green Belt than the approved scheme and as a result would not conflict with Policy R1 or the NPPF. However, in order to preserve the openness of the Green Belt it is considered that the Developer should provide a Unilateral Undertaking to prevent the implementation of both the approved and proposed access roads.

Highway Safety

7.8 As noted above the Staffordshire County Council Highway Engineer has been consulted on the proposals and raised no objections subject to suitable conditions. However, the formal comments above were made on the basis of the application as originally submitted prior to the removal of the “kink”. However, he has informally commented that the track continuing straight to A520 would be preferable. Visibility is good at this point with less wall needing to be realigned. The access would need

to be improved from what it is currently but this could be address by appropriate conditions. The electricity pole and adjacent road sign would need to be considered – either by relocating them or carefully design the access to avoid them.

7.9 Formal comments on the revised plans were awaited at the time of report preparation and will be provided to Members via the update sheet. Subject to no objections being raised by the Highway Engineer, and imposition of conditions, it is considered that the proposals comply with CS Policy DC1 and the NPPF in respect of the impact on highway safety.

Heritage Assets

7.10 The application site lies adjacent to St John's Church, a Grade II Listed Building. Given its close proximity the proposed access road has the potential to impact on the Listed Building and its setting. However, the sites are separated by a stone wall and the application site lies at a lower ground level. The section of road at the rear of the church remains unaltered and the main part of the access road will now be pushed further, as far as physically possible, away from the listed building and its boundaries. Furthermore, the existence of significant trees on the northern and eastern boundaries of the churchyard will ensure that any visual impact will be adequately mitigated. The Conservation Officer has confirmed verbally that she has no objection to the proposals. It is therefore considered that the development would not harm, and therefore sustain the setting of the Listed Building

Trees and Arboriculture.

7.11 The original application was accompanied by a very comprehensive tree survey report, arboricultural implications report and aboricultural method statement. There are significant lime trees along but just within the northern boundary of St. John's churchyard, adjacent to the site. The previously approved access road would have been outside the root protection area for all but two of the existing trees. However, the incursion into the RPA for two of these tress was minor especially given that there is hard surfacing in this location within the application site and the fact that the tree bases are at a higher ground level that that of the site with an intervening stone wall along the boundary. It is therefore considered that the proposed road realignment would have no greater impact on these trees that the scheme previously approved, and given that the majority of the route would be relocated further away, arguable the impact will be reduced.

7.12 The road will be sited alongside the existing hedge to the northern boundary of the field. However, a verge has been provided to separate the carriageway from the hedge and it is considered that conditions could be imposed to secure the retention and protection of the hedge during construction. Further conditions could be added to require the existing hedge to be supplemented with additional planting to fill any gaps to improve screening. The application proposes the provision of native mixed species tree planting informally on the south side of the new access road. Exact details of this can be secured via a suitably worded condition.

7.13 The Tree Officer has raised no objection on tree protection grounds or on the basis of the proposed landscaping / hedge planting. However, he has noted that

there is no specification provided for the new hedge to the south of the access road. This could either be subject to a condition requiring a revised scheme of landscaping being provided to include this or if a revised plan is provided prior to determination a condition simply requiring implementation of the landscaping scheme. Subject to these conditions it is considered that the proposal complies with CS policies in respect of proposed landscaping and impact on trees.

Ecology

7.14 The site comprises an existing agricultural access track, with stoned surface, which is currently in use as a temporary construction access with regular heavy construction vehicle traffic. As such the ecological impacts of widening and formalising this access will be very limited. Furthermore, it is noted that permission already exists for a new road across the middle of the undeveloped agricultural field, which would become unnecessary following implementation of the current proposal. As such any ecological impacts would be reduced as a result of the proposals.

Neighbour Amenity

7.15 The current planning permission for the existing road layout approved under SMD/2014/0777 includes an access directly opposite the dwelling at 42 Main Road. The relocated access would be opposite the garden area to no.48. This would reduce the potential impacts on residential amenity arising from vehicle headlights shining into properties when approaching the new junction from the development site and noise from vehicles accelerating and decelerating from the junction. Accordingly the proposal complies with Policy DC1 in terms of amenity.

Planning Balance & Conclusions

7.16 The site is located within the Green Belt where under Core Strategy and NPPF policy there is a presumption against inappropriate development. Engineering Operations are not inappropriate development provided that they do not adversely affect openness or the purposes of including land in the Green Belt. In this case, whilst the proposal would have some impact on openness as a result of being a longer length of road than that previously approved, due to the presence of the existing mature hedge and being routed around the perimeter of the field it will be less intrusive and noticeable which, it is considered, on balance, would off-set the additional length and have a neutral impact on openness. For this reason the scheme is found to be acceptable and in compliance with the NPPF

7.17 The scheme is considered to be acceptable in terms of highway safety, ecology, trees, residential amenity and heritage assets and therefore, having regard to development plan policies and all other material considerations raised, is recommended for approval.

8. RECOMMENDATION

A. That planning permission be granted subject to a unilateral undertaking not to implement the access road approved under SMD/2014/0777 and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

2. The development permitted and described above shall only be carried out in complete accordance with drawing numbers 2010-1714-37A & 38A

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. The development hereby permitted shall not be brought into use until the visibility splays shown on the approved plan have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason: In the interests of highway safety

4. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) a site compound with associated temporary buildings;**
- ii) the parking of vehicles of site operatives and visitors;**
- iii) loading and unloading of plant and materials;**
- iv) storage of plant and materials used in constructing the development;**
- v) wheel wash facilities.**

Reason: In the interests of highway safety

5. No works on the highway shall be commenced until details of the following highway works have been submitted to and approved in writing by the Local Planning Authority:

- construction detail of the bellmouth

The highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

Reason: In the interests of highway safety

6. The development hereby permitted shall not be brought into use until details of the reinstatement of the existing site access made redundant as a consequence of the development, to footway with full height kerb, which shall include the access crossing between the site and carriageway edge have been first submitted to and approved in writing by the local planning authority. The existing site access made redundant as a consequence of the development hereby approved shall thereafter be reinstated as footway with full height kerb in accordance with the approved plans. Before the proposed development is brought into use, the length of wall demolished as part of the superceded

previous approved road junction location shall be reconstructed to match the existing wall.

Reason: In the interests of highway safety

7. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a revised scheme of landscaping for the site including a specification for new native hedgerow to be planted along the southern side of the new road (comprising the number, species, heights on planting and positions of all additional trees, shrubs and bushes to be planted). The approved scheme of landscaping shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees and shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Or

7. The planting scheme shown on Sammons Architectural "Site Layout Plan and Section" Drg. No. 2010-1714-37A (**** REVISION NUMBER IF UPDATED TO INCLUDE AMENDMENTS TO LANDSCAPING AS NOTED ABOVE****) shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees and shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason: In the interests of visual amenity

8. The first action on commencement of development, prior to any further action (including any site clearance, site stripping or site establishment) shall be the erection (within the application site only) of temporary tree / hedge protection barriers and advisory notices for the protection of the existing trees to be retained at St John's Church, and the existing hedgerow to the northern site boundary 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 in writing by the Local Planning Authority (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 in writing by the LPA.

Reason: In the interests of visual amenity

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 Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Informative

1. The application is for a sustainable form of development which complies with the development plan and the provisions of the National Planning Policy Framework. The Local Planning Authority has worked with the applicant in accordance with paragraph 38 of the NPPF to secure an acceptable scheme.

