

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

16 January 2019

Application No:	SMD/2019/0635	
Location	Land between Folly Lane and Cheadle Road, Cheddleton	
Proposal	Outline application with all matters reserved for residential development	
Applicant	Manybrook 2008 Ltd	
Agent	WW Planning	
Parish/ward	Cheddleton	Date registered 23/10/19
If you have a question about this report please contact: Jane Curley tel: 01538 395400 ex 4124 Jane.curley@staffsmoorlands.gov.uk		

REFERRAL

This is a major application and locally contentious.

1. SUMMARY OF RECOMMENDATION

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site extends to 3.15 ha comprises of a triangular shaped parcel of land which lies to the south of Cheddleton. It adjoins existing residential development to the north (Rock End Drive and Millstone Edge) and east (Folly Lane) and open countryside to the south and west apart from a small section to the west which adjoins the main A520. It consists of a number of small pasture fields with some hedging marking boundaries. The south western boundary is made up of mature planting along its length which provides some screening of the site. An informal ditch also follows this boundary. Where the site adjoins the main A 520 the site is more open with a simple post and wire fence which allow views into the site. Similarly along that stretch on Folly Lane beyond the existing housing, the site is open with a low stone wall and post and wire fencing marking the boundary enabling clear views into the site. The site slopes gently from north – south/south-west. The application documents refer to the northern corner at 216 AOD reducing to 210 AOD at the southern corner and 205 AOD at the west. There is an oak tree on the site that is the subject of a Tree Preservation Order

3. DESCRIPTION OF THE PROPOSAL

3.1 This is an outline application with, unusually, all matters reserved for subsequent approval. An Illustrative Concept plan is submitted. It does not show actual dwellings but shows a possible internal road layout, possible blocks of two storey housing, site access options, trees retained, possible attenuation pond and open space.

3.2 This application is identical to SMD/2018/004 which was refused by the Council in October 2018. No appeal was lodged against that refusal. No discussion took place with the Council before the current submission was made, nor did the submission explain why it had been made; there was no Planning Statement.

3.3 Following a request to the Agent a letter and attachments were received dated 5th November which sought to set out why the application had been made and also set out a case for very special circumstances. It confirmed that permission was sought for residential use within Class C3 of the Use Classes Order and that the application sought to deliver housing for those over 55 years old who wish to live in smaller houses and bungalows. It confirmed that the site would operate on similar lines to Bagnall Heights; it would be a form of retirement village but one that sits within Class C3. These matters are commented upon and discussed more fully in the Officer comment section below.

3.4 The letter acknowledged that the proposal amounted to inappropriate development in the Green Belt but the following were put forward as the 'very special circumstances' justifying inappropriate development in the Green Belt:-

- a) the proposal would provide specialist housing for those age 55 years old and over on similar lines to Bagnall Heights and would meet an existing and growing demand for elderly persons accommodation
- b) a precedent has been created by an application for 15 bungalows in the grounds of Bagnall Heights which was approved by the Council in 2017 under reference SMD/2016/04920
- c) a precedent has been created by three appeals (not in this District) in West Malling, Virginia Water and Cheshire West.
- d) Cheddleton is a Larger village and therefore suitable for development
- e) the site is owned by a single party
- f) the site was included in earlier versions of the emerging Local Plan
- g) there are no technical constraints to developing the site
- h) the Council can not demonstrate a 5 year supply
- i) 33% of the homes could be affordable and the development would provide community benefits

These matters are also commented upon and discussed more fully in the Officer comment section below.

3.5 The application includes in addition a Design Statement, Flood Risk Assessment, Transport Assessment, Ecology report, Mineral Safeguarding Statement and Heads of Terms for a legal agreement Members are advised to consider all of these documents prior to the meeting.

4. RELEVANT PLANNING HISTORY

SMD/2018/0004 Outline application for mixed residential development. Refused

SMD/1978/0847 - Site for residential development – Refused

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises of:

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

Staffordshire Moorlands Local Plan (1998)

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

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

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

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SD1 Sustainable Use of Resources
- SD3 Carbon-saving Measures in Development
- SD4 Pollution and Flood Risk
- SS6A Larger village strategy
- SS6C Rural area strategy
- DC1 Design Considerations
- C1 Creating Sustainable Communities
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures

Local Plan process

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

In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public is ongoing in order to determine whether the Local Plan is sound and legally compliant.

Hearing sessions were conducted in October 2018 and the Inspector issued his initial post-hearing advice in January 2019 which set out some actions for the Council and a range of modifications that would be necessary to make the plan sound. The full schedule of modifications was agreed by the Council and the subject of public consultation between 18th September 2019 and 31st October 2019. The schedule consisted of modifications that the Inspector has deemed necessary to make the Local Plan sound. Following the consultation, the Inspector concluded that further hearing sessions were necessary to consider; proposals for safeguarded land at Gillow Heath in Biddulph, housing land supply, Local Green Spaces in Cheddleton (Ox Pasture), Biddulph (Dorset Drive and implications for the emerging neighbourhood plan) and Blythe Bridge. They will be held on 4th and 5th February. The Inspector will outline the timetable for next steps in the process at the close of the hearings.

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 considered below:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the main modifications have been subject to consultation
- The extent to which there are unresolved objections to relevant policies this varies depending on the policy in question – the Inspector wishes to explore outstanding objections on a limited number of issues at the February hearing sessions further before drawing conclusions.
- The degree of consistency of the relevant policies in the emerging plan to this Framework – policies have been modified to address soundness issues identified by the Inspector to date. It is the Council's view that the policies (as modified) are consistent with national policy. The Inspector has yet to draw final conclusions, particularly on the matters subject to further hearing sessions.

Given the above, the majority of policies (as modified) can be given substantial weight. However, policies that are subject to the February hearing sessions can only be given moderate weight as they are subject to outstanding objections and scrutiny.

Emerging Policies

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

Policy SS1 Development Principles

Policy 1a Presumption in favour of sustainable development

SS2 Settlement Hierarchy

SS10 Other Rural area strategy

Policy H1 New Housing Development

Policy H3 Affordable housing

Policy DC3 Landscape and settlement setting character

National Planning Policy NPPF

National Planning Policy Guidance

6. CONSULTATIONS CARRIED OUT

Press Notice expiry date: 27th November 2019

Site Notice expiry date: 10th December 2019

Local residents have been notified by letter.

70 letters of objection have been received. The points made are summarised as follows.:-

- Against greenbelt development
- Site was removed as a 'preferred site' from the Local Plan following local consultation. This application ignores this.
- Merging of two villages - site provides green space between Cheddleton and Wetley Rocks
- Developer argues development will 'complete the urban mass' – this is not an urban mass but two distinct villages
- Insufficient public transportation, school capacity – local GPs very stretched – and no pharmacy despite developer claims to contrary
- Cheddleton has very poor facilities
- The Rock End junction is already very difficult due to traffic speed and volume
- The A520 is already congested and has a history of road accidents, as does Folly Lane
- Access from Consall Lane is unsuitable and single track in places
- Noise and air pollution from traffic is already high for people living in Cheddleton, Wetley Rocks and Leekbrook
- Priority should be given to brownfield sites
- Large numbers of farm vehicles use Folly Lane in summer, and commercial traffic uses it as a 'rat run'
- The A520 is not a safe walking route to school – 50mph road, narrow pavement
- Site is inaccessible – development would not be sustainable and would put more cars on congested roads
- Buses are infrequent. The 16 bus service between Hanley and Leek has a very limited service in the evenings and on Sundays and there are only four weekday services to and from Buxton.
- Parking at the primary school is already very difficult
- The site is a rich wildlife habitat and has a known bat population
- The submitted Ecological Assessment is out of date
- The area acts as a 'sponge' for heavy rainfall – flood risk if developed
- Main sewer will cause development issues. Current sewage system is insufficient to cope with the development
- Trees will not screen development, as claimed, in winter

No letters of support have been received.

Cheddleton Parish Council

Strong objection due to:

- Coalescence of two villages
- In conflict with Green Belt policy
- Several planning applications have been previously refused and one appeal dismissed due to joining of villages
- Urban Sprawl
- Lack of infrastructure and amenities
- Sewerage problem
- Dangerous access from Rock End Drive onto dangerous A520 Cheadle Road (50mph)
- Narrow footways and roads in Wetley Rocks make walking to school dangerous
- Local primary schools are at capacity
- Streets containing primary schools in Cheddleton and Wetley Rocks are already congested due to lack of parking provision
- The local area cannot support further housing

This area has not been highlighted in the emerging Local Plan as an area for development. SMDC refused the application on the grounds that the considerations put forward by the applicant did not clearly outweigh the identified harm to the Greenbelt and so the proposal is contrary to Policy SSC6 of SM Core Strategy Development Plan and the national advice in the NPPF and this hasn't changed.

Regeneration Officer

Advises that the proposal for development of up to 85 dwellings will provide the following outputs:

- The new householders occupying each new house will spend some of their income locally through shopping and use of local services. National research has identified that 34% of all household expenditure is spent at district level or below. For this development of 260 units this is calculated at £797,980 per year.
- Each new house will generate direct jobs within the construction industry or associated supply chain, of which 25% are likely to be locally based. Indirect Jobs are also generated by local spend in shops and services. This is calculated at an additional local job for every seven new homes. Using these multipliers the development will generate 90 direct jobs and 12 indirect jobs.
- The development will also generate approximately £15,615 council tax for the area per annum

Local Highway Authority

No objection subject to conditions

Ecology Officer

Holding objection – Advise that there is currently insufficient information to determine the ecological impact of the application. Further bat surveys are required prior to determination. From the information presented there would be a net loss of biodiversity due to habitat loss, which contradicts Policy NE1 of the Staffordshire Moorlands Adopted Core Strategy and objectives of the National Planning Policy Framework (NPPF) 2019: minimising impacts on and providing net gains for biodiversity.

As a minimum the following information is required - baseline habitat map, preliminary bat survey of trees, confirmation Priority Habitat (hedgerows) will be retained and confirmation mitigation for habitat loss can be accommodated as part of the proposals onsite

Environmental Health Officer

No objection subject to conditions to control noise and disturbance to nearby residents during construction, sound insulation in the proposed dwellings, contamination and contamination.

Trees and Woodland officer

Awaiting comments.

Project Officer – open space

Advise that owing to the site's location an on-site LEAP should be secured. Also request an off-site playing pitch contribution, targeted towards enhancing existing facilities within a 5 mile radius of the proposed development. The current formula for this is £646.02 per bedroom.

Local Lead Flood Authority (LLFA)

Initially objected due to culverting works proposed but later retracted this on the basis that the LLFA had previously accepted this approach.

No objection subject to a condition ensuring that the development is carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy.

Severn Trent Water

No objection subject to drainage condition

Operations Manager -Waste

No objection

County Mineral Authority

Previously raised no objection. Advised that the application site falls within a Minerals Safeguarding Area (MSA), for silica sand, and for coal and fireclay. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the recently adopted Minerals Local Plan for Staffordshire (2015 – 2030), aim to protect mineral resources from sterilisation by other forms of development as well as safeguarding permitted mineral operations from undue restrictions.

A Mineral Safeguarding Statement is submitted in accordance with the requirements of Policy 3.2 of the Minerals Local Plan and that report concludes that within the application site there is no evidence of commercially viable mineral resources for silica sand or shallow coal/ fireclays. Furthermore, the report concludes that the site is near to residential properties and therefore, mineral working would not be environmentally acceptable. It is not anticipated that any underlying silica sand could be used in the construction of the proposed houses.

Having regard to the submitted Report, the Mineral Authority advised that it was reasonable to conclude that the proposal would not significantly sterilise important mineral resources that could be viably extracted.

County Education

Advise that this development falls within the catchments of St. Edward's CofE Academy, Cheddleton, St. Edward's Church of England Academy and Westwood College.

There are projected to be an insufficient number of school places in the local area to mitigate the impact of this development at middle phases of education.

Based on an indicative development of 85 dwellings the middle school education contribution is calculated to be £151,400

Police Architectural Liaison Officer

No objection on crime, disorder or community safety grounds to a residential development on the application site.

7. OFFICER COMMENT AND PLANNING BALANCE

7.1 As with all applications, the LPA is required to determine this application in accordance with the Development plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations.

7.2 Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' in line with the National Planning Policy (herein referred to as the NPPF) where: (1) planning applications that accord with policies within the Core

Strategy will be approved without delay and (2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:-

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

7.3 This is a greenfield site also within the Green Belt. Its development for housing represents inappropriate development in the Green Belt. Policy SS6C and paragraph 143 of the NPPF confirm that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 144 confirms that LPA's should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' it says will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this case in addition to definitional harm there would be very significant harm to openness and permanence, the Green Belts essential characteristics. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Furthermore the proposal would conflict with one of the main purposes of including land within the Green belt, namely that of preventing encroachment into open countryside. The totality of Green Belt harm is very significant and must be given substantial weight.

7.4 The applicant accepts and agrees that the proposal represents inappropriate development in the Green Belt. He relies on a number of matters which he considers amount to 'very special circumstances' as set out in the 'Description of the Proposal' section above. Having carefully considered these however they are not considered either individually or collectively to amount to very special circumstances for the following reasons which respond directly to the points made in the letter dated 5th November 2019, Planning Statement – Very Special Circumstances.

- The Strategic Housing Market Assessment refers to the need for housing in the District as a whole rather than any specific settlement. No evidence is put forward of a specific need for the type of housing proposed in this location.
- In terms of housing supply the Council's position is that sufficient Green Belt land has been released to accommodate the full objectively assessed need for housing. Furthermore, the "tilted balance" which is engaged where LPA's cannot demonstrate does not apply where there is conflict with restrictive policies within the NPPF, which include those relating to Green Belt.. Had it been the intention of national policy that Housing Land Supply considerations should have overridden the protection of the Green Belt, this would not have been the case.
- Policy H1 (adopted and emerging) acknowledges the need for housing for special groups, particularly older people. Emerging Policy H1 sets out the criteria that should be applied to housing proposals on non-allocated sites. This allows for development within and outside of settlement boundaries in certain circumstances and enables windfall provision to come forward for all forms of housing, including for older persons, in suitable locations. However,

the policy is clear that *“when development is located in the Green Belt, national Green Belt Policy will apply.”*

- Cheddleton is a “Larger Village” with a good range of services. There are twelve Larger Villages identified in the adopted Core Strategy and Local Plan Submission Version. Of these villages, six include proposed housing allocations in the Local Plan Submission Version. Five of the Larger Villages are not entirely encompassed by Green Belt and so may present opportunities for windfall provision outside of the village boundaries under the terms of Local Plan Submission Version Policy H1 (as modified). Clearly there are also windfall opportunities within the Larger Villages and the defined towns elsewhere in the District.
- The site is in single ownership, has suitable access and lack of technical constraints – it is not clear how these factors distinguish the site from other potential opportunities outside of the Green Belt.
- The Council cannot currently demonstrate a five year housing land supply. However, this does not determine that very special circumstances have been identified. Furthermore, Green Belt proposals are excluded from the presumption in favour of sustainable development scenario where the “tilted balance” would normally be engaged. The Council position is that the Local Plan will provide a five year housing land supply upon adoption in 2020.
- It is a policy expectation, not a very special circumstance, that all developments of this size contribute towards the provision of affordable housing and mitigate impact via infrastructure contributions
- Bagnall Heights scheme is not comparable as that application was for an extension to an existing C2 facility which itself comprised the development of a former hospital. The extension was located on an undeveloped plot of land within the curtilage of the complex. The scale of that development was also significantly smaller.
- The application site was considered as part of the Council’s Green Belt Review (2015) which was commissioned to inform the Local Plan. The site in question formed part of Parcel C14 and was considered to have a “limited contribution” towards the following Green Belt purposes; check unrestricted sprawl, prevent merging towns, setting of towns and assisting regeneration. However, a “contribution” was identified for the purpose of safeguarding the countryside from encroachment. The supporting commentary on this conclusion states that Parcel C14 *“Plays an important role in discouraging development along the A520 which shows signs of incremental change between Cheddleton, Folly Lane and Wetley Rocks”*. Overall, the parcel was deemed to have a “contribution” towards the purposes of including the land within the Green Belt.
- Following this exercise individual sites were assessed to determine if they could be suitable for release in exceptional circumstances. Sites CD002 and CD003 which correspond to the application site were assessed. The site was deemed to have a “contribution” to three of the four criteria considered with a “limited contribution” being identified for maintaining separation. The overall impact of the development of the site on Green Belt purposes was deemed to be “moderate”. The supporting commentary states that; *“Despite being a relatively large edge-of-settlement site, development would not intrude into open countryside, being contained physically and visually by a drain and hedgerow between Folly Lane and the A520 Cheadle Road.”*

As such, the Green Belt review concluded that the site could be considered for release from the Green Belt in exceptional circumstances, including an amendment to the village boundary. Subsequently, the Council included the site in the Local Plan Preferred Options Sites and Boundaries consultation document (2016) as a draft housing allocation. However, it was excluded from the Preferred Options Local Plan (2017) and Local Plan Submission Version (2018) as the Council determined that there were not exceptional circumstances to justify the release of Green Belt in this location as required by the NPPF. This was because, having reviewed alternative site options and the spatial strategy, the Council determined that the identified housing requirement for Staffordshire Moorlands could be met elsewhere in the District with a lower amount of Green Belt release than had been envisaged in the 2016 consultation document. This remains the Council's position.

- In terms of the three appeal decisions, none are directly comparable, the full facts/sites are not known and in any event each application must be considered on its merits. The West Malling appeal was for an extra care development, Class C2. The appeal decision refers to the emerging Local plan including a proposal to remove the site from the Green Belt and allocate it for 100 dwellings (para 45) The site is noted to be in a sustainable location adjacent to the built up area of West Malling, a rural service centre. The high street and its many facilities would be within walking distance for more mobile residents. There are public transport services (para 58). It is clearly not comparable. The Virginia case was also a proposal for a care home and extra care apartments and cottages, falling within C2 use but in any event this appeal was dismissed. It does not advance the applicant's case. The Cheshire West example was similarly for care apartments, Class C2 use. Services and facilities nearby including a supermarket and bus stops are noted to be within walking distance. Again it is not comparable. None of these appeal decisions set a precedent for open market C3 housing on this Green Belt site.

7.5 In the absence of very special circumstances, the proposal represents inappropriate development in the Green Belt and there is strong conflict with Policy SS6C and the NPPF and an objection in principle to the proposed development.

Other main issues to consider are discussed and analysed under a number of sub headings below.

Access

7.6 Approval of access is not sought at this stage. However a Transport Assessment (TA) is provided in support of the application. It concludes that the proposed development can be accommodated without detriment to the operational capacity or safety of the local highway network and that it can be readily accessed by sustainable modes. The Illustrative plan indicates that the site could be accessed via newly created access junctions from three points off the public highway namely from Rock End Drive, from Folly Lane and via a continuation of Milestone Edge. However it considers that the proposed accesses from Folly Lane and Rock End Drive represent the preferred access options to the application site. Preliminary designs for

these junctions are provided. The junctions have been designed to accommodate refuse and emergency vehicle access to the site.

7.7 The Local Highway Authority (LHA) has carefully considered the application and the Transport Assessment. They raise no objection to the application on the grounds that, although approval of access is not sought, a technical solution exists which would not compromise highway safety and that the network has capacity to absorb traffic generated from the site. They do however point out that one option put forward in the TA is for the provision of a right turn lane at the Rock End Drive/A520 Cheadle Road Junction. The LHA point out that, not only would this require third party land, but that it also appears that provision of the right turn lane would significantly reduce visibility at the junction. This would be contrary to the interests of highway safety. They are however satisfied that a technical solution does exist.

7.8 A number of the conditions recommended by the LHA would not be appropriate at this stage as 'access' is a reserved matter. However there are technical solutions available to achieve satisfactory access points to serve a residential development on this site and therefore there are no grounds to resist the application on highway matters at this outline stage. The application complies with relevant parts of Policies DC 1 and T1 in respect of highways/access and the NPPF.

Landscape and Visual Impact

7.9 The previous application was accompanied by a Landscape and Visual appraisal which assessed the visual effects of the development and the effects on landscape character. As part of the visual assessment it considered eight representative viewpoints. The conclusion it reached is that the proposed development would not have an unacceptable adverse landscape or visual impact. The document was not provided with the current application.

7.10 As part of the Council's evidence base for the LDF the Landscape, Local Green Space and Heritage Impact Study (2016) considered the application site, which at the time was being put forward as a potential housing allocation under site references CD002 and CD003. The view reached in the Council's Study on landscape grounds largely accords with that reached in the applicant's Landscape and Visual appraisal. The Study refers to the majority of the site being enclosed by residential development on Rock End Drive and Millstone Edge to the north; linear development on Folly Lane to the east; and a strong tree belt/hedgerow to the south-west. Thus, it concludes that development within the site would have relatively low visual prominence, and the existing vegetation on the southwestern boundary would create a well-defined, vegetated edge to the settlement. It assesses that development of the site would fit in well with the existing settlement form and concludes that the site is of low landscape sensitivity. It does make the point that if the southern portion of the site (the triangle at the far south east) were to be developed in isolation, then this would adversely affect the existing settlement pattern and edge. However the whole area of land is included in the application and phasing conditions could control the order of development in the event of an approval to prevent isolated development in this corner only. As such it is not considered to be an issue.

7.11 As the application is not accompanied by a Tree report and/or an Arboricultural Impact Assessment, if Members were minded to approve the application conditions would be recommended to require these assessments as part of the first reserved matters application.

7.12 The application is in outline with Landscaping and Layout reserved matters. No specific number of dwellings is sought in the description. As such the conclusion is that it would be possible to develop this site for housing without undue harm to landscape or visual impact and in that respect the proposal accords with Policy DC 3 and the NPPF.

Accessibility

7.13 The site could not be described as highly sustainable but there again it is not remote. In terms of modes of travel other than the car, the application confirms that the A520 is the route of the local 16 bus service operating between Buxton and Hanley via Leek and Cheddleton. The service runs every 30minutes Monday to Saturday but with an infrequent service on Sundays. Both the northbound and southbound bus stops are located near the A520/Folly Lane junction about 400m to the north of the application site. Travel by bus therefore does represent a realistic option.

7.14 The TA says that within a two kilometre walking distance from the proposal one can reach the village centre of Cheddleton to the north and Wetley Rocks to the south. In amenity terms, Cheddleton has a Church, Food Store, Off Licence, Fish and Chip bar, Veterinary Clinic and a Cricket Club. There is also a Primary School (St Edwards First School) but it is outside of the walking catchment being 2.2 kilometres from the proposal site. Wetley Rocks also has a Primary school, Church and Village hall.

7.15 The TA also comments on cycling and says that generally, the topography of the local area is conducive to cycling. It refers to the network of cycle routes provided by SCC throughout the Staffordshire Moorlands borough to encourage this mode of travel. Figure 2-5 of the TA illustrates a five kilometre cycle catchment from the proposed site, an approximate 20 minute cycle distance. The plan demonstrates that the entire urban area of Cheddleton and Wetley Rocks can be reached within this distance by cycle, as well as a large proportion of Werrington.

7.16 This site can not be regarded as highly sustainable. However the above does show that there are some realistic alternatives to the car. Walking and cycling opportunities are available and there is a regular bus service. The Local Highway Authority raises no objection to the application on accessibility grounds. The conclusion is that the proposal does offer opportunities for sustainable travel modes and it therefore accords with the relevant part of T1 and the NPPF.

Drainage

7.17 The application is accompanied by a Flood Risk Assessment. This has been considered by Severn Trent Water and the Local Lead Flood Authority who both raise no objection to the application subject to conditions. It is likely that an

attenuation pond will form part of the sustainable drainage of the site in order for run off rates to mimic greenfield rates.

7.18 Drainage is not a technical constraint to the development of the site. There is compliance with the relevant part of Policy SD 4 and the NPPF.

Biodiversity/ecology

7.19 The application is accompanied by a Preliminary Ecological Assessment dated March 2016 which is now almost 4 years old. This has been reviewed by Staffordshire Wildlife Trust on behalf of the Council. They have issued a Holding objection on the basis that there is currently insufficient information provided to determine the ecological impact of the application and also that further bat surveys are required prior to determination of the application.

7.20 SWT advise that based on the information presented there would be a net loss of biodiversity due to habitat loss, which would conflict with Policy NE1 and the NPPF both of which seek to minimise the impact on and provide for net gains in biodiversity. SWT advise that, as a minimum the following information is required - baseline habitat map, preliminary bat survey of trees, confirmation that Priority Habitat (hedgerows) will be retained and confirmation that mitigation for habitat loss can be accommodated as part of the proposals onsite.

7.21 Given that the description of development does not include a specific number of dwellings, the matter of protection of the hedges and mitigation for habitat loss could be secured by an appropriate condition in the event of an approval. This would not extend however to the current lack of a baseline habitat map or preliminary bat survey of trees which are pre determination requirements. The absence of these matters is grounds for refusal of the application particularly given that the PEA is now almost 4 years old.

Residential amenity (including noise, air quality and contamination)

7.22 The amenity of existing and future residents is a material planning consideration. However there is no reason to believe that the Councils space standards could not be met. In any event this is a matter for the reserved matters application.

7.23 The Environmental Health Officer previously advised that traffic noise from the western portion of the site adjacent to the A520 should be assessed and where appropriate suitable mitigation sought. This could be conditioned. Given also the location of the site close to existing properties care needs to be taken during the construction phase and post construction to ensure site related activities do not cause unreasonably disruption to the neighbour's enjoyment of their properties. Again this can reasonably be controlled by condition.

7.24 The Environmental Health Officer also advised that the site has not been subject to any significant contaminates but may have an accumulation of farm pesticides/herbicides and may have received applications of various soil conditioners

over the years. Given the number of potential properties he advises that it would be appropriate for a contaminated land assessment to take place prior to development to ensure the extent of the area is suitable for the proposed use. He advises that this can be conditioned.

7.25 With the imposition of suitable conditions where reasonable and necessary the application is considered to comply with Policy DC 1 and relevant parts of SD 4 both of which seek to minimise pollution and protect residential amenity and the NPPF.

Affordable housing

7.26 In accordance with Policy H2 the applicant is offering that 33% of the total number of dwellings would be affordable units, secured through a Section 106 Obligation.

Developer Contributions

7.27 As advised above Staffordshire County Council, School Organisation are requesting a financial contribution to mitigate the impact on middle - school capacity arising from this development. This would also need to be secured through a Section 106 Obligation. The Projects Officer is also seeking a financial contribution towards off-site playing pitch contribution to mitigate the impact on public open space provision. The applicant has provided draft Heads of Terms for a Legal agreement. He accepts these contributions in principle. Subject therefore to the applicant entering into the necessary legal agreement there would be compliance with Policy C1 and the NPPF.

Mineral Safeguarding

7.28 The application is accompanied by a Mineral Safeguarding Statement. The report concludes that within the application site there is no evidence of commercially viable mineral resources for silica sand or shallow coal/ fireclays. Furthermore, the report concludes that the site is near to residential properties and therefore, mineral working would not be environmentally acceptable. It is not anticipated that any underlying silica sand could be used in the construction of the proposed houses. SCC previously agreed with the Reports conclusion. They advised that it was reasonable to conclude that the proposal would not significantly sterilise important mineral resources that could be viably extracted and as such raised no objection to the application on mineral safeguarding grounds. As such there is compliance with Policy 3 of the adopted Minerals Local Plan.

Illustrative Development/Concept plan

7.29 The Illustrative concept plan shows access options, possible new tree planting, the possible siting of an attenuation pond, the possible retention of trees and hedgerows and potential 2 storey housing development zones. There is no indication of layout and/or number of units that could be accommodated on the site. It is therefore simply to be noted at this stage. It is relevant that the Transport Assessment refers to a development of 96 dwellings (para 7.1.2 refers).

8. PLANNING BALANCE

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

8.2 As set out above there is significant conflict with that part of Policy SS6c relating to the Green Belt and conflict with Policy NE1 relating to biodiversity. The NPPF is a material consideration of weight in the determination of this application. It sets out a presumption in favour of sustainable development.

In this case, because the Council is unable to demonstrate a 5 year supply of deliverable housing sites at present, paragraph 11(d) of the Framework applies. This means granting permission for the proposal unless:

- i) the application of policies in the Framework that protect areas or assets of particular importance provide 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 of the Framework taken as a whole.

8.3 Policies in the Framework which protect Green Belts are relevant under paragraph 11(d)(i) by virtue of footnote 6. As discussed above Green Belt policy does, in this case provide a clear reason for refusal. There is therefore no 'tilted balance'. The application stands to be determined therefore in accordance with the Development plan unless other material considerations indicate otherwise.

8.4 The proposal would deliver economic benefits through the construction of the dwellings and once completed through extra spending power in the local economy and increased Council tax receipts. The provision of housing including affordable housing in circumstances of a chronic housing under supply is also a benefit of the proposal. However the harm occasioned to the Green belt would be very substantial and alone is overriding and not outweighed by these or other material considerations. There is a strong conflict with Policy SSC 6 of the Development plan and the NPPF. There is also conflict with Policy NE1 and advice in the NPPF relating to the securing net gains for biodiversity. A recommendation of refusal is therefore made.

8. RECOMMENDATION

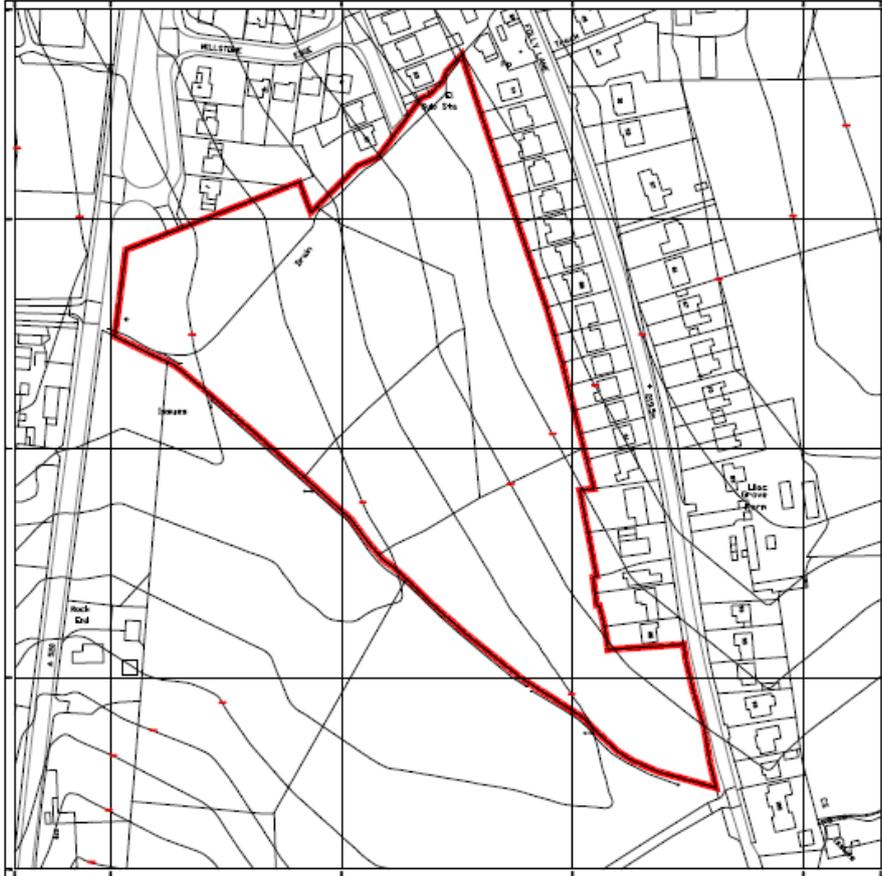
A. That planning permission be refused for the following reason:

1. This is a greenfield site situated within the Green Belt. The development of the site for housing represents inappropriate development in the Green Belt. Inappropriate development is harmful by definition. The development would, in addition significantly compromise openness by replacing open fields with a housing estate. Openness and permanence are, the NPPF confirms, the essential characteristics of the Green Belt. The fundamental aim of Green belt policy is to prevent urban sprawl by keeping land permanently open. Furthermore there would be conflict with one of the main purposes of including land within the Green Belt namely that of safeguarding the

countryside from encroachment. Local Planning Authorities are required to give substantial weight to any harm to the Green Belt. It is not considered that the other considerations put forward by the applicant amount to the very special circumstances to clearly outweigh the harm to the Green Belt. It is for these reasons that the proposal is contrary to Policy SS6C of the Staffordshire Moorlands Core Strategy Development Plan Document and national advice in the National Planning Policy Framework.

2. Insufficient information has been provided to determine the ecological impact of the application. As such the proposal conflicts with Policy NE1 of the Staffordshire Moorlands Core Strategy Development Plan Document and national advice in the National Planning Policy Framework both of which seek to minimise impacts on and provide net gains for biodiversity.

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.



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