

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**12 March 2020**

<b>Application No:</b>	SMD/2020/0038	
<b>Location</b>	Land South East Of A521, A50 BLYTHE BRIDGE BYPASS BLYTHE BRIDGE, STAFFORDSHIRE	
<b>Proposal</b>	Variation of condition 6 relating to application SMD/2018/0696, to vary the period of time for which the haul road can be used by construction traffic accessing Phase 1 at Blythe Vale by one year	
<b>Applicant</b>	St. Modwen Homes	
<b>Agent</b>	Mr. Peter Hayward, Turley Associates	
<b>Parish/ward</b>	Forsbrook	<b>Date registered</b> 23/01/20
<b>If you have a question about this report please contact:</b> Ben Haywood tel: 01538 395400 ex 4924 ben.haywood@staffsmoorlands.gov.uk		

## **REFERRAL**

The Application has been referred to committee because it is locally contentious and Committee has considered previous applications on this site.

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

<b>APPROVE subject to Conditions</b>
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### **2. SITE DESCRIPTION**

2.1 The Application Site comprises part of the existing Woodlands Lane, (a narrow lane off Uttoxeter Road, at Blythe Bridge, which serves a number of sporadic residential properties and agricultural holdings) as well as a strip of agricultural land alongside the remainder of the lane. The total site area to which this planning application relates is 0.31 hectares (ha), as shown in the Site Location Plan (Ref. 12629 – 200 A) and Red Line Boundary Plan (Ref. 12629 – 201 A). The site forms part of a wider site controlled by St Modwen, which in turn forms a significant part of a site allocated in the adopted Development Plan (Core Strategy 2014) for employment development.

2.2 The Site is located north of the A50/south east of the A521 at Blythe Bridge. The Application Site is south east of Blythe Bridge, located between this settlement and Forsbrook. To the north and primarily to the west of the Site, the land within the wider St Modwen control, forms fields used for grazing purposes.

2.3 The fields comprise grass, with trees and hedgerows predominantly forming the boundaries as opposed to being isolated within the fields themselves. Established tree and hedgerow boundaries in particular form the southern and western edges of the Site.

### 3 DETAILS OF PROPOSAL

3.1 A full planning application was approved on 10/05/2018 (App Ref. SMD/2017/0512). The planning permission was for residential development under the following description of development: *'Detailed Planning Application for the development of 118 dwellings (Use Class C3), new access and internal roads for vehicles, pedestrian and cycle linkages; car and cycle parking; associated play and open space, landscaping, ecological habitats; sustainable drainage measures, earthworks and all ancillary enabling works including the demolition of building and structures.'*

3.2 Following this, a Reserved Matters planning application relating to 'Phase 2' of planning permission Ref: 11/00405/REM1MJ was approved on 17/10/2018 (App Ref. SMD/2018/0443). The planning permission was for an access road and associated infrastructure under the following description of development: *'Reserved Matters application for the Phase 2 Access Road and associated infrastructure, including drainage to the road, tree removal, levels, landscaping, safeguarding area over the A50 and Great Crested Newt mitigation, pursuant to planning application Ref. 11/00405/REM1MJ (SMD/2011/0304).'* 2

3.3 Access to the site to undertake construction was originally intended to be achieved via the junction of the Phase 1 access road and the Uttoxeter Road (A521). This access would then go on to serve the residential development. Whilst planning permission had been granted, the process of the S278 Agreement with Staffordshire County Council took considerably longer to conclude.

3.4 St Modwen Homes wished to commence work on site as soon as possible in order to deliver the 118 dwellings permitted under Phase 1 (App Ref. SMD/2017/0512). However the timescales for the S278 agreement which allows for works to be undertaken within the public highway were relatively lengthy; and therefore to ensure that the delivery of new homes within the site could be commenced consecutively, St Modwen sought to secure planning permission for a temporary haul road access that will allow construction traffic to enter the site until such a time as the access works subject to the S278 process were approved and completed. Access could then be achieved via the original access permitted under. SMD/2017/0512

3.5 Accordingly, temporary planning permission was granted in February 2019 for a haul road to provide temporary construction access into Phase 1 (App Ref. SMD/2017/0512) at 'Land South East of the A521 Uttoxeter Road', otherwise known as Blythe Vale. The permission was subject to a number of conditions including the following:

*Use of the haul road hereby approved shall be discontinued on 1st February 2020 or on completion of the new traffic light junction on Uttoxeter Road to a standard which Staffordshire County Council has confirmed provides safe and suitable access to the construction site, whichever is sooner, the haul road shall be removed and the land restored to its former condition on or before 31st July 2020 in accordance with a scheme of work which shall first have been submitted to approved in writing by the Local Planning Authority.*

3.6 Since that time work has commenced on implementing planning permission SMD/2017/0512 and the s278 approval process has been concluded. Roadworks have also commenced to construct the new access, although at the present time these remain

uncompleted. However, the time period by which the use of the haul road should be discontinued, under the condition above, has now passed. Accordingly, the developer is seeking a variation of the condition in question to extend the time period to allow the continued use of the haul road until the permanent access works are completed.

- 3.7 As shown in the General Arrangement Plan and Construction Details Drawing (12629 202 C), the temporary haul road is routed from an entry off Uttoxeter Road to the northeast, along the existing Woodlands Lane for a short length, before heading directly southwest on a new track across the field towards the east corner of the Phase 1 site. The existing section of Woodlands Lane to which this application relates is operated by way of a manned “stop” signed system, giving priority to pedestrians. Where the haul road exits Woodlands Lane and enters the neighbouring field at Point B, and where the haul road enters the Phase 1 residential site at Point A, manually operated vehicle barriers, “stop” signs and radio communication between the two points are in place. The haul road along the existing Woodlands Lane prioritises vehicles heading southeast from Uttoxeter Road into the Site. Two passing places are provided for vehicles along the proposed new haul road section.
- 3.8 The character of the haul road comprises a 4.0m width, with passing points of a 7.0m width, as shown in the General Arrangement Plan and Construction Details (Ref. 12629 – 202C). Following the proposed temporary works, and once this access road is no longer required, the condition of Woodlands Lane will be returned to its former condition, as stated in the Site Traffic Management Plan (Ref. 12629 – 204 A). The gate currently in place at Point B has been replaced with a gate that provides access for those with limited mobility.
- 3.9 The Section 278 Agreement works to the new traffic light junction on Uttoxeter Road (A521), the main site access for the Blythe Vale allocation, are yet to be completed and it is not anticipated that this access route will be available until March 2020 at the earliest. Following completion of this access, works will then take place throughout 2020 to install the main spine road through Phase 1 of the development. The spine road itself will require a further period of construction until such time as it is ready for use.
- 3.10 Given the ongoing nature of the Section 278 works on Uttoxeter Road, the proposed variation to Condition 6 seeks approval to vary the period of time for which the haul road can be used by one year. It is proposed that the discontinuation date would be 1 February 2021 and the land restoration date to 31 July 2021.

#### **4. RELEVANT PLANNING HISTORY**

- SM.97-0216 Premium Employment Site Development 30th July 1997
- 03/00498/FUL\_MJ Variation of Condition 2(a) (b) (ii) of SM97-0216 to extend time limit. 15th July 2003
- 06/00984/FUL Variation of Condition 1 attached to planning permission 03/00498/FUL\_MJ dated 15th July 2003 to extend time period in which to submit reserved matters by a further 5 years to 15th July 2013. - 17th October 2006
- 01/00125/REM Provision of access to phase 1 development of employment site. 3rd April 2007

07/01532/REM\_MJ Development of commercial site of phase 1 for Class B1 use. 29th April 2008

11/00405/REM New Planning Permission to replace extant Planning Permission 06/00984/FUL, pursuant to the original Outline Planning Permission SM.97-0216 for a Premium Employment Site on land adjoining A50(T), Blythe Bridge, in order to extend the time for submission of reserved matters by 5 years to the 15th July 2018 and the implementation of the planning permission by 5 years to 15th July 2021. 9th August 2011

SMD/2017/0512 'Detailed Planning Application for the development of 118 dwellings (Use Class C3), new access and internal roads for vehicles, pedestrian and cycle linkages; car and cycle parking; associated play and open space, landscaping, ecological habitats; sustainable drainage measures, earthworks and all ancillary enabling works including the demolition of building and structures.' - Approved

SMD/2018/0443 Reserved matters application for the phase 2 access road and associated infrastructure including drainage to serve the road, tree removal, levels, landscaping, safeguarding area, great crested newt mitigation pursuant to planning application 11/00405/REM – Approved

SMD/2018/0696 Full planning application for a haul road to provide temporary construction access to Phase 1 (Ref. SMD/2017/0512) – Approved

SMD/2018/0790 Development of 146 dwellings (Use Class C3), access and internal roads for vehicles, pedestrian and cycle linkages; car and cycle parking; associated play and open space, landscaping, ecological habitats; sustainable drainage measures, earthworks and all ancillary enabling works including the demolition of building and structures. – Pending (resolution to approve)

## **5. PLANNING POLICIES**

5.1 The Development Plan comprises of:

- Staffordshire Moorlands Local Plan (Adopted 1998)
- The Staffordshire Moorlands Local Development NPPF Core Strategy (Adopted March 2014)
- The Minerals Local Plan (Adopted December 1999) Saved Policies 2007
- Staffordshire & Stoke-in-Trent Joint Waste Core Strategy (Adopted March 2013)

### 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 Local Development Framework (LDF) (26<sup>th</sup> March 2014)

5.3 The Staffordshire Moorlands Local Development Framework (LDF) is a District wide development plan which replaces the Staffordshire Moorlands Local Plan to provide a

framework for delivering development up to 2026. The Core Strategy is the key LDF document. It is a strategic District wide plan which influences how and where the Staffordshire Moorlands will develop in the future. It sets out what the Council would like to achieve in each of the main towns and the rural areas outside of the Peak District National Park. The Core Strategy provides the framework for future LDF documents which will then identify specific sites for development in the District (Site Allocations Development Plan Document) and provides detailed guidance to supplement the policies (Supplementary Planning Guidance).

5.4 The following CS (Core Strategy) policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS6c Other Rural Areas Area Strategy
- SS8 Blythe Bridge Regional Investment Site
- E2 Employment Sites
- SD4 Pollution and Flood Risk
- DC1 Design Considerations
- DC2 The 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
- T2 Other Sustainable Transport Measures

*Supplementary Planning Guidance (SPG)*

- Developer/Landowner Contributions SPG (2004)

*National Planning Policy NPPF 2018*

*National Planning Policy Guidance*

Emerging Staffordshire Moorlands Local Plan

National Policy Guidance

5.5 Paragraph 48 of the newly adopted NPPF states that:

*“...decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

## Local Plan process

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

5.7 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 were held on 4th and 5th February.

5.8 On 27th February, the Inspector issued his post hearing advice. Key recommendations in the letter include:

- The proposed safeguarded land at Gillow Heath, Biddulph should be removed. Neither should the site be allocated for housing as requested by the landowners as the case for exceptional circumstances has not been met. The land will remain Green Belt as per the Local Plan Submission Version agreed by the Council in June 2018
- No further housing allocations in Biddulph are required
- No further amendments to the housing trajectory are required aside from pushing back the predicted commencement of the Wharf Road, Biddulph site (excluding BDNEW) until 2022/23.
- Monitoring of housing supply will determine if a full or partial Local Plan review is required within 5 years
- Land at Ox Pasture (Cheddleton) and Dorset Drive (Biddulph) should revert back to the Local Green Space designations as per the Local Plan Submission Version as agreed by the Council in June 2018.
- Other modifications were considered during the recent hearings sessions are necessary to make the plan sound, including; updating neighbourhood area housing requirements (Policy SS4) to reflect the latest monitoring data, updating the employment land area for the Tunstall Road allocation to reflect the masterplan and other adjustments to the wording of Policy SS4 and Policy DC2.

5.9 No further representations will be sought by the Inspector. As such, the Local Plan policies as proposed to be modified in September 2019 along with the Inspector recommended revisions (February 2020) provide a strong indication of the final policies likely to be adopted in the Local Plan. The Inspector’s final report is expected within 2 months and will reflect the post hearing advice. The Council will be able to consider the adoption of the Local Plan at this point. As such, the plan is at a very advanced stage of preparation with

some of the key outstanding objections now having been resolved following the February 2020 hearing sessions.

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 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.

5.11 Given the above, the majority of policies (as modified) can be given substantial weight.

### Emerging Policies

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

- Policy SS1 Development Principles
- Policy 1a Presumption in favour of sustainable development
- SS2 Settlement Hierarchy
- SS9 Smaller Villages Strategy
- SS10 Other Rural Areas Strategy
- Policy H1 New Housing Development
- Policy DC2 Historic Environment
- Policies H2 and DSR1, 'Blythe Vale'.

## **6. CONSULTATIONS CARRIED OUT**

The public consultation period ended on 26/02/2020

### **Forsbrook Parish Council**

No objection

### **Draycott Parish Council**

No comments received at the time of report preparation

### **Lead Local Flood Authority**

No comments received at the time of report preparation

## Highways

No comments received at the time of report preparation

## Ecology

We have no comments to raise in relation to '*Variation of condition 6 relating to application SMD/2018/0696, to vary the period of time for which the haul road can be used by construction traffic accessing Phase 1 at Blythe Vale by one year*'

## Tree Officer

No comments received at the time of report preparation

## Archaeology

No comments received at the time of report preparation

## Public Rights of Way

No comments received at the time of report preparation

## Environmental Health

- No objections
- The following comments were made with regard to Construction for the main development (Ref. SMD/2017/0512)
  - “A comprehensive construction plan should be submitted with a requirement to protect early morning amenity of existing residents”
- *Nuisance*: The proposed development is close to existing residential properties so a construction environmental management statement should be submitted for approval.
- It is considered that its appropriate is extended to this temporary haul road this should be applied to the this temporary haul road
- *Contamination*: There is a requirement under the consent SMD/2017/0512, for a full contaminated land risk assessment. It would not be appropriate to require this for this smaller part of the development. However, the developer should ensure that this temporary feature does not compromise the required investigation under SMD/2017/0512., which should relate to sources of contamination and final site layouts (rather than the temporary haulage road). The unexpected contamination condition is recommended as a precaution.
- If consent is granted the following conditions are recommended:
  - Construction and demolition works: Environmental Method Statement
  - Unexpected Contamination to be reported and mitigated

## Severn Trent

We would have no comment to make on:

" Variation of condition 6 relating to application SMD/2018/0696, to vary the period of time for which the haul road can be used by construction traffic accessing Phase 1 at Blythe Vale by one year"

We await the consultation regards to drainage.

## Third Parties

- None received.

## 7. OFFICER COMMENT

### Main Issues

7.1 The main issues in the consideration of this application are the principle of development, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, drainage and flooding.

### Principle of Development

#### *Adopted Core Strategy*

7.2 Under the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*". The part of the application site which lies within the field alongside Woodlands Lane, is allocated as a Regional Investment Site under Policy SS8 of the Core Strategy. The Policy strictly controls the use of the site to B1 (Office and Light Industrial Uses), and where appropriate, B2 (General Industry).

#### *Emerging Policy*

7.3 The Staffordshire Moorlands Local Plan Submission Version (February 2018) allocates approximately 300 homes within a wider, 48.5 hectare mixed use development on the site. This allocation is sought in conjunction with Policies H2 and DSR1, with the site referred to as 'Blythe Vale' or 'Blythe Bridge Regional Investment Site'.

7.4 Policy DSR1 of the Staffordshire Moorlands Local Plan submission version refers to Blythe Vale and states:

*Land of approximately 48.5ha is allocated for mixed-use including employment, residential development of approximately 300 houses and supporting infrastructure. This residential development should be located to the north of the site.*

*Development will be subject to compliance with other relevant Local Plan policies and*

- *A comprehensive masterplan;*
- *Affordable housing in accordance with policy H3;*
- *A Transport Assessment;*
- *A Travel Plan;*

- *A landscaping scheme and mitigation measures identified in the Council's Landscape, Local Green Space and Heritage Impact Study;*
- *Details of surface water discharge;*
- *A site specific Flood Risk Assessment and early engagement with the Local Lead Flood Authority;*
- *Ecological survey and management plan having regard to the findings of the Council's Local Wildlife Assessment 2017;*
- *Measures to improve sustainable transport routes and connectivity with Blythe Bridge and surrounding area having regard to the Green Infrastructure Strategy;*
- *Cycle path crossing the site needs to be protected and*
- *Contributions toward infrastructure, public open space, education services and other community needs as required.*

7.5 Accordingly, it has been put forward and currently supported by the Council, in principle, as an allocation in the emerging local plan. This is an important material consideration and indicates the direction of travel of local planning policy, acknowledging the unviable nature of the employment allocation, and one which given the stage in preparation of the plan can now be afforded significant weight..

7.6 Phase 1 of the overall site development comprising 118 dwellings has already been approved (Application Ref. SMD/2017/0512). This approval includes the delivery of a junction and access road from the A521 Uttoxeter Road. In addition, reserved matters approval has been given for an access road submitted pursuant to an extant outline consent for employment use to serve a second phase of development on the site.

7.7 The current application is to extend the timelimit for ceasing to use and removal of a temporary haul road to allow construction work be completed on the approved residential access road. The developer would ideally look for the temporary haul road to be in place for a further 12 month period. This should allow enough time for the construction of the access and spine road to be completed. A further 6 months would then be required to remove the temporary haul road.

7.8 Maintaining two separate access points into the Phase 1 residential site for this extended period will allow construction traffic and residential traffic to be separated, as the construction traffic would solely use the haul road, and residential (and sales) traffic would use the main site access off Uttoxeter Road. Preventing this interference between construction and residential traffic will reduce the risks of any potential health and safety hazards, to protect both site operatives and sales traffic/future occupants.

7.9 In addition, the current haul road operations have functioned effectively in allowing construction works to commence on the Phase 1 residential development. Following the introduction of traffic control measures along Woodlands Lane in May 2019 this is a solution that has worked well, as acknowledged by Staffordshire Moorlands DC and local residents. These traffic control measures and all other necessary existing measures would remain in place throughout any extended use of the haul road.

7.10 Finally, continuing the use of the haul road from 1 February 2020 to 1 February 2021 will allow the construction of the residential development within the Blythe Vale allocation to continue apace. This allocation forms a vital housing supply and delivery contribution supporting the adoption of the Staffordshire Moorlands Local Plan. These development proposals seek to act as a catalyst for the delivery of an allocated site. This will therefore support the Local Planning Authority's delivery position.

7.11 No physical changes are proposed to the haul road from that approved under planning permission Ref: SMD/2018/0696.

7.12 As such the proposed temporary haul road is in accordance with the adopted Core Strategy policy in principle as it will enable the development of the site in accordance with adopted and emerging policies and approvals and does not present an opportunity to reconsider the suitability in principle of the site for employment use or residential development of the area covered by Phase 1. Overall, therefore, the principle of the haul road is considered to be acceptable and in accordance with both adopted and emerging policy.

### **Contaminated land,**

7.13 Issues relating to contaminated land have been dealt with as part of other applications and therefore a full contaminated land report has not been submitted or required. Furthermore, a temporary haul road is not considered to be a sensitive end use. The Environmental Health Officer has been consulted on the application and no objection has been received subject to conditions to deal with any unexpected contamination. Accordingly the proposal would comply with CS Policy SD4 'Pollution and Flood Risk' in respect of contaminated land

### **Noise Impact and Air Quality**

7.14 The application site lies adjacent to the A50 Stoke-on-Trent to Derby trunk road, and the A521 Uttoxeter Road. The application relates only to the construction of a haul road which is not a noise sensitive receptor and on this basis, it is not considered that there are any noise implications of the proposal. With regard to noise generated by the operation of the road, the Environmental Health Officer has been consulted and raised no objection on these grounds. It is considered that the proposal also complies CS Policy SD4 'Pollution and Flood Risk' with regard to noise and air quality.

### **Drainage and Flooding**

7.15 The applicant submitted with the original application construction details for the road with the application, which includes drainage detail. The haul road has a cross-fall away from Woodlands Lane houses and toward the field. Any surface water run-off from the haul road will drain to the new filter trench/French drain running alongside the road. The Lead Local Flood Authority, (Staffordshire County Council) has been consulted on these proposals and although it has not commented on the application it raised no concerns previously regarding the original proposals. Severn Trent also has no objections. Furthermore, given that the haul road is a temporary feature, and is already in place. No instances of flooding have been reported as a result and therefore subject to compliance with conditions imposed previously, the proposal is considered to accord with CS Policy SD4 'Pollution and Flood Risk' and the NPPF, particularly Chapter 10.

### **Layout and Design**

7.13 CS Policy SS1 'Development Principles' states that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements of the Staffordshire Moorlands and 'development should be undertaken in such a way that protects and enhances the natural and historic environment of the District and its surroundings both now and for future generations ...'.

7.14 The specific design and conservation policies of the CS also seek to promote local distinctiveness by means of good design and the conservation, protection and enhancement of historic, environmental and cultural assets along with the District's landscape and the setting of its settlements. Policy DC1 sets out design criteria relating to new development to reinforce local distinctiveness and positively contribute to the area. Policy DC2 covers the protection and enhancement of the historic environment. However, in this case the proposal does not raise any heritage impact concerns.

7.15 With regard to the design of the road, the submitted construction details show that this comprises a geotextile laid on the existing ground, which is covered by 33mm of compacted stone and topped with 155mm of macadam binder course. Whilst the appearance of the road will be necessarily functional it is a temporary feature and has been designed in such a way that will facilitate easy removal and restoration. Accordingly it is considered that road complies with Policy DC1. No change to the design or appearance of the road is proposed as part of this application.

### **Trees & Landscape**

7.16 Policy DC3 sets out measures to protect and enhance the local landscape and setting of settlement. In detail, Policy DC3 'Landscape and Settlement Setting' states 'The Council will protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands by: 1. Resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement and important views into and out of the settlement as identified in the Landscape and Settlement Character Assessment; 2. Supporting development which respects and enhances local landscape character and which reinforces and enhances the setting of the settlement as identified in the Landscape and Settlement Character Assessment ...'.

7.17 The current application site forms part of a much larger site which has previously been identified and granted outline planning permission for major employment development and therefore the principle of the development and the associated visual impact has already been accepted. Whilst a development of a piece of new road infrastructure will inevitably have some impact in the wider landscape, the existing landscape structure of on- and off-site field hedgerows, trees and substantial highway tree belts provides effective screening of the site from public and prominent viewpoints. Furthermore, as noted above, the road will be a temporary feature.

7.18 Although no comment has been received from the Trees and Woodlands Officer, impacts on existing trees, were considered as part of the previous application, when it was noted that the removal of a small number of trees and hedgerow sections was required to deliver the proposed access road and drainage works. The Site Clearance Plan (Ref. 12629 - 203) and General Arrangement Plan and Construction Details (Ref. 12629 – 202C ) provided in support of this application demonstrated the necessary minimal extent of tree and hedge removals, required at Point B shown on the General Arrangement Plan and Construction Details (Ref. 12629 – 202C). An Arboricultural Assessment (J:\6200\6249\ARB\6249AA) and Tree Survey Plan (6249-A-02.1 C), covering an extent of the Site, have been undertaken previously as part of both the Phase 1 permission (App Ref. SMD/2017/0512) and permission for a Phase 2 access road (App Ref. SMD/2018/0443), and are provided again in support of this application. These surveys concluded that only Category U tree(s), those which are unsuitable for retention, were to be removed as part of the proposed haul road development. Overall the haul road has been specifically routed so

as to minimise tree removal as much as possible, and thus tree removal is considered negligible.

7.19 Given that the road is now in place, and no changes are proposed to it as part of this application it is considered that the proposal would meet with the objectives of CS policy DC3, which seeks to resist development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement. It would also accord with CS Policies SS1, SS6c and S7 in respect of landscape and those CS policies relating to good design: H1 and DC1 and the relevant core principles of the NPPF in respect of always seeking to secure high quality design and taking account of the different roles and character of different areas as well as protecting trees of amenity value.

## **Ecology**

7.20 The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

7.21 The UK has implemented the Directive in the Conservation (Natural Habitats etc.) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

7.22 The conservation and enhancement of the natural environment is a core principle of the NPPF where planning policies should promote the preservation, restoration and re-creation of priority habitats and ecological networks. In determining planning applications, permission should be refused if significant harm resulting from development cannot be avoided, adequately mitigated or, as a last resort, compensated for. Similarly, CS Policy DC1 promotes the maintenance, enhancement, restoration and re-creation of biodiversity and geological heritage, where appropriate, in accordance with CS Policy NE1 'Biodiversity and Geological Resources'.

7.23 Amongst other matters, Policy NE1 requires that development, where it is appropriate, produces a net gain in biodiversity and ensures that any unavoidable impacts are appropriately mitigated for whilst promoting the appropriate maintenance, enhancement, restoration and/or re-creation of biodiversity through its proposed nature, scale, location and design.

7.24 Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements

7.25 The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with

less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

7.26 Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

7.27 In this case the original application was supported an ecological note which concluded:

- *the completion of the temporary haul road will only result in the loss of a limited area which provides potential resting sites for the confirmed population of GCN. Consequently, this development will not affect the 'favorable conservation status' of GCN on site as there will be no loss of habitat. This conclusion is reached from assessment of the habitats present within the site against the definitions of 'resting places' provide in the EC guidance.*
- *Although during the site clearance / construction phase, a risk (albeit a remote risk) to GCN has been identified, with the application of appropriate avoidance techniques as outlined above, this risk could be avoided. The application of such methods is also in accordance to NE current guidance where the potential impact of a development to populations have been assessed as negligible.*
- *In summary, as the development will only affect any potential 'resting places' for GCN as defined in the Regulations and appropriate measures to avoid potential offences can be applied it is concluded that the development can be completed without the need for a derogation licence from Natural England.*

7.28 The Council's ecologists (Staffordshire Wildlife Trust) have been consulted on the application and have raised no objections. Accordingly the proposal complies with Policy NE1

### **Amenity**

7.29 The only neighbouring properties which could be affected by the proposal are those in Woodlands Lane. Now that the road is in place, it is considered that the main amenity impacts associated with the road are noise, dust and light pollution associated with the continued operation of the road for a further 12 months. However, the majority of the proposed road (other than that which lies within the existing carriageway of Woodlands Lane) is within the area of the Blythe Vale allocation and permissions and on this basis will be subject to construction activity in any event in the future. It is not considered that the impacts of the operation of the road for a further 12 months would be any greater than those already experienced and associated generally with a major construction project of this nature. Moreover, the matter has been considered carefully by Environmental Health who have raised no objection subject to conditions. In the absence of any objection from Environmental Health it is not considered that a refusal on amenity grounds could be sustained. It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy DC.1 of the Core Strategy.

### **Archaeology**

7.30 An Archaeological report has been submitted with the application. In summary it states that:

*“The Centre of Archaeology was commissioned in August 2018 by St Modwen Homes to undertake an evaluation on land to the south-east of Blythe Bridge, adjacent to the A50 Blythe Bridge Bypass (NGR SJ 396575 340501), in advance of a proposed residential development. Twenty-one trenches were excavated, the purpose of which was to evaluate the presence of archaeological features within the proposed development site.*

*Geophysical investigations were undertaken across the site prior to invasive archaeological trenching being completed. A magnetometer survey was conducted over 5 hectares within the site boundary. The purpose of this was to lead the formulation of a strategy for further archaeological investigation. No definitive archaeological anomalies were identified during this survey. Evidence of agricultural activity could be seen across the site. This included ridge and furrow, plough effects, land drains and a former fence line. Trenches were located to target possible geophysical anomalies and to be equally distributed across the development site. The twenty-one trenches had comparable stratigraphic relationships and natural ground was reached in each trench. In every trench natural geology was covered by a layer of sterile subsoil and was sealed by a thin topsoil. Overall, the absence of artefacts and features across the site, combined with the known historic usage, suggests that the site has remained an open area, free from structures or development throughout its history.*

*No features of archaeological interest were identified within the trial trenches. Several cobble, ceramic horseshoe and cylindrical shaped field drains were present in the trenches. The backfilled packing material surrounding some of these drains included fragments of large pottery saggars and occasional waste ceramics. These were likely to have been purchased from a local pottery (Blythe Bridge/ Stoke-on-Trent) pottery in the late 19th or early 20th century specifically for the purpose of hardcore. The presence and frequency of the field drains was confirmation of the geophysical results. There were also numerous examples of areas of burnt natural geology, present as a result of past bonfires across the area. In addition, two shallow linear ditches were identified. These contained silted material and were also likely to have been field drainage trenches”*

7.31 The County Archaeologist has commented in respect of previous applications that there is a moderate potential for the presence of unknown below ground archaeological remains surviving within this landscape. She notes the presence of the Roman road to the north of the site with a moderate potential for Roman activity in the area. It should also be noted that the site lies on rising land overlooking the River Blythe with minor valleys to the north west and north east; such sites elsewhere in the county have been associated with prehistoric activity.

7.32 Notwithstanding this, it is noted from the submitted construction drawings, that the haul road is formed on top of the existing ground and no substantial excavation was required in order to form the road itself. Excavation was limited to the drainage trench alongside the road and no further excavation is now proposed.

### **Highway Safety and Traffic Generation.**

7.33 The Haul Road Operation Statement submitted with the original application stated that:

- Prior to the start of any haul road works SMH will provide notice to all local neighbours giving the intended start, duration and impact of the haul road works.
- Prior to any works along Woodlands Lane SMH will undertake a photographic survey of the roadway / verges to record the existing condition for defects/dilapidation.
- Haul road construction to be implemented in line with all traffic management, signage, security and drainage measures.
- Upon completion, the haul road will be inspected by a competent person to ensure it has been completed to a suitable standard and in line with the approved documents.
- A competent person will inspect the haul road / site setup measures at the start and end of each shift to ensure they are in a safe / suitable condition.
- The new haul road will be accessed off the existing junction of Woodlands Lane with Uttoxeter Road adjacent B&R Motors.
- Shared haul route / Woodlands Lane stretch, whilst in operation, will have constant banksman and stop sign management from both the Uttoxeter Road entrance and the proposed gate onto SMH land. This operation will provide 1-way / priority usage of the existing stretch of woodlands lane to ensure safe access/egress of all users. Banksman communication/coordination will be maintained via radio.
- Woodlands Lane residents will be given priority access / egress at all times, managed by the SMH banksmen.
- The existing public right of way, that utilises Woodlands Lane, will be maintained throughout the duration of works. Public Right of Way (PROW) users will be given priority by the SMH banksmen and will be escorted through the length of Woodlands Lane affected by the haul road works.
- Pedestrian refuges will be provided to the side of the haul road on Woodlands Lane to allow for safe standing areas should conflict with vehicles (errant drivers) occur.
- Site access into the site will be manned by a banksman and have site security / gates in place. Gates will be manned throughout the times of operation on site and will be made secure at the end of work shifts.
- Gates to the PROW will be surveilled throughout the times of operation on site to ensure any users are safely escorted along the haul route.
- At the end of work shifts the PROW will be left unobstructed and open to public use.
- Within the applicants land the haul road will operate under a 1-way priority system with waiting/passing bays provided to allow HGV (Articulated vehicle) waiting.
- The haul road geometry is straight through the site therefore visibility is not an issue. Communication along the haul road will be maintained between banksmen via the use of radios.

- 2A second pair of gates will be installed with a banksman where the haul route crosses Woodlands Lane again at the southern end. This will ensure access is retained to the farmers field.
- The operation/maintenance of the haul route will be monitored by SMH and improvements made where necessary.
- Site security will be monitored daily and repairs / improvements made where necessary.

7.35 The County Highway Engineer examined the application at that time and raised no objection subject to conditions. He has considered the proposal to extend the time limit for operation and has stated that he has only one concern. St Modwen have resurfaced most of Woodlands Lane which is an improvement and welcomed, but there is a length between the highway and the start of the resurfaced Lane which has not been resurfaced. The surfacing is breaking up and there is a stop tap with a missing cover. He notes that there is still the note on the drawing regarding '...any subsequent damage to be repaired'. He has asked the agents to advise on St Modwen's intentions regarding this length. It's not highway, but he is concerned regarding the wellbeing of the residents using Woodlands Lane. The developer has responded by stating that they will address the damaged areas of Woodlands Lane without delay. Formal confirmation that this has addressed the highways engineers concerns and that he has no objection was awaited at the time of report preparation. However, subject to this being forthcoming, it is considered that the proposal complies with policies T1 and T2 of the Core Strategy in respect of highway safety, traffic generation, parking and sustainable transport.

### **Public Right of Way**

7.36 A Public Right of Way (PROW) is located on part of Woodlands Lane, between Uttoxeter Road and Point B on drawing 1269-202 C. The PROW enters the field south east of Woodlands Lane at Point B shown drawing 1269-202 C. The PROW then heads east, running parallel to the hedgerow in this field.

7.37 The applicant states in the Haul Road Operation Statement (Ref. MC/12829 First Issue – 19 Oct 2018) and shown in the General Arrangement Plan and Construction Details (Ref. 12629 – 202C), PROW users and Woodlands Lane residents will be given priority over all vehicles. Pedestrian refuge points will be provided along Woodlands Lane, and Point B will be manned during hours of construction. It is only the length of PROW from Uttoxeter Road to the point of the PROW entering the field that will be affected by the proposed works. A stile and gate are currently in place between woodlands Lane and the field into which the PROW leads. These will be replaced once works are completed, and the stile replaced with an accessible form of entry.

7.38 The County Council Rights of Way Officer has not commented on this application but raised no objection to the proposals provided that the PROW remains open and available for the public to use and that the safety of the public using it is maintained. A site visit by the case officer confirmed that the Right of Way was open and accessible and that users of the PROW were being given priority over construction traffic by the Banksman.

## 8. CONCLUSIONS & PLANNING BALANCE

8.1 Under the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*". The site is allocated as a Regional Investment Site under Policy SS8 of the Core Strategy. The Policy strictly controls the use of the site to B1 (Office and Light Industrial Uses), and where appropriate, B2 (General Industry). There is an extant outline consent in place for employment development on the site and a reserved matters approval for the construction of an access road.

8.2 The Staffordshire Moorlands Local Plan Submission Version (February 2018) allocates approximately 300 homes within a wider, 48.5 hectare mixed use development on the site. This allocation is sought in conjunction with Policies H2 and DSR1, with the site referred to as 'Blythe Vale' or 'Blythe Bridge Regional Investment Site'. Accordingly, it has been put forward and currently supported by the Council, in principle, as an allocation in the emerging local plan. This is an important material consideration, and one which can now be given substantial weight.

8.3 Notwithstanding this Phase 1 of the overall site development comprising 118 dwellings has already been approved (Application Ref. SMD/2017/0512). This approval includes the delivery of a junction and access road from the A521 Uttoxeter Road. The developer wishes to continue work to implement this consent ahead of the completion of the new access and spine road. The haul road would enable the development of the site in accordance with adopted and emerging local plan allocations and extant planning permissions and is thus acceptable in principle.

8.4 It is not considered that this application raises any significant issues of contaminated land, air quality and noise. Given the fact that the principle of major development on this site has been established by the previous planning permissions and the adopted and emerging allocations allocation coupled with the fact that any impacts arising from the construction and operation of the haul road will be temporary it is considered that an adequate standard of residential amenity is maintained. In the absence of any objection from Environmental Health it is not considered that a refusal on amenity grounds could be sustained. There are no drainage and flood risk objections to the proposal and the ability to use the PROW is being maintained.

8.6 Given the relatively good level of screening to the site and temporary nature of the development no landscape or design and appearance concerns are raised. The proposal will therefore comply with policies SS1, H1 and DC1 of the Core Strategy as well as NPPF advice in terms of design. The County Highways Officer also has no objection subject to conditions.

8.7 Overall, therefore the proposal complies with all relevant development plan policies, there are no significant and demonstrable adverse impacts to outweigh the substantial benefits arising from enabling the development and, subject to the receipt of the outstanding comments and confirmation of no objections from the consultees referred to above the application is recommended for approval.

## **9. RECOMMENDATION**

### **A. APPROVE subject to the following conditions:**

- 1. The development hereby approved shall be maintained and retained in accordance with the following Approved Plans and documents:**

**12629 Haul Road Operation Statement  
12629\_200D Site Location Plan  
12629\_201c Red-line boundary plan  
12629\_202C General Arrangement Plan  
12629\_203 Site Clearance Plan  
12629\_204D Indicative Site traffic management plan**

**Reason:- For the avoidance of doubt and in the interests of proper planning**

- 2. a) The site work shall be implemented in full in accordance with the submitted written scheme of archaeological investigation.  
b) A post-fieldwork assessment shall be completed following operations in accordance with the submitted written scheme of archaeological investigation, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.**

**Reason: To record likely below ground archaeological remains**

- 3. Within 1 month of the date of this permission a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-**

- a. 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;**
- b. the arrangements for prior notification to the occupiers of potentially affected properties;**
- c. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;**
- d. 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;**
- e. a scheme for recycling/disposal of waste resulting from the construction works;**
- f. the parking of vehicles of site operatives and visitors;**
- g. the loading and unloading of plant and materials;**
- h. the storage of plant and materials used in constructing the development;**

- i. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- j. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works.**
- k. Provision of wheel wash facilities and provision of road sweeper**

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

**Reason: To protect the amenities of the area.**

- 4. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. If after consultation with the Local Planning Authority the contamination is considered to pose a possible risk, to human health, buildings and other property and the natural and historical environment (receptors), development shall not continue until a site investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority. If the contamination investigation and risk assessment indicates that potential risks exist to receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to the receptors has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved remediation shall be completed prior to the first use of the development.**

**Reason: To protect the amenities of the area.**

- 5. Use of the haul road hereby approved shall be discontinued on 1st February 2021 and the haul road shall be removed and the land restored to its former condition on or before 31st July 2021 in accordance with a scheme of work which shall first have been submitted to and approved in writing by the Local Planning Authority.**

**Reason: To protect the amenities of the area and to ensure that the permanent access is via the approved traffic light junction.**

- 6. Development shall take place in complete accordance with the method statement set out in the Biodiversity Guidance Note at section 6 (page 8). In the event great crested newts are located during construction, work shall cease and Natural England shall be contacted for advice. Development shall only proceed thereafter in accordance with any Natural England advice or licence if applicable.**

**Reason: Great crested newts and the habitats that support them are fully protected under the Habitat Regulations 2017, and the Wildlife and Countryside Act 1981 as amended.**

- 7. Prior to any undertaking of works between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds and the results shall be submitted to and approved in writing by the Local Planning Authority. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4.0m exclusion zone shall be left around the nest until breeding is complete. Completion of**

nesting shall be confirmed by a suitably qualified person and a further report shall be submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.

**Reason:** All breeding birds, nests eggs and young are protected from harm under the Wildlife and Countryside Act 1981 as amended.

8. Prior to the installation of any lighting to the Haul Road hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority. No lighting shall be installed except in complete accordance with the approved details. Any temporary lighting used during the construction phase of the haul road must be of a design that will not cause disturbance to birds or bats.

**Reason:** In the interests of biodiversity. To avoid impacts on birds or bats using the site and in the interests of residential amenity.

9. If any trenches / drains dug during works activities are left open over night, they shall be left with a sloping end or ramp to allow any badgers or other animals that may fall in to escape. Holes shall be covered over at night. Also, any pipes over 150mm in diameter shall be capped off at night to prevent animals entering.

**Reasons:** In the interests of biodiversity. Badgers are protected under The Protection of Badgers Act 1992. Hedgehog is a species of principal importance under the NERC Act 2006.

10. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development, unless otherwise approved in writing by the Local Planning Authority (LPA).

**Reason:** To protect existing trees and hedgerows of amenity value.

11. The temporary protective fencing along the west side of the proposed construction access road between Points A and B for the protection of the existing trees and hedges to be retained as indicated on the Baynham Meikle "Haul Road for Phase 1 – General Arrangement Plan & Construction Details" Drg. No. 12629/202 Rev C shall be erected and shall be retained in position for the duration of the period that this development takes place, including its use and subsequent reinstatement. 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.

**Reason:** To protect existing trees and hedgerows of amenity value.

## Informative

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

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.

