

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

11 February 2021

Application No:	SMD/2020/0201	
Location	Land adjacent Marsh Villa, Macclesfield Road, Rushton Spencer	
Proposal	Application for outline planning permission for a residential development of up to 9 dwellings with all matters reserved.	
Applicant	Amos Group Ltd., Ashbourne	
Agent	N/A	
Parish/ward	Rushton / Horton	Date registered 23 rd April 2020
If you have a question about this report please contact: Arne Swithenbank tel: 01538 395578 or e-mail arne.swithenbank@staffsmoorlands.gov.uk		

REFERRAL

The application is in outline (Minor) and is referred to Committee because of the level of local interest.

1. SUMMARY OF RECOMMENDATION

Refuse

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application defines two proposed development areas within separate red edged locations within the overall land ownership. The land is in planning terms agricultural though it seems likely it has been little used for a number of years. The land is owned in association with Marsh Villa, a previously altered and extended detached stone dwelling by the roadside which has been present at least since 1887. In summer 2020 some of the land closer to Marsh Villa was being kept mown and enjoyed informally as ancillary amenity to the dwelling. The remainder and majority of the grassland of the site has become semi-wild with a varied age structure and species composition made more diverse due to being in a low-lying and, in part at least, poorly drained location.

2.2 The embankment of the historic former feeder canal linking the River Dane to Rudyard Reservoir and dating from c.1809 lies along the easterly border of the land. A public footpath runs along the top of the embankment with generally open views across the application land. Site boundaries with Macclesfield Road to the SW site edge are generally native broad-leaved hedgerows. At the northern end of the application land a distinct brook course

forms the site boundary. There are occasional mature trees and shrubs to the site peripheries and more particularly in close adjacent land.

2.3 Within 50m to the east of the application land is the unconnected Marsh Side, an early 19thC Grade II Listed Building.

2.4 A recent brick terrace of three pairs of semis (Marsh Mews) emulating a traditional design style and built as local need housing following a 2009 consent flanks Macclesfield Road between Marsh Villa and the southerly of the two sites forming this application. To the south again are further terraced dwellings addressing the road, the first being 'The Old Police House. Opposite the northerly of the two development sites of this application, closer to Station Lane are a row of later 20thC detached modern houses, nos. 1 to 5 Smithy Fold. Tan House and Horse Cottage are lone detached dwellings beyond the application site to the north.

2.5 An "existing package treatment works" [for foul drainage] is identified on the submitted drawings within the southerly of the two sites.

3. DESCRIPTION OF THE PROPOSAL

3.1 The proposal is in outline with all matters reserved but in response to objections from the Highways Officer revised plans have been submitted to show on an indicative basis how visibility splays for access points could be formed. An original access into Marsh Villa would be brought back into use to serve Marsh Villa and the new development would be served via a newer access more-or-less as existing further to the north of Marsh Villa.

3.2 The total number of dwellings proposed is nine. The more northerly of the two red edged site areas of the application extends to 3,250m² or 0.3ha (0.74 acres). The existing dwelling of Marsh Villa is included within this red edge and the indicative drawings suggest five new detached dwellings between Marsh Villa and the brook course to the north.

3.3 The smaller more southerly of the two red edged site areas measures 1,150m² or 0.1ha (0.05 acres). The indicative drawings suggest four dwellings laid out as two pairs of semis addressing the road and sharing a single access point to the road. Total site area c. 4,400m² or 0.44 ha (c.1acre).

3.4 The application is accompanied by:

- highways technical note rev A (August 2020);
- drainage strategy technical note (August 2020);
- drainage strategy technical note (August 2020);
- storm water calculations rev 2 (2nd October 2020)
- drainage strategy layout plan (2nd October 2020)
- preliminary ecology appraisal (surveyed October 2018);
- tree survey
- planning statement

- Energy and sustainability statement

3.5 The application, the details attached to it, including the plans, any comments made by residents and the responses of consultees can be found on the Council's website at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=134544>.

3.6 The "existing package treatment works" [for foul drainage] identified on the submitted drawings within the southerly of the two sites is proposed to be re-located within the southerly site with onward outfall drainage to the north west and ultimately to the brook under the road to Station Lane.

4. RELEVANT PLANNING HISTORY

89/00010/OLD – NW of Marsh Villa – site for the erection of pair of semi-detached dwellings – refused

08/01136/FUL_MJ – Affordable housing development of 17 dwellings, new vehicular access to highway and foul and surface water drainage scheme – refused

09/00643/FUL – Erection of six houses for local need, construction of vehicular access and construction of water treatment – approved [Marsh Mews]

12/00141/REM_1 – Variations of Conditions 4 (Landscaping), 6 (Means of Enclosure) and 18 (Access Drives) to regularise works carried out on site – approved [Marsh Mews]

[Sugar Street] 12/00364/OUT Outline application for residential development (with details of access and layout) including partial demolition of existing cottage and garage – refused – allowed on appeal

[Sugar Street] SMD/2016/0015 Details of reserved matters application for appearance, landscaping and scale for residential development comprising 9 dwellings, including partial demolition of the existing cottage and garage pursuant to outline planning permission SMD/2012/0155 allowed on appeal – approved

[Sugar Street] SMD/2020/0666 Variation of conditions 2 and 5 relating to SMD/2016/0015 – refused

[field rear of Jim Hallam garage] SMD/2018/0537 Outline application with details of access (all other matters reserved) for the erection of up to 9 dwellings – refused

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The development plan comprises the adopted Staffordshire Moorlands Local Plan and associated documentation.

Local Plan (adopted 9th September 2020)

- SS1 Development Principles
- SS9 Smaller Villages Area Strategy
- SS10 Other Rural Areas Area Strategy
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- H1 New Housing Development
- NE1 Biodiversity and Geological Resources
- NE 2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 11 – Making effective use of land; 12 – Achieving well designed places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

6. CONSULTATIONS CARRIED OUT

Public

6.1 Neighbour consultations x 8 for response by 21st May 2020. Site notice posted 20th May 2020 for responses by 10th June 2020. Press advertisement 13th May for responses by 3rd June 2020.

– objections from 13 raising the following:

- History of conflict for neighbours over Marsh Mews by this same applicant – especially regarding drainage – “it is not called The Marsh for nothing”
- Marsh Mews not built as approved but then addressed retrospectively
- Currently there are now drainage problems with the Ivy House development off Sugar Street
- The village is already ‘over-developed’
- There aren’t the amenities for further housing
- Bus service very limited

- Highway safety – too many access points too close together
- Already evidently a high risk section of road with 30mph limit being proposed
- Construction traffic congestion
- No local need for 9 new units
- This developer started by applying for 17 but got 6 – this is development by stealth
- Rushton Spencer is a smaller village with poor services
- This doesn't fit with SMDC's carbon neutral agenda
- Harm to the village landscape and character
- Visually prominent site from the road and from footpaths
- For the Old Police House [adjacent south end]: loss of light to garden; loss of privacy; will be overlooked; loss of view; added risk of flash flooding
- The associated additional traffic will mean more air pollution and traffic noise in the village
- Inadequate pedestrian safety – no crossings
- Loss of wild animal habitat and biodiversity
- loss of trees and shrubs
- No mains sewer or drains
- Must not allow more pollution to the feeder canal – smells noticed
- Public consultation during lockdown is a disadvantage for residents wishing to respond
- Conflict with busy Station Lane junction and the proposed access to the seven [sic] dwellings
- The 4 at the southern end are on marshland with a history of contamination from old septic tanks
- and the land also serves as a soakaway for the school drains running under the feeder canal
- site area is at the heart of the United Utilities Safeguard Zone and they need to be consulted as outflows from the sites would enter the brook going directly to the UU boreholes on Station Lane
- The road opening to the northern development used at present by Marsh Villa was conditional on the narrow space beside Marsh Villa being closed off.
- Plans deceptive as not to scale [LPA has checked and not found evidence for this point]
- Questions drainage practicalities in the scheme submitted
- Urbanising effect eg on the footpath along the feeder
- Adverse to biodiversity and survey conducted in late October two years previously is not reliable
- The land under northern site needs analysis as the developer tipped rubble and soil here when making a yard for the Marsh Mews development after the old hedgerow was removed. The hedgerow along the north-east bordering the drive to Marshside Farm, a grade 2 listed building, needs a preservation order.
- The proposal is overdevelopment on agricultural land outside the village development boundary, goes well beyond limited infill and creates hazards for traffic on a major road on marshy land with a

flood prone history. The environmental impact of the green corridor of the feeder canal connecting down to Rudyard Lake will be damaged by this un-needed over development.

- This high density development is not in keeping with the rest of the village and surrounding area.
- capacity of Rushton (CE) Primary School is small, restricted by the physical size of the buildings – wider catchment may lose out in future
- do not want the soak away from the school septic system to be affected by any new housing development – its soakaway is believed to drain into the site (south end)
- Canal and River Trust are refusing to let any more drain into the feeder canal.
- the Parish of Rushton has a requirement to build 4 to 8 homes by 2031 and is limited to infill only. This development exceeds the total requirement for the next 11 years. The development is outside the settlement boundary and is on a greenfield site.
- Conflicts with NPPF s.108
- Will create a minimum of 18 to 36 additional traffic movements onto this busy road
- There is no proven need for further 2 bed houses, affordable need, to use a phrase.
- Where would the social and economic benefit be?
- Increased flood risks including sewage-polluted drainage will be transferred onwards to Station Lane
- From the owners and residents of Tan House: too suburban and not in keeping with the village; would partially block our light and considerably reduce our view of the existing landscape, thus decreasing the amenity that we have enjoyed for years.
- There is extensive evidence that the previous nearby housing development in this area (also by the same applicant) created flooding problems that have to date not been resolved satisfactorily. One of the gardens in this previous development is continuously unusable during wet weather periods and other properties have areas which are wet to the point of being also unusable. This development is on an area of land called 'the Marsh' – an extremely apt name.
- At periods of heavy rainfall, the feeder canal often comes perilously close to breaching
- would increase traffic by at least 18 vehicles onto a road that already has in excess of 1000 cars per hour during rush hour
- north end not in keeping with the village – vast majority of housing in the village is ribbon development with all houses parallel to the road
- This outline planning application exceeds the total requirement for new houses in the area for the next 11 years.
- Reasons for refusal of SMD/2018/0537 rear of the Jim Hallam garage are relevant here

- Insufficient information has been submitted to demonstrate that a drainage scheme is available which does not increase flood risk elsewhere contrary to Policy SD 4
- The proposed site not only has a view onto open countryside, but also to a listed building (Marshside Farm) and a historic waterway which serves as a corridor for wildlife. The [ecology] survey completed in October 2018 should be repeated in the summer.
- Rushton Spencer Neighbourhood Plan Team oppose this outline planning application.

Parish Council

- 6.2 Rushton Parish Council – objection. Dangerous highway connections – a potential 18 vehicles adding to existing “challenge” of eg 1,000 vehicles per hour in rush hour. Style not in keeping with surrounding village properties. Urbanising. Harmful to local landscape and setting of the village. “Green footprint – adversely affected conflicting with policies SD1, SS1 SS6b and SS6c of SMCS”. Provides too many houses – 9 far exceeds the total requirement for new houses in the village. Flood risk – site too wet for development.

Peak and Northern Footpaths Society

- 6.3 Footpaths 15, 16 and 49 are close but outside the proposed site – therefore should not be affected.

Staffordshire Ramblers

The following Public Rights of Way, footpaths 15, 16 and 49 Rushton Spencer pass close to the proposed development site. As long as the public can safely walk these footpaths both during the period of construction and after their completion then there is no objection.

Staffordshire County Council Public Rights of Way

- 6.5 The application documents recognise that the lines of Public Footpaths Nos. 15 and 49 Rushton Parish run behind the northern side of the application site following the path of the water. It does not appear from the application documents that these rights of way will be affected by the proposals. Provide informative that any development consent does not give authority to interfere with the rights of way or close or divert them.

SMDC Waste Collection Services

- 6.3 No issues but would like to see bin storage for 3 bins (wheeled) identified for [each of] these properties.

SCC Highways

- 6.4 Initial response 15th May 2020 – refuse due to insufficient information – fails to demonstrate that adequate visibility splays can be provided at all accesses for existing or proposed uses.
- 6.5 Application is in outline with all matters reserved. However the application is very specific as to where the accesses will be. They are shown on the drawings and defined in the D&A. Response is based on these being the intended

accesses. There is no point in responding positively on the principle if further work based on these overall access proposals will be refused. Marsh Villa is within the red line. The existing access to Marsh Villa is where the proposed access to the development is to be. However, there is no access to any parking and turning area for Marsh Villa shown. Neither is any parking and turning shown. There is an existing access directly adjacent to Marsh Villa. While existing, it is gated and is clearly not used as the main day to day access. Visibility at this access is severely restricted and it would not be in the interests of highway safety to bring this access back into use. Access to Marsh Villa should be provided through the proposed development and the substandard access be permanently closed and reinstated as footway with full height kerb. The alternative is to provide full visibility splay at this access though that would require works to the front boundary wall.

- 6.6 Response at 23rd June 2020 – Lines have been shown on the drawing and denoted 'visibility splays'. However, they are not all shown correctly and do not all comply with guidance. It is not clear why additional unnecessary lines are denoted. These should be removed. Visibility splays are not shown for the currently disused access to Marsh Villa. Visibility splays for the proposed accesses must be shown, correctly, without additional incorrectly plotted lines. There is a bus stop and large ADS road direction sign close to the southern access point. These are not shown on the drawings and it is not clear what effect the development will have in these features. These need to be included on the drawing. This response is based on revised drawings, which do not address highway safety concerns.
- 6.7 Response at 8th December 2020 – no objections subject to conditions. Although indicative internal layouts are shown, it should not be construed that these have been considered or any approval given. These will be considered at REM stage. Parking provision must be in line with SMDC Local Plan standards.
- 6.8 Current records show that there were no Personal Injury Collisions on A523 within 120m either side of any of the accesses in the previous five years. This likely contributed to by the relocated access to Marsh Villa. This response supercedes previous highway responses dated 15/05/2020 and 23/06/2020.
- 6.9 This revised response is based on revised drawings 05042 P05 and 05042 P06 received 03/12/2020 at 22:25. Although the drawing issue status is recorded as 'Information', Highways Officer has taken it that these drawings have been submitted as part of the planning application process to address highway reasons for refusal. The provision of 2.4m x 120m visibility splays at each access is in the interests of highway safety and addresses highway reasons for refusal. It is of particular importance that splays of 2.4mx120m be provided at the existing (but currently little used/disused) access directly adjacent to Marsh Villa which it is proposed will be brought back into use by this application. Around the indicative access point to plots A to D are a bus stop and an ADS direction sign. At REM stage, these will need to be shown clearly on the drawings to establish their position in relation to the proposed access point. Application is in outline with all matters reserved. However the application is very specific as to where the accesses will be. They are shown on the drawings

and defined in the D&A. Response is based on these being the intended accesses.

SMDC Environmental Health

- 6.10 Two main issues: Drainage – there have been issues associated with drainage arrangements for previous and current residential developments in the vicinity of this site. The planning department are advised to ensure that any proposed drainage arrangements would be compliant with Building Standards and that any discharge from the package treatment plant has permission from relevant landowners and/or the owner of the canal. A site specific drainage scheme should be submitted for approval prior to permission being granted given the issues with previous developments in the area.
- 6.11 Traffic noise – a condition requiring a site specific sound insulation scheme to be submitted could address noise impact concerns.

Severn Trent Waste Water Estate

- 6.12 Minimal impact on the public sewer system therefore no objections and no requirement for a drainage condition.

United Utilities

- 6.13 Initial response 11th June 2020 – whilst we do not provide water or wastewater services within this area, the site overlies sandstone rock, in a Groundwater Source Protection Zone (SPZ)2. This forms an aquifer, abstracted at depth by United Utilities for public drinking water supply at nearby Rushton Spencer boreholes. We recommend the EA is consulted on this proposal due to multiple package treatment plants, as shown on the proposed Layout Plan. They must be designed to ensure that the discharges do not pose an unacceptable risk of pollution to groundwater, in order to protect United Utilities drinking water abstraction sources in the vicinity of the site.
- 6.14 Conditions are recommended – 1: Prior to the commencement of development, a hydrogeological risk assessment for the site must be submitted to, and approved in writing by, the local planning authority. The assessment must demonstrate that the risks posed to groundwater from the development can be satisfactorily managed not only during the construction phases but for the lifetime of the development through appropriate mitigation measures which should be implemented as part of the final drainage strategy. [Points to be addressed in the risk assessment are listed in the requested condition wording].
- 6.15 Response at 23rd October 2020 – United Utilities has reviewed the drainage strategy (dated 28th August 2020) and drainage strategy plan (dated 2nd October 2020) that has been submitted since our consultation response on 11th June 2020. We can confirm that the foul drainage proposals of package treatment with treated effluent to watercourse are acceptable to us, and as such we would be happy to remove our request for condition 2 in our earlier letter. The other comments in the letter still stand and we ask that these are followed. I note the comments of the LLFA in respect of the discharge of treated effluent, and as such request that if there are any changes in respect of the method and/or location of discharge we be re-consulted.

Environment Agency

- 6.16 The site is located above the Sherwood Sandstone Principal Aquifer at rockhead, within Groundwater Source Protection Zone 2 and a groundwater safeguard zone. It is therefore essential to ensure that any development in this location does not have a negative impact on groundwater quality. The Drainage Strategy Technical Note by Link Engineering dated 03 August 2020, outlines the proposals on how foul and surface water will be disposed of from the development sites. Paragraph 3.9 and the drainage strategy layout (Drawing No. RS-LE-GEN-XX-DR-CE-500) indicates that there will be two points of discharge for foul water from the development. One (plots E-I) to the neighbouring surface water course, and one (plots A-D) to the disused canal feeder. [NB – the revised drainage strategy layout dwg RS-LE-GEN-XX-DR-CE-500 2nd October no longer shows drainage to the feeder canal – LPA].
- 6.17 EA considers that the drainage arrangements would be acceptable subject to condition for a scheme to dispose of foul and surface water to be submitted to, and approved in writing by, the local planning authority. However they also say that there is a possibility that the additional volumes for discharge to the brook may bring the total above 5m³/day and therefore attract the requirement of an Environmental Permit. The authorisation is irrespective of any Planning Permission granted and may be withheld.

SCC Lead Flood Authority

- 6.18 The amended outline drainage strategy provided now suggests discharging all treated foul and surface water to the north western watercourse and the discharge into the north eastern canal feeder channel has been abandoned. The watercourse along the North Western flank has been involved with flooding incident in the past, whereby a culvert intercepting the canal feeder channel has backed up in a high rainfall event and flowed over into the adjoining land.
- 6.19 The surface water discharge rate into the western watercourse has now been demonstrated to be 5l/s to replicate the existing greenfield rate plus climate change runoff rate. The approval of the position and design of the point of discharge into the western watercourse cannot be determined at this point and will be dependent on obtaining Land Drainage Consent separately from the consenting authority. Any proposed drainage arrangements employed to attenuate fluvial flows will need to be maintained for the life of the development and ideally details of the management company needs to be recorded with the LPA and kept updated if they change.

Canal and River Trust

- 6.20 The application site adjoins the Dane Feeder Channel, which is an artificial watercourse originally designed to transfer water from the River Dane to Rudyard Reservoir, which provides a water supply to the Caldon Canal. The channel is owned by the Canal & River Trust. There is no indication that any surface water from the proposed development is intended to discharge to the channel and as the application site is on generally lower-lying ground, it is unlikely to offer a realistic option. On this basis, we have no comment to make on the application proposal, as it is highly unlikely to affect the channel.

- 6.21 They raise the possibility of water overtopping from the channel – potentially as a result of unauthorised inputs of water from other adjacent land and say it is a matter for the Local Planning Authority to determine whether this is a material planning consideration which needs to be taken into account in the decision-making process.

7. POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE

Policy Context – the principle

- 7.1 In its general approach, in accordance with policy SS1, the Council expects the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in the Core Strategy shall be approved without delay, unless material considerations indicate otherwise.
- 7.2 The Development Plan for the Staffordshire Moorlands District Council consists of the adopted Staffordshire Moorlands Local Plan Document (September 2020) with regard also being given to the provisions of the National Planning Policy Framework (NPPF); the Council's adopted Supplementary Planning Guidance documents: 'Space About Dwellings' and 'Design Principles'; the adopted Design Guide (2018) a Supplementary Planning Document and the Council's Local Plan Supporting Evidence Document: Landscape and Settlement Character Assessment (2008).
- 7.3 Development boundary mapping has now been adopted in accordance with the new Local Plan (September 2020). As a 'smaller village' Rushton Spencer does not have a defined development boundary. It is a matter of judgement as to whether specifically in relation to this application the relevant 'area strategy' from the Local Plan is that of SS9 for 'smaller villages' or SS10 covering the 'other rural areas' which comprise (inter alia): "the open countryside surrounding the smaller villages". The question is pivotal as it determines on what basis the principle of housing development here may or may not be supported in planning policy terms.
- 7.4 The preamble to SS9 states:
- "A major issue for smaller villages is the loss of local population through lack of housing opportunities. The proposed strategy for the smaller villages therefore seeks to allow an appropriate level of sensitive development which enhances community vitality."
- "Development on a large scale would be unsustainable in these villages, as it will generate a disproportionate number of additional journeys outside the village and may undermine the spatial strategy. Development will be strictly controlled in order to ensure that the character and life of the settlement is not undermined."

“Limited development, including infill will be supported subject to this policy...”

- 7.5 Policy SS9 is that:
“These settlements shall provide only for appropriate development which enhances community vitality or meets a social or economic need of the settlement and its hinterland.”
- ...by (inter alia): “Enabling limited new housing development, including small infill schemes in accordance with Policy H 1”
- 7.6 The policy at SS9 is also to:
“Ensure that new development reflects and enhances each village’s special character and heritage by protecting and enhancing the setting and historic character of the village, including heritage assets.”
- 7.7 Relevant to the smaller villages, policy H1 is to support development where it is:
“...well related to the existing pattern of development of a smaller village and will not create or extend ribbon development or lead to sporadic pattern of development; and, in all cases the development will not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character and appearance of the countryside.”
- 7.8 The alternative to SS9 is that the application land – either all or in part – be regarded as part of the open countryside covered by SS10 which, as noted, specifically includes, “the open countryside surrounding the smaller villages”. This policy supports only housing with an essential need to be in the countryside in accordance with Policy H1. In other words, affordable housing if the need cannot be met elsewhere; essential local need accommodation such as for a rural worker; a replacement dwelling; conversions to residential use; and re-development of previously developed land.
- 7.9 As can be seen, SS10 would not support the development proposed. There would be some scope for certain development specific to the residential planning unit of Marsh Villa and late clarification is being sought from the applicant as to their specific intentions as it is understood that Marsh Villa would be retained but this is not made explicit. The applicant has since confirmed that there would be no intention to demolish Marsh Villa and has suggested that the LPA could impose a condition to make this certain.
- 7.10 The questions to consider then in order to determine whether the principle of the development would be met by the Council’s adopted policies are:
- i) are any parts of the application limited infill residential development of an appropriate scale and character
 - ii) if so, are any parts of the application well related to the existing pattern of development of the village?

iii) do the proposals create or extend ribbon development or lead to a sporadic pattern of development?

- 7.11 It is likely to be readily agreed that the southern development parcel adjacent to Old Police House and filling the gap to Marsh Mews (developed post 2009) could constitute limited infill residential development which reflects the existing linear form of that part the village. Old Police House is post 1900 and was present by 1925. At the same time it must also be acknowledged that the southern development parcel would create or extend ribbon development. To some extent ribbon development has become characteristic of Rushton Spencer along the main road, chiefly as a result of two late 20thC developments – Marsh Mews and Smithy Fold. However, it is also striking that part of the characteristic of this ‘ribbon’ is the repeat of significant gaps along the road front to either side. The southerly proposal would remove one of those significant gaps and would therefore fail to relate well to the existing pattern of development.
- 7.12 With regard to the northern development parcel approaching from the Macclesfield direction (from the north west) along the main road there is certainly a sense of approaching a settlement but the land to the left of the road just before Marsh Villa presents a significant break and is seen in view with an undeveloped and open countryside back drop to its surroundings. This impression is especially marked in views from the head of Station Lane looking across the road to the site. Leaving the main road along Tan House Lane (opposite Station Lane) there is a distinct sense of leaving the village development behind and heading into open countryside. This is most fully felt once the feeder canal footpath is met and crossed for example on the way to Marsh Side. At this point there is perhaps little doubt that the northern development parcel is effectively in open countryside, and therefore does not constitute infilling, despite the fact that it derives its access from a point on a main road on the opposite side from a late 20th C row of modern detached town-style houses. The site in other words seems and feels like open countryside at least from its north west and north easterly sides but is also to some extent on the edge of the village settlement. Nevertheless, development of this site, even if it is regarded as being on the “edge” of the village, could not comprise infilling and would result in a prominent incursion into open countryside failing the policy test as set out above. It is also considered that the number of dwellings proposed on this plot, and the 4 dwellings on the other plot, amounting to 9 in total, does not comprise “limited” development.
- 7.13 At this point it may be helpful to consider the assessments for three recent Rushton Spencer development proposals. Marsh Mews gained its in-principle support as local needs housing. Although refused and only allowed on appeal, Sugar Street was at the time within a defined smaller village development boundary (that boundary did not at any time extend to include the current application land). It was also determined at a time when the LPA could not demonstrate a housing supply and the so-called ‘tilted balance’ would have been a consideration. This is no longer a consideration now with the adoption of the new Local Plan.

- 7.14 The more closely comparable scheme is that to the rear of the Jim Hallam garage. This was concluded to be in open countryside and described as “part of a larger open field which is prominent from the main road”. Although at the time a village development boundary was still in place, the decision in February 2019 was made as the new local plan was emerging and there was a clear anticipation that the development boundary would be removed in the final version. It was considered that “the development of the site for up to 9 dwellings would be at odds with the prevailing settlement pattern. It would lead to sporadic, peripheral development and would have an urbanising impact on the area. It would be harmful to the open character and appearance of the site which makes a positive contribution to the local landscape and setting of the village. The proposal would neither protect nor enhance this local landscape or the settlement setting.”
- 7.14 The northern parcel of the current site is closer to more of the village than the Jim Hallam site but as already noted (7.12) this northern parcel has the sense of projecting into open countryside, as noted above. It does not relate well to the existing pattern of development, certainly not in its immediate surroundings. The pattern here on the north east side of the road is one of a small number of diffusely spaced stand-alone dwellings – Marsh Villa, Marsh Side, Tan House, Horseshoe Cottage and The Anthony. There is more development on the opposite side of the road but there it is specifically aligned with the main road or with Station Lane. This proposal (north west parcel) would stand out as a an archetypal suburban grove – a small estate. Although the proposal site leaves land to the NW against Tan House Lane and to the SE along the feeder channel outside of the application, these divisions seem random and the site nevertheless appears to engulf Marsh Villa. As an isolated cluster of dwellings the development would appear sporadic. It cannot be said to be well-related to the existing pattern of development. It would also amount to a prominent intrusion into the countryside whether viewed from the head of Station Lane or from Tan House Lane and the footpaths to Marsh Side or along the feeder channel. The impacts are made the more especially problematic because the development would extend back from the road front where there is more of an established pattern and project across the full width of the field to fuse with the rural hinterland where, up to now, there is more a sense of being outside of the village settlement. As noted, the impacts would be especially felt along the public footpath of the lane to Marsh Side and along the feeder channel.
- 7.15 Turning again to the southern parcel, this may be considered to more readily fit in with the established pattern of the settlement. Occupying a road front width of c.30m and amounting to four dwellings it can be regarded as limited. However it does also create and/or extend ribbon development and this specifically is not supported by the policy. Whilst the ribbon would not be extending the road front development out beyond the village and this part of the development may be considered a village location, it is very much the character of the village along the main road to have intermittent green field gaps.

Design

- 7.16 As an outline development with all matters reserved, design details have not been submitted and are not a consideration. The layout plans are indicative only. Nevertheless it is appropriate to note that the southern parcel indicates a dominant area of parking and turning space to the road front and although seemingly comparable to the arrangement for Marsh Mews this is not necessarily ideal for the visual appearance of the development from the road and the visual impact on the character of the settlement. It is also appropriate to note that any new dwellings that might be found appropriate would be likely to be acceptable only as principally two storey dwellings and not bungalows or greater than two storey.

Amenity

- 7.18 In terms of neighbour amenity the occupiers of Old Police House have expressed concerns. Any development adjacent would have to meet the Space About Dwellings guidelines – as it would for all adjacent properties. This would be a matter for assessment at the detailed design stage. The referred to loss of view is not however a material planning consideration provided that the new development were not over bearing and excessive in its relative size and position to its neighbours. Neither Old Police House nor Tan House whose occupiers also raise the point would be at such proximity to built development that there could be loss of light to an unacceptably harmful extent though there could be partial shadowing in certain conditions and loss of certain specific views. To deal with adverse noise from road traffic on the new development the Council's Environmental Health Officer advises a condition to require a scheme of sound insulation sufficient to counteract the road noise to be submitted to the LPA for approval in advance of the development.

Highways

- 7.19 The application is submitted with all matters reserved and so does not seek consent for highway access. The Highways Authority is nevertheless able to advise that a separate viable safe form of access could be achieved for each land parcel. This relies on specific visibility splays for which detailed plans have been provided (05042-P-05 and 05042-P-06). In the particular scheme considered by the Highways Authority a third access would be provided exclusively serving Marsh Villa. The necessary visibility splay for the access to the southern land parcel would not lead to outright loss of roadside boundary hedging save for the 5m width needed for the access entrance itself.
- 7.20 The visibility splay for the entrance to the northern land parcel and for the access to Marsh Villa would not affect the existing hedgerow to the north west along Macclesfield Road but both would need the wall frontage to Marsh Villa

to be removed to give the required visibility to the south east. The access to Marsh Villa would in turn also require the majority of the hedgerow immediately to the south east for 20m, almost reaching Marsh Mews, to be removed. It would be appropriate to require new equivalent wall and hedging to be established at sufficient setback to enable the visibility splays to function but compensate for the character and wildlife loss which would otherwise result.

Drainage and Flood Risk

- 7.21 The meaning of the name Rushton is widely believed to be 'a place with rushes'. The application site lies at the centre of an area which on the earliest Ordnance Survey maps and into the 20th C was named Rushton Marsh. The point has been widely repeated by the objectors and concerns about drainage and flooding predominate amongst their concerns. It is vital that foul water is managed so that the ground water extraction which the area supports (as highlighted by United Utilities) cannot be polluted and it is essential that surface water drainage is managed so as not to cause or exacerbate flooding. It is also appropriate to consider whether the site could be prone to flooding from adjacent higher ground as referenced for example by the Canal and River Trust.
- 7.22 The additional impermeable surfaces of roads, driveways and building roofs will eliminate ground currently available to absorb rain fall and water flows and furthermore will speed the onward distribution of surface water putting greater pressure on the water courses beyond the site. The scheme proposes engineered water flow attenuation measures including underground tanks. More natural means such as soak away drainage may not be feasible as the existing ground conditions and ground water levels may not support it. Driveways though have been shown with 'porous' surfacing and a 600mm deep 'voided sub base' yielding 30% voids. Foul waste would be treated by 'package treatment plants' allowing clean water to be separated and drained away to the existing water course to Station Lane.
- 7.23 The applicant's submitted technical note regarding drainage says that the scheme is designed to control storm drainage for up to the 1 in 100 year storm event plus an additional 40% allowance for climate change.
- 7.24 Existing land levels across the site have only a shallow fall from the southern land parcel to the north where there is the stream outlet. Typical levels at the south are 160m and the stream bank level is given as 156.7m. Any underground attenuation tanks and voided ground would need to operate within these shallow depths to be effective without pumping and would need to be protected from simply accumulating surrounding ground water or from silting up, either of which would render the measures void. It is not suggested and it would not be desirable in terms of the design appearance in relation to the surroundings but there is a risk that any difficulty in managing drainage requirements could force consideration to the raising of site levels.

- 7.25 For the statutory consultees it appears that they are satisfied from the information provided that measures could be incorporated to manage flow rates and foul drainage effectively. At this stage however it is not fully known what would be required. The EA advises that the outfall to the brook may exceed the 5m³ per day maximum above which there would be requirement for an EA discharge permit. EA further advises that any authorisation would be irrespective of any Planning Permission granted and may be withheld.

Ecology / Biodiversity

- 7.26 Objectors have raised concern that the ecological survey having been undertaken on only one day towards the end of October (22nd October 2018) cannot have adequately or reliably assessed the extent and diversity of plant species across the site. Indeed the survey report itself records under 'constraints' at C10 that "floral and invertebrate surveys were conducted at suboptimal time of year for these types of surveys to be accurately conducted". The LPA can only concur with this view and conclude that adequate biological survey information has not been submitted. Furthermore, as an agriculturally uncultivated wetland field the potential for biodiverse interest is increased. The report refers to the feeder canal channel as a flood defence / conduit and suggests the stream at the north west end of the site "was constructed as a flood defence and over-flow from the conduit".
- 7.27 The survey involved no active measures to search for reptiles or amphibians (which could involve the placing of refugia and return survey visits for example) and simply notes "no evidence discovered". Despite identifying the tall ruderal vegetation character of the site and the presence of adjacent water bodies, the survey report concluded that the site has 'low' potential for these species groups. Even so this is above the lowest category used in the survey (negligible) and therefore indicates a relevant consideration. Reference to the species potential table at C7 (table 3) would suggest in fact 'moderate' potential a more appropriate assessment for these species groups. The report recommends: *"Despite no evidence of amphibians (in particular GCN) being recorded on site, further specific surveys may be requested due to the presence of the stream on site and the close proximity of the slow-moving conduit. If further survey effort is requested, these surveys must be conducted between March and June."*
- 7.28 The survey significantly under-records birds referring to just four species having been seen. By contrast, a spring visit of an hour would be likely readily to put species numbers into double figures at this site.

Heritage

- 7.29 The implications of the development for the setting of the Grade II Listed Marsh Side, a detached stone former farmhouse c.65m east of the northern land parcel must be considered as there is a statutory duty placed on the LPA, under section 66(1) of the Planning (Listed Buildings and Conservation

Areas) Act 1990, to consider the impact of development proposals on the special architectural and historic interest of the Listed Building affected, and its setting and to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

- 7.30 Separately it is appropriate to consider the canal feeder channel as a non-designated heritage asset. The channel which dates from c.1809 is a significant historic feature formed with prominent earth bankings especially closely related to the application land and also including a series of attractive stone cart bridges including one adjacent to the northern land parcel on the lane to Marsh Side.
- 7.31 Historic Environment Policy DC2 of the Local Plan is to give protection to designated heritage assets and their settings and non-designated heritage assets as set out in the NPPF.
- 7.32 NPPF paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, “great weight should be given to the asset’s conservation”. Paragraph 194 goes on to say that: “any harm or loss [to a heritage asset] should require clear and convincing justification.” NPPF paragraph 196 states that: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”
- 7.33 NPPF 197 states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.34 It is appropriate to conclude that there would be some harm to the setting of Marsh Side. The dwelling has long stood as a lone property set in rural surroundings and the approach to it along the footpath of the farm lane from Tan House Lane presents a significant opportunity to appreciate that setting. A 30m length of the border to the northerly of the application sites would adjoin the approach lane just at the point it reaches a refined stone bridge over the feeder canal channel with Marsh Side in view some 50m to the east. The character of the approach would be significantly altered by the development of an enclave of modern housing to the immediate south west undermining the sense of rural remoteness and separation for Marsh Side and its origins.
- 7.35 The feeder canal channel clearly has a direct physical connection with the application land – most specifically with the southern land parcel. Although its earth embankments would be retained intact the gardens would butt up to the toe of the embankment. The recent past development of Marsh Mews left

the open connection with the field below clear to see. This proposal would impinge much more directly on the overall sense of the structure and the ability to appreciate its scale and significance.

- 7.36 The NPPF at paragraph 189 says that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The LPA in turn should identify and assess the particular significance of any heritage asset affected including impacts on setting (NPPF 190). Despite the absence of a heritage assessment being submitted with the application the LPA has been able to identify the two assets discussed and conclude that there would be at least some harm to their setting. The impacts identified are considered significant and whilst they may be considered less than substantial the requirement from the NPPF to give “great weight” to heritage conservation leads to a recommendation of refusal on heritage grounds.

Other Matters

- 7.11 The main points raised by objectors are for the most part effectively addressed through the considerations in the report.
- 7.12 Regarding comments as to housing allocation numbers, the adopted Local Plan (Policy SS4) specifies minimum housing requirements for designated Neighbourhood Areas. This includes Rushton Parish as a whole which has a requirement of 2-4 dwellings over the period 2019 to 2033. It is expected that this will come forward through windfall sites. These requirements can be exceeded subject to accordance with wider policies.
- 7.13 Some matters raised are not considered material to the planning decision and the alleged “history of conflict for neighbours” does not hold any bearing on the planning decision although so far as this may be factually revealing past issues with flooding in the locality can and perhaps should be considered. The reports however are non-specific so difficult to give weight to. Also the retrospective amendment to Marsh Mews can be a legitimate way to rectify a planning discrepancy.

8. CONCLUSION AND PLANNING BALANCE

- 8.1 Impacts on landscape character and appearance have not been discussed under a separate heading in the report but are intrinsic to the decision and the issues are revealed in consideration of the principle. The northerly parcel does not fit with the policy at H1(4)(b) for development in a smaller village because it is not limited infill residential development of an appropriate scale and character and it does not relate well – or indeed at all – to the existing pattern of development of the village and thereby in turn would disrupt and be harmful to the character and appearance. The southerly parcel would create or extend ribbon development also contrary to H1(4)(b) and in doing so would erode one of Rushton’s strong characteristics along the road which is of the

rural countryside backdrop penetrating through the village to the road edge. The open field of the application land is a defining feature of the public footpaths which encircle it to the non-roadside boundaries to the north east and north west. The development would intrude significantly on this open sweep of field and have an encroaching impact on the enjoyment of the countryside for the path users contrary to H1(4)(c).

- 8.2 The development in particular the northerly parcel is found harmful to the setting of the Grade II Listed Marsh Side and whilst this should be regarded as less than substantial harm the NPPF requires that great weight should be given to the conservation of a designated heritage asset. Whilst some public benefits would arise from the proposal, in terms of economic and social benefits from the provision of additional dwellings, these are afforded limited weight, particularly given that the Council can demonstrate a 5 year supply of housing, and do not outweigh the harm to the assets in question. The early 19th century canal feeder channel for Rudyard which runs along the north east edge of the site has been found in the course of the application determination to represent a significant but non-designated heritage asset. The NPPF requires the effects of the development to be taken into account and this requires a balanced judgment to be made of the heritage significance of the non-designated asset – the feeder canal. In the absence of any submissions with the application of any description of the significance of the heritage assets affected, including any contribution made by their setting the proposal cannot be fully assessed in relation to the feeder channel in particular and the application is found contrary to the NPPF as a result.
- 8.3 Insufficient ecological survey information has been submitted to fully or adequately evaluate the implications of the development for biodiversity and protected species. As a semi-wetland area of tall grassland fringed by water bodies the site has the potential to be a significant habitat for a range of wildlife including reptiles and amphibians which could include specially protected species such as Great Crested Newts. The single day visit in late October 2018 by the applicant's appointed ecologist cannot be relied upon to satisfactorily establish the ecological diversity of the site. The LPA cannot therefore be satisfied that all appropriate considerations have been made.
- 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. Moderate weight is attached to this. However, there are serious environmental dis-benefits to the scheme. The land is not in a highly sustainable location. It is an undeveloped greenfield location. In the case of the northerly part of the site the land is in or on the edge of the open countryside. As discussed above its development for housing would result in harm to the character and appearance of the area, harm to heritage and harm to biodiversity.
- 8.5 Whilst concerns about flooding and water quality feature heavily in this application it appears that the relevant agencies are satisfied with the details submitted not to recommend refusal and request conditions in the event of approval.

- 8.8 Subject to incorporation of the specified visibility splays – notwithstanding that this is an outline application with all matters reserved including highways – the Highways Officer recommends approval. The LPA has carefully assessed the implications of creating the specified visibility splays and subject to re-establishing equivalent hedgerow and wall boundaries where these have to be removed the proposal would be acceptable on this count.
- 8.7 In conclusion from the above analysis there is evident conflict with Policies SS1; SS2; SS4; SS9; SS10; SD1; SD4; SD5; H1; DC1; DC2; DC3; NE1 and NE2 of the Local Plan. The environmental harm is significant and demonstrable and clearly outweighs the benefits that up to 9 dwellings would bring. The proposal will not deliver sustainable development. A recommendation of refusal is therefore made.

9 RECOMMENDATION

A. Refuse for the following reasons:

- 1. The development proposed cannot be supported in principle because it is not limited infill residential development of an appropriate scale and character and it does not relate well to the existing pattern of development of the village and thereby in turn would disrupt and be harmful to the character and appearance. The southerly parcel would create or extend ribbon development and in doing so would erode one of Rushton's strong characteristics along the road which is of the rural countryside backdrop penetrating through the village to the road edge. The northerly parcel would represent a cul-de-sac form of development which does not relate well to the existing pattern of development and would result in a prominent intrusion into the countryside and would have significant adverse impact on its character and appearance, contrary to policies SS1, SS9, SS10 and H1 of the Staffordshire Moorlands Local Plan 2020, the Staffordshire Moorlands Design Guide and the NPPF.**
- 2. The development by virtue of its scale, location and relationship with the pattern of existing development within the settlement would lead to prominent intrusion into the countryside and would have a significant adverse impact on the character or the setting of the settlement as well as important views out of the settlement through gaps in the existing ribbon development contrary policies SS1; SS9; SS10; H1; DC1; DC2; DC3 of the Staffordshire Moorlands Local Plan 2020 and the NPPF.**
- 3. The development proposed is judged harmful to the setting of the Grade II Listed Marsh Side. Whilst the harm would be "less than substantial" in the absence of any public benefits to outweigh that harm, the scheme is found to be contrary to policies SS1, SS9, SS10, DC1, DC2, DC3 of the Staffordshire Moorlands Local Plan 2020 and the NPPF. It is also found that insufficient information has been submitted to enable proper**

assessment of the impacts of the development on the heritage significance of the Rudyard feeder canal and its setting identified by the Local Planning Authority in assessing the application as being a non-designated heritage asset. The application is for this reason found contrary to policy DC2 of the Staffordshire Moorlands Local Plan 2020 and the NPPF.

4. Insufficient information accompanies the application to enable a full and proper evaluation of the ecological impacts of the development and it is therefore found contrary to policy NE1 of the Staffordshire Moorlands Local Plan 2020 and the NPPF.

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

Informatives

1. The application has been determined in accordance with Policies: SS1; SS2; SS4; SS9; SS10; SD1; SD4; SD5; H1; DC1; DC2; DC3; NE1; NE2 and T1 of the Local Plan and with the NPPF.

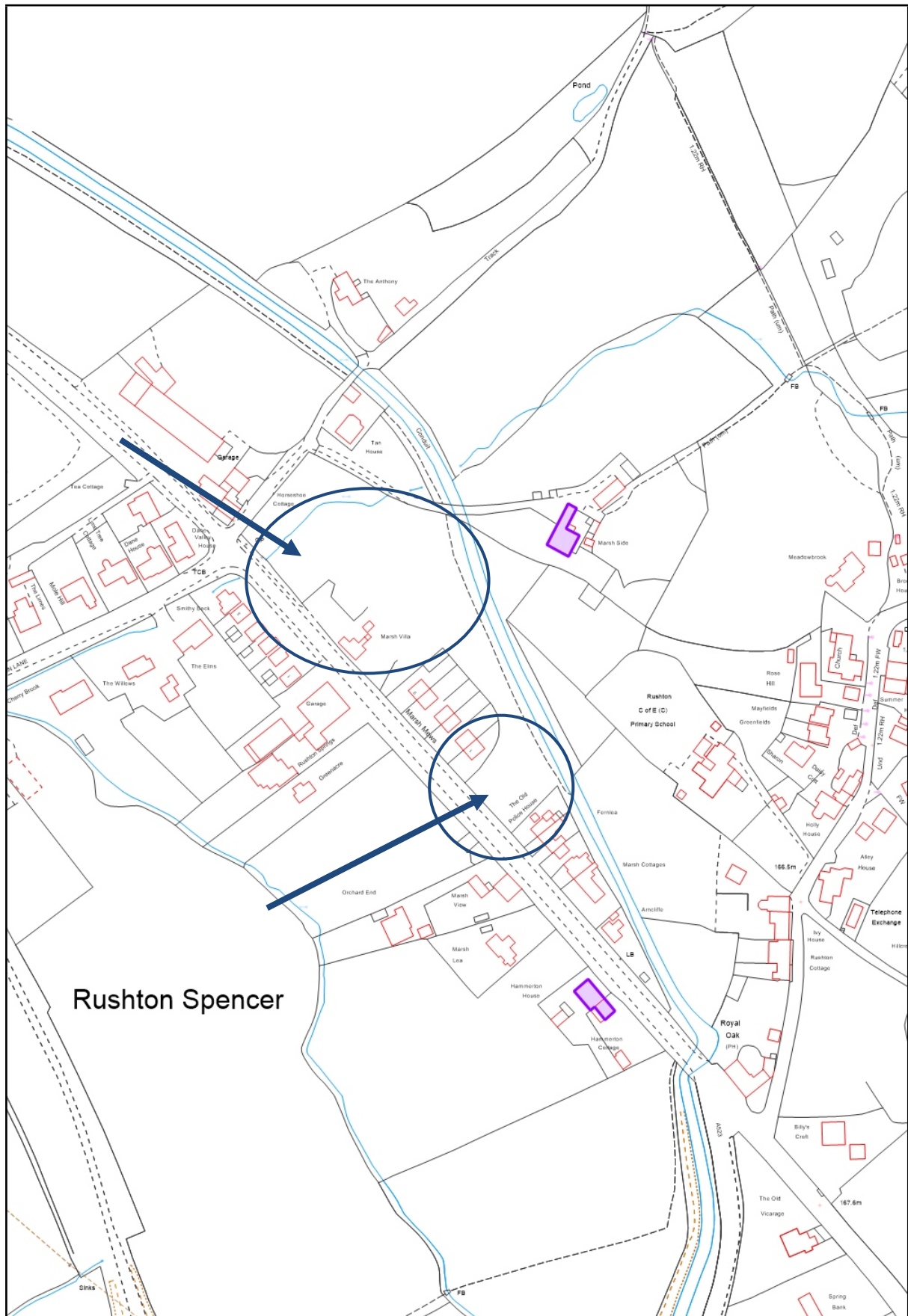
3. The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and it therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has nonetheless met the requirement in Paragraphs 38 of the National Planning Policy Framework.

10. APPENDICES TO THE REPORT

10.1 The link below to the Council's website is where the detail of this application can be viewed.

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=134544>.

10.2 – location plan



Application site plan

