

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

9 SEPTEMBER 2021

Application No:	SMD/2020/0684 and 0685	
Location	Land at former Bolton's Copperworks Froghall Road Froghall, Staffordshire, ST10 2HH	
Proposal	A) SMD/2020/0684 Full planning permission for Residential development (49 dwellings), including formation of new access, landscaping and associated works, and restoration of Listed farmhouse and re-use as a dwelling house. B) SMD/2020/0685 Listed building consent for internal and external alterations to Cottage Farmhouse and outbuildings	
Applicant	Hadleigh Industrial Estates Ltd	
Agent	Tarpey Woodfine Architects	
Parish/ward	Kingsley	Date registered 8th February 2021
If you have a question about this report please contact: Jane Curley tel: 01538 395400 ex 4124 Jane.curley@staffs Moorlands.gov.uk		

REFERRAL

This is a major application and has raised significant public interest

1. SUMMARY OF RECOMMENDATION

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 This site extends to approximately 3.25 hectares. It is part brownfield/part greenfield and forms part of the much larger former Boltons Copperworks site. There is still evidence of the sites former industrial use within the application site including areas of hardstanding and remnants of buildings/structures.

2.2 The site is sandwiched between the A52 and the side road leading to Foxt to the east, the Caldon Canal and its embankment to the west and the B5053 Froghall Road to the south. To the north and beyond the site is Froghall Wharf and woodland. There are two existing access points to the main part of the site from Froghall Road.

2.3 There are two heritage assets within the site. The Grade II Listed Cottage farmhouse (which was split into two dwellings known as Beech Tree House and Cottage Farm) and its

associated farm buildings and the former Uttoxeter Canal which is a non-designated heritage asset. The Caldon Canal Conservation Area lies immediately adjacent to the west of the site.

2.4 The application site is located within the valley floor. The topographical survey shows that the central area of the site is largely flat and is divided by Shirley Brook which is tree lined. Land rises to the north towards the Listed buildings which are elevated by approx. 5m from the central flat area. The field to the north of the Listed buildings also rises appreciably towards Foxt Road. The Caldon Canal lies to the west of the site in an elevated position with filtered views available over the site from the tow path even in the summer months.

2.5 Staffordshire County Council confirm that no public rights of way cross the application site.

2.6 A Tree Preservation Order (SM238) originally protected 3 No. mature Copper Beech trees to the south of the listed Cottage. However only one remains, one having been felled with permission from the Council, the other blew down some 15-16 years ago.

2.7 The Ancient Semi-Natural Woodland (ASNW) of Straight Hills Wood lies to the south-east of the site, beyond the intervening A52 Whiston Bank. The closest part of this is approx. 70m from the application site boundary. Ancient Woodland known as Moseymoore Wood is situated directly adjacent to the west bank of the Caldon Canal and hence close to the north-west boundary of the application.

3. DESCRIPTION OF THE PROPOSAL

3.1 This report considers two applications for the site. Firstly, a full planning application for residential development (49 dwellings), including formation of new access, landscaping and associated works, and restoration of the listed farmhouse and re-use as a dwelling house. Secondly a Listed building consent application which seeks approval for the internal and external alterations required as part of the renovation and re use of the Listed building complex

3.2 The application is accompanied by a Design and Access Statement, Tree survey, LIVIA, Transport Assessment, Framework Travel plan, Preliminary Ecological appraisal and species-specific surveys, Structural and engineering reports, Flood Risk Assessment and Hydraulic modelling, Viability appraisal, Heritage Impact assessment, Ground conditions report and Coal mining assessment.

3.3 There have been a number of amendments and additional information submitted during the course of assessing these applications. Relevant consultees have been re consulted where appropriate.

3.4 A request was made to extend the determination date to these applications due to outstanding issues and consultee responses, however this request was declined.

4. RELEVANT PLANNING HISTORY

05/00407 Mixed use development comprising employment, residential, leisure/tourism uses, hotel, nursing home, public open space. Withdrawn

5. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Local Plan (adopted September 2020)

- SS1 Development Principles
- SS 2 Settlement hierarchy
- SS9 Small villages strategy
- SS10 Other Rural area strategy
- SS1 Churnet Valley strategy
- SS12 Planning obligations
- SD1 Sustainable Use of Resources
- SD3 Carbon-saving Measures in Development
- SD4 Pollution
- SD 5 Flood Risk
- DC1 Design Considerations
- DC2 Heritage
- DC 3 Landscape setting
- H1 New housing
- C1 Creating Sustainable Communities
- C3 Green infrastructure
- NE1 Biodiversity and Geological Resources
- NE2 Trees woodland and hedgerows
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures
-

National Planning Policy NPPF

National Planning Policy Guidance

6. CONSULTATIONS CARRIED OUT

Press Notice: Expired

Site Notice: Expired

The following is a summary of the main points made in letters of representation received.

Neither (4)

- Canal is valuable leisure and tourist resource
- Plans remove the possibility of future restoration of the canal towards Uttoxeter – destroy historic infrastructure
- Plans of the Uttoxeter Canal Trust would provide the Churnet Valley with a through route from Froghall
- The popularity of canals and associated tow paths has grown over recent years and will provide a revenue source for local communities.
- Restoration has already had exploratory work completed and money spent
- The plans do not provide any space for an alternative canal alignment to be explored
- Residential development should be designed to complement plans

- The Adopted Churnet Valley Masterplan SPD states : ‘Any development should not prejudice potential reinstatement of the route of the Uttoxeter canal.’
- The proposal should more closely follow the housing allocation
- Houses can go in many locations, but the canal can only go in one

Objections (265)

Canal based

- The Adopted Churnet Valley Masterplan SPD states: ‘Any development should not prejudice potential reinstatement of the route of the Uttoxeter canal.’ The proposal contravenes the plan.
- More than £730,000 of grant aid has already been spent on the canal project and over 32,000 voluntary man hours devoted to the task
- Grant money has been allocated to the canal
- The canal has particularly special heritage significance
 - The canal became disused relatively early and heritage interest lies in structures unaltered during the 20th century
- Future connection with the existing Caldon Canal would be impossible
- Canal is valuable leisure and tourist resource
- Maintaining the canal would benefit the housing development
 - Waterside properties typically command a significantly enhanced premium, so the restoration of this section of canal should be considered as a central point of any development.
- Would destroy a national recognised historic monument
- Would destroy several locks
- Other local authorities have restored their canals and seen benefits
- Would remove the opportunity to attract funding and support for improvements not only in Froghall but also the 7 miles of canal between there and Denstone and would end ongoing volunteer-led works in the Alton and Crumpwood area.
- The proposal should include investigation to locate the locks remaining within the site
- The proposal should include re-excavation of the canal channel which will be cost-effective and less disruptive to carry out during excavations for development
- Will affect grade II listed Crumpwood Weir – unique structure
- Would stop the canal restoration at the very start where it connects onto the rest of the National Canal network
- Would stop the future restoration of the Manchester Bury & Bolton Canal
- Canal restoration will have significant ecological benefits
- The canal is home to many bird species
- Churnet Valley AONB designation will increase importance of maintaining historic landscape features
- Green space should be maintained by the canal to mitigate impact of houses
- The Covid pandemic demonstrated the need for outdoor leisure space
- The proposal’s ‘wildlife corridor’ puts the houses in the line of the canal – but canals are perfect wildlife corridors

Other objections

- Not all near neighbours consulted

- Concept Plan for the site includes a hotel – none in application
- Buffer space needed between ecological sites and development
- Green space is ecologically valuable
- Farmland is part of the green corridor in the valley bottom and should be left undeveloped
- Should be open space
- At flood risk due to valley location – canal would mitigate this
- Application suggests it will be followed by further development which will result in much more development than the site allocation
- House designs are not in keeping with the local area and the density is uncharacteristic
- Development is not well related to existing settlement
- Large scale development near listed buildings will cause heritage harm
- Local villages will struggle with increased traffic and infrastructure demands e.g. Schools
- Small village will see significant population increase
- Houses will not be affordable for locals or starter homes
- No amenities in Froghall – residents will be car dependent
- Transport assessment inadequate and contains errors, and ignores topography
- The nearest school already has severe parking problems
- Several mature trees have already been felled on site in the last few weeks
- Development will disturb wildlife including bats
- A walking route between Kingsley and Froghall will be more attractive along a canal than through a housing estate
- The travel plan seems unrealistic – will increase car journeys
- Lack of climate change mitigation – no solar energy or electric car charging points
- Restoration of the farm is a positive but needs heritage compatibility
- Access to farm site by construction vehicles potential dangerous
- The site is severely contaminated with toxins used in the copper manufacturing industry such as cadmium, cyanide and arsenic. The proposed remediation process is insufficient, and toxins will remain within the ground and possibly enter the River Churnet
- The southern entrance to the development is very close to the A52 junction which is already a busy intersection.
- Potential chlorinated solvents from industry pose risk
- Insufficient archaeology information provided
- Noise, light pollution consequences of development in rural location
- Insufficient parking provision for the development
- Dangerous roads nearby
- No provisions for the historic path of the railway
- A mixed-use development would be better for tourism potential
- Proposals must be considered in the context of the wider Churnet Valley Area and connectivity into the Staffordshire Moorlands and East Staffordshire to the south – this would damage green/blue networks
- Farm vehicles move through the area at very early hours
- Parking is difficult at the weekend with the Churnet Valley Railway

Support (1)

- Good use of redundant land.

Ipstones Parish Council

Object for the following reasons: -

- Members have grave concerns that the site is heavily contaminated with hazardous waste which would need to be addressed before any residential development is permitted on this site.
- The Risk of flooding is also a major concern to members as a stream runs through the site which is also near the canal. Water from there goes under the B5053 by a culvert that could easily become blocked by debris causing the site to flood in times of heavy rainfall.
- The two accesses onto the B5053, Froghall Road are dangerous as one of the accesses is close to a blind bend. Vehicles often come round the bend at speed so would be a danger to vehicles entering/emerging from the site. The second access is close to the junction with the A52, which again would make it dangerous. Movements of vehicles to and from the site would be high, with work journeys, School runs, Service Vehicles and Delivery Vehicles etc.
- If allowed to go ahead the development would block plans for restoration work on the Uttoxeter Canal to join up with the Canal Basin at Froghall Wharf.

Kingsley Parish Council

Object for the following reasons:-

Uttoxeter Canal: The proposed development would block the line of the 1850 Uttoxeter Canal. The Churnet Valley Masterplan recognised the Uttoxeter Canal as an important heritage project. Significant financial investment and volunteer man hours have already been made in various aspects of the project. The proposed development would effectively block any future prospect of the heritage project being developed further.

Sustainability: Froghall has very limited or no facilities: no buses, shop, school, etc. All journeys to and from the proposed development would need to be made by vehicle, undesirable given the negative effect on the environment.

Overdevelopment: Froghall is a small village comprising 10 – 12 scattered dwellings. A development of this size would completely consume the existing village.

Overdevelopment: The proposed site has a heavy concentration of dwellings in relation to the size of the site. Although such a density ration may be appropriate in a city or town environment, the proposed development would be completely out of place in Froghall.

Visual Impact: Froghall is recognised as the centre of tourism in the mid Churnet Valley. Local facilities are well used throughout the year by visitors enjoying the natural environment. A densely packed housing development in the centre of the village would have a very negative impact on the visual appeal of the area.

Flood risk: The stream from Shirley Brook, Mousey Moor Wood and the canal out flow converge immediately ahead of the site and flow through the site exiting via a culvert under the Ipstones Road. There is a serious risk of flooding in times of heavy rainfall particularly if the culvert under the Ipstones Road was blocked / partially blocked by flood debris.

Pollution: There is evidence that the site is heavily polluted from historic industrial pollution. There is nothing within the application documentation to fully assess this risk and/or to put in place appropriate remedial action.

Necessity: The SMDC Local Plan has been approved in recent months. The plan identifies areas for development within the SMDC area to meet perceived need up to 2031. The Local Plan does not include this proposed development at Froghall. The proposed development at Froghall is unnecessary to meet any identified need.

Regeneration Officer

Residential development will impact on the local economy in terms of jobs and purchasing of supplies and services. In order to assess the economic impact of this development, we have relied upon the data supplied by the applicant and used the Council's approved multipliers to prepare these comments.

The proposal for 49 dwellings on land at Wharf Road, Froghall and will provide the following outputs:

a) The new householders occupying each new house will spend some of their income locally through shopping and use of local services. National research has identified that 34% of all household expenditure is spent at district level or below. For this development of 49 units this is calculated at £460,012 per year.

b) Each new house will generate direct jobs within the construction industry or associated supply chain, of which 25% are likely to be locally based. Indirect Jobs are also generated by local spend in shops and services. This is calculated at an additional local job for every seven

new homes. Using these multipliers the development will generate 52 direct jobs and 7 indirect jobs.

c) The development will also generate approximately £9,002 council tax for the area per annum

Operations Manager -Waste

Comment that there is no suitable turning area for waste collection vehicles adjacent to or near to plot no.26. This will mean that the waste collection vehicles will need to reverse all the way from the public highway, resulting in the need for 5 reversing manoeuvres in total required to service this development. The guidance given by the Health and Safety Executive to this authority was to insist developers reduce the need for reversing manoeuvres by waste collection vehicles by adopting drive through routes around the new developments. With this guidance in mind, this planned development is not acceptable to the waste collection team at present.

Bin storage is not identified on plans.

Environmental Health Officer

No objection subject to conditions to control contamination, construction impacts, air quality and sound insulation.

Comments on the Phase 2 report awaited

Policy Officer

- The Staffordshire Moorlands Local Plan was recently adopted September 2020 and is considered to be up to date. A five-year supply of deliverable housing sites can be demonstrated and the Housing Delivery Test (2020 measurement) has been passed.
- In-line with the NPPF (Feb 2019) development proposals that accord with an up-to-date development plan should be approved without delay.
- The application site is 3.25 ha and lies within the opportunity site designated in policy DSR4 Bolton Copperworks. There is a comprehensive planning policy framework in place for the Bolton Copperworks site within the Local Plan (with site specific details

in policy DSR4), the Churnet Valley Masterplan SPD 2014 and the Bolton Cooperworks, Froghall Masterplan 2011. The policies/masterplans seek to promote the regeneration of the site with mixed use development recognising the potential of the site's heritage features including the canal and railway and the tourist potential of the area. The aspiration for the site is that it will become the main gateway and destination for tourism in the Churnet Valley capitalising on the heritage features of the area including the canal and Froghall Wharf and the heritage railway. Development will include a mix of tourism/leisure development, employment and an element of residential development of an appropriate scale to the area.

- Policy DSR4 identifies suitable uses as employment, residential, tourist related retail and accommodation, leisure. It states development needs to be in accordance with the Churnet Valley Masterplan.
- The Churnet Valley Masterplan SPD provides a comprehensive framework for future development in the Churnet Valley it identifies opportunities to help regenerate and manage the area based around sustainable tourism in a manner which is sensitive to and enhances the heritage, landscape and ecology of the area. Bolton Copperworks is included as an opportunity site which are sites that have or could play a key role in delivering the strategy. The SPD includes a detailed concept statement for Bolton Copperworks. It refers to a range of potential uses including residential – around 50 high quality units (may include extra care) but states there is a need for flexibility due to the requirement for this to be sufficient to cross-subsidise other uses. It identifies zones for potential uses. The application site falls within zones 3 residential, 4 hotel 50 bed space and 5 listed farm complex suitable for re-use as a farmhouse, limited potential for craft/tourist related retail.
- The Bolton Copperworks Froghall Masterplan 2011 details a development framework for the site and promotes a mix use redevelopment of the site with uses including new employment, tourism, leisure and housing. It recommends the development is delivered through a combination of the public and private sector and refers to the residential development helping to cross subsidise the development of the site.
- The aim is to encourage the mixed used redevelopment of the site with the housing element helping to cross subsidise other uses. It is not clear from the application how this will be achieved and how the proposed development will help to facilitate the wider development of the site.
- The proposal would prevent the reinstatement of the Uttoxeter canal. The alignment of the former Uttoxeter canal is a non-designated heritage asset.
- The NPPF paragraph 197 states consideration needs to be given to the significance of a non-designated heritage asset in determining planning applications and a balanced judgement should be made regarding the scale and harm of any loss and the significance of the heritage asset.
- The following Local Plan policies are relevant. Policy SS10 Other Rural Areas Strategy refers to the redevelopment of Bolton Copperworks in line with policy DSR4 and states development should safeguard and enhance natural and cultural assets. Policy SS11 Churnet Valley Strategy gives particular support to a range of development and measures including, measures to enhance, protect and interpret the landscape character and heritage assets and measures to remediate/restore

derelict land, building and features including the appropriate redevelopment of sites and states development should be in accordance with the Churnet Valley Masterplan SPD. Policy DC2 The Historic Environment states the Council will conserve and where possible enhance heritage assets in a manner appropriate to their significance and gives protection to designated and non-designated heritage assets in line with the NPPF. Policy DSR4 Bolton Copperworks states that development should safeguard and enhance natural and cultural assets and be in accordance with the Churnet Valley Masterplan SPD.

- The SPD is clear in its aspiration to protect the alignment of the Uttoxeter Canal to enable its future restoration, with short term measures to maintain and highlight the route. The restoration of the Uttoxeter canal is recognised as an opportunity for the area and the Concept Statement for Bolton Copperworks states development should not prejudice potential reinstatement of the route of the Uttoxeter Canal and should provide short term measures such as interpretative boards and route clearance. This is again reflected in the development and management principles in the sustainable transport section (canals) where it states “*Any proposals along or near to the route should not prejudice the future restoration of the canal and should provide for short term measures such as interpretation boards and route clearance*” The Bolton Copperworks Froghall Masterplan contains similar provisions it sees the wharf and canal as important assets and promotes the demarcation and preservation of the alignment of the former Uttoxeter canal and its associated locks.
- The alignment of the former Uttoxeter canal is a non-designated heritage asset. The NPPF states consideration needs to be given to the significance of the heritage asset and the scale of harm or loss a proposal will cause. In this instance this non designated heritage asset clearly has significance for the area and the proposal would lead to its loss. The reinstatement of the Uttoxeter canal is an aspiration in the SPD and Masterplan for this area and the policies in the SPD clearly state development should not prejudice the reinstatement of the former Uttoxeter canal. The reinstatement of this former canal is part of the wider redevelopment aspirations for the area to develop it as a tourist gateway for the Churnet Valley building on its heritage features and location.
- The proposed development is for residential development of some 49 dwellings. Bolton Copperworks is allocated as a regeneration opportunity site for mixed use development. The policies in the Local Plan and Churnet Valley Masterplan seek to ensure the site is redeveloped with a range of uses capitalising on the site’s heritage features, location and tourist potential. The housing element was recognised as a way to regenerate the site and help cross subsidize other uses. The Churnet Valley Masterplan SPD states development should not prejudice the future restoration of the Uttoxeter canal. It is not clear how the development proposed will help deliver the wider policy aspirations for the site.

Conservation Officer

Advises that there will be Moderate harm to the setting of the Listed Building arising from development of the north field, low or slight harm to the Caldon Canal Conservation Area and loss of the future route of the Uttoxeter Canal.

Significance

The heritage statement outlines the designated and non-designated heritage assets. This is a detailed and well evaluated document, but it downplays the value of the canal and railway

structures (non-designated heritage assets). The heritage statement describes the canal as 'only buried remains' and a 'line'. The canal may be buried but a canal is already a largely sunken feature and there is potential for it to survive intact beneath the surface (as has been demonstrated by excavations of the canal basin by the C&UCT elsewhere along the route). The adopted Masterplan highlights the importance of the canal to the redevelopment of the site, and it should not be dismissed as only low to medium significance because it was displaced by the railway and limited evidence that it survives below the ground. It is possible that the entire canal is still in-situ with potential for reinstatement in the future.

Impact on Significance

- Support the proposal to restore the Listed Building to a single dwelling and restoration of the farm buildings. However, given that the restoration of the Listed Buildings are identified as a primary motivation for the development it is of immediate concern that the buildings have been allowed to deteriorate. They have been on the Council's Buildings at Risk Register for many years and since purchasing the site in 2015 the owner has not secured the basic preservation of these buildings and allowed them to continue to deteriorate. I note that substantial structural scaffold has been erected to prevent collapse (November 2020) but the site is open, the buildings open, holes on the roof covering and failed rainwater goods. This does not demonstrate a responsible guardianship of these buildings. Para. 191 of the NPPF states that where there is evidence of deliberate neglect the deteriorated state of the heritage asset should not be taken into account in any decision.
- Whilst the preference would be to support re-use of the farmhouse as a single dwelling I would have no objection to its continuation as two dwellings if this assisted with development costs (although I note that the valuations have considered this and found there to be no distinct difference).
- Note that the scheme only seeks to develop part of the site whilst the masterplan seeks comprehensive redevelopment. The potential to sympathetically redevelop the whole area and preserve and enhance heritage assets on the wider site may not therefore be achieved.
- The field to the north of the Listed farmstead is not identified for development in the Churnet Valley Masterplan. The field contributes to setting as there are interconnected views from Foxt Road and south from closer to Froghall Wharf and the railway sidings. These viewpoints are elevated allowing views right across the site and allowing the farmstead to be viewed in its agricultural setting. The heritage statement notes that the field is the only complete field surviving from the farm which has a long-standing physical relationship with the farm and this is well explained. The farm buildings also have doorways connecting immediately to the field including the large covered entry which allows views though to the field beyond and this is a straight line-of-site from the Foxt road access. The heritage statement also notes that the field has a stronger association with the Listed Buildings because of the historical development that has taken place in the area. Development on this site would be harmful to the Listed Building setting and I would consider this impact to be a 'high' level of harm to setting (heritage statement assesses this as 'moderate'). I do not agree that the northern field is of less importance to setting than other outlooks because it will only impact on the 'curtilage' farm buildings rather than the Listed farmhouse which diminishes its level of harm. I consider that the assessment of setting should be the heritage asset as a whole 'the environment in which the asset is experienced'. The heritage statement comments that the site will only be glimpsed

through the hedges but this is because the hedge is currently unmanaged. The hedge is actually set low from the road so in future it is likely that development will be very prominent from Foxt Road. This is the main viewpoint where the building is read in its landscape setting.

- The northern field also includes the remains of the railway embankment and canal structures which are significant industrial archaeological remains, identified in the masterplan for retention and interpretation. The canal was designed by John Rennie, a nationally significant canal engineer. The loss/adaptation of these features will be harmful and a significant departure from the aims of the masterplan. The plans indicate that that parts of these structures would be incorporated into some of the gardens but no details are provided.
- The Caldon Canal Conservation Area is quite well screened from the proposed development in the Zone 3 area of the masterplan (although tree thinning may open up some of these views) but there will be some harm in views across the northern field as already mentioned.
- The overall housing design and layout is a very standard estate layout, regimented and not related to patterns of local settlement character or traditional building form and appearance. Many buildings are effectively three-storey with high ridges and steeply sloping roofs. This proposal will detrimentally impact on the setting of the heritage assets. I would question the use of oak porches, some buildings would benefit from chimneys to improve roofscape and we need details of front and back gardens. The opportunity should be taken to draw on the industrial character of the site in the design and form of the buildings.
- Photomontages or drawings of the new development in its context are required to demonstrate impact.
- I would query whether the scale and massing of the Listed Buildings is larger than the new dwellings, as stated in the Design and Access Statement. This has not been demonstrated. It would be useful to have a site section across the site crossing the Listed Building.
- There is particular concern regarding Plots 2-8 where the back gardens will impact on the historic access to the Listed Building and the back gardens will then continue along the Foxt Road to the corner with Froghall Road which will not present an attractive frontage to the site.
- It is not clear how new pedestrian links to the Marina will be achieved as this is in separate ownership. It was envisaged that this would be along the reinstated canal/railway route to allow the appreciation of the heritage on the site but the route is replaced with a suburban housing estate.
- In relation to 'Conservation Deficit' I note that the heritage statement comments that there are no aspects which are contrary to the development plan and is therefore not 'Enabling Development'. However, I would point out that the development of the northern field is contrary to the adopted Churnet Valley Masterplan so this is not accepted. Historic England guidance on Enabling Development 'Enabling Development and Heritage Assets Historic Environment Good Practice Advice in Planning Note 4' is relevant.
- If a conservation deficit can be achieved I would expect to see a range of schemes to demonstrate how this deficit can be addressed.
- There has been no open market testing of attempting to sell the Listed Buildings to see if there is a buyer who would renovate the Listed Buildings as this stands on the

periphery of the Bolton's site and could be a stand-alone project for an individual with a desire to obtain a property with considerable potential.

- I have reviewed the Structural Appraisal of the Listed Buildings and note that there is great uncertainty about the extent of repairs because the building needs a full structural scaffold in order to allow safe access for a full and detailed dilapidation survey, including detailed design drawings. The appraisal is full of general statements regarding likely work and impact on the building's significance needs to be factored in. Only after this assessment can the extent of repairs/rebuild be established and then this can be costed.
- The feasibility Budget by GMG Associates identifies restoration costs of £1.1m and a post restoration sales price of £750,000. There is no detailed breakdown of these costings (which should be informed by a costed and agreed dilapidation survey) so this is not reliable data and cannot be used to justify a conservation deficit.
- The Full development appraisal (Mounsey, 2020) arrives at a conservation deficit of £500k and is again woefully inadequate for the purpose and Historic England's Enabling Development document should be followed.

For the reasons stated above the scheme overall represents harm to heritage assets and the enabling development argument is poorly substantiated.

Trees and Woodland Officer

Summary

No adverse impact (direct or indirect) on TPO trees, trees in Conservation Area, or Ancient Woodlands.

The proposed layout (dwellings/gardens/estate roads) would require removal of and/or would have adverse impact on existing trees/wooded areas around the site boundaries and along the watercourse bisecting the site, and would lead to felling/lopping pressure, to the detriment of the existing woodland character. Whilst some compromise over the approach to tree/greenspace retention may be required, the application as proposed would be considered over-development which does not respond acceptably to existing landscape structure constraints. In conflict with Local Plan Policy NE2 and the Council's adopted Tree Strategy.

Layout is considered inappropriately regimental/formal, and in combination with dwelling appearance would create an incongruous urban/suburban character out of keeping with the existing rural/historic industrial surroundings, and in this regard would be considered to be in conflict with Local Plan Policies DC1 and DC3. Development as proposed is also not in compliance with The Churnet Valley Masterplan and Local Plan Policy DSR4.

Any significant visual impact would be localised to close-range receptor viewpoints; whilst close-range visual impact from a major residential development is inevitable and is not in principle objectionable given the previous industrial brownfield nature of the application site and its role as part of a wider area identified as an Opportunity Site for mixed use major development, the visual impact in this instance would not be appropriate due to its impact on existing tree/woodland structure and its incongruous character.

Tree/Woodland Designations

1. Application site is just outside Caldon Canal Conservation Area (CA), but immediately adjacent to the CA at the towpath along the NW boundary of the site, and very close to the wider extent of CA designation around Froghall Wharf.

2.TPO No. SM.238 originally protected 3 No. mature Copper Beech trees to the south of the listed Cottage (see plan on page 20 of attached copy of TPO). Of these, T2 in the TPO blew down some 15 – 16 years ago, due to the presence of root decay fungus *Kretzschmaria deusta* causing stem base failure. The tree denoted T3 in the TPO, which is also denoted T7 in the current planning application tree survey, is noted in that survey to also have a colonisation of *Kretzschmaria*, which I verified by my own inspection, and this tree was felled approx. 2/3 months ago in the interests of safety (with prior agreement from SMDC). TPO tree T1 (also denoted T3 in the planning application tree survey) is still present with no significant defects noted.

3.In February 2021 we were notified by tree surgeons (and alerted by public/local Councillor) about tree work taking place on site, I investigated to make sure it was not pre-emptive general clearance in advance of securing planning permission. The tree surgeons, and the applicant's ecologist, were present to enable discussion. Work was mainly limited to felling/reducing some over-mature trees in potentially dangerous condition – including the aforementioned Copper Beech but mainly a few Willows which had started to break up and in some cases had collapsed/partly collapsed, resting on old buildings or leaning out towards the highway. In addition, some general scrub clearance across the former yard areas was implemented (partly for access for main tree works), and they also intended clearance of brambly scrub around the old orchard trees associated with the Cottage, although this does not appear to have been carried out to date. This essential tree safety work, and scrub clearance, was appropriately carried out at that time in order to avoid the bird nesting season – it does not constitute “site clearance” and has retained the trees/scrub woodland around the application site boundaries and most of the tree/scrub-lined structure of the watercourse bisecting the site.

4.The Ancient Semi-Natural Woodland (ASNW) of Straight Hills Wood lies to the south-east of the site, beyond the intervening A52 Whiston Bank. Closest part of this ASNW is c.70m from the application site boundary; clearly there would be no direct impact on Straight Hills Wood. Given the 70m separation, the intervening busy A road, the significant topographical elevation of Straight Hills Wood above the application site level, and the absence of any direct links between the woodland and the site, it is considered that there would also be no adverse indirect effects (eg water or pollution run-off, activity disturbance, light/noise pollution etc) on this ASNW arising from the proposed development.

5.Further Ancient Woodland designations encompass Moseywood Wood directly adjacent to the west bank of the Caldron Canal channel and hence close to the north-west boundary of the application site. Most here is classified as Ancient Replanted Woodland (although equally subject to local and national policies and guidance, which seek to avoid loss of or deterioration of any Ancient Woodland), but a small area of Moseywood Wood directly across the canal from the northern-most part of the application site is identified as ASNW. Other than the 2 potential new pedestrian links from the development to the canal towpath, the nearest physical elements of new development would be the dwellings of Plots 30/35/40/45/49, which at approx. 21m (closest) from the Ancient Woodland boundary would exceed the minimum 15m stand-off buffer advised in the Natural England/Forestry Commission Standing Advice *Ancient woodland, ancient trees and veteran trees: protecting them from development* to avoid direct impact on woodland trees. In any event, the intervening substantial excavated structures of the canal itself and substantial existing concrete retaining wall at the edge of the old yard area within the application site would guarantee no roots from trees within the Ancient Woodland extending within the application site, and in conjunction with the natural topography rising steeply from the application site up

to the Ancient Woodland would also avoid indirect effects such as run-off. The proposed development would not provide new (or significantly intensify existing) access into the Moseymoor Ancient Woodland itself due to the intervening barrier of the canal. It is noted that until recent years the application site was in active industrial use, and there is existing quite intensive use (boats, pedestrians, cyclists) along the canal fed by the close proximity of the Froghall Wharf visitor destination, and also existing public footpath access within Moseymoor Wood itself. Meanwhile existing dense woodland/scrub belt along the north-west edge of the application site on the bank below the towpath provides, and would be retained as, a buffer to the Ancient Woodland and be in accordance with the Natural England/Forestry Commission Standing Advice that such peripheral buffer zones be managed as complementary semi-natural habitats. Provision of pedestrian links to the towpath would not directly affect the designated Ancient Woodlands nor themselves lead to harmful indirect disturbance. (NB these Ancient Woodland designations covering the southern-most projection of Moseymoor Wood, across the canal from the application site, do not appear to have been picked up in the application's Preliminary Ecological Appraisal, although given the absence of direct impact and very unlikely occurrence of harmful indirect impacts arising from the proposed development, this omission is not of critical consequence).

It is considered that the proposed development would not lead to loss or deterioration of, nor harmful impact on, any Ancient woodland sites.

Impact on Trees

1. Proposed slightly re-positioned northern access off Froghall Road (for estate road serving Plots 27 – 49) could not accommodate retention of remaining existing trees at this point (trees T37 & T38 in applicant's tree survey) – substantial damage to roots of both would be caused, and a main estate road would not be appropriate for a no-dig/cellular confinement load support specification. These two trees are amongst the very few still remaining along the Froghall Road frontage of the site and should preferably be retained undamaged. However, this would entail either re-using the existing northern access point (which may raise highways issues being closer to the bend going up Froghall Bank) or bridging over the brook from within the southern development area (Plots 1 – 18) which itself would be likely to have environmental impacts including on trees/habitat along the brook (as noted in the Landscape Design Statement).

2. The main estate road serving Plots 27 – 49 would run alongside the brook, and although much of the road footprint is either existing concrete hardstanding or existing compacted stone surfacing, the road alignment would take it closer to the brook than these existing hard surfaces and would encroach further within the Root Protection Areas (RPAs) of existing trees along the western bank – to the extent that some would need to be removed, whilst others would suffer significant and potentially fatal root damage. In addition, given that the eastern bank of the brook is formed by a vertical concrete retaining wall, with private gardens to Plots 11 – 18 shown running right up to this wall (and the wall then presumably topped with screen fencing?) the alignment of the estate road for Plots 27 – 49 would leave a very narrow corridor for the watercourse and associated riparian margins. The west bank probably offers best potential for a natural/environmentally enhancing treatment of the watercourse bank and margins with increased biodiversity value, but the proposed alignment of the estate road would preclude that. This river corridor is an important part of the landscape structure of the site and habitat potential and connectivity; the proposed estate road alignment is not considered appropriate.

3. Dwellings at Plots 30, 35, 40, 45 and 49 are too close to the existing retaining wall and, more particularly, the wooded embankment below the canal. In some cases, removal or substantial lopping of overhanging trees would be required to accommodate the dwellings; more generally the trees would create significant shading and overbearing impacts on the dwellings and gardens. These issues point to inappropriate proximity, leading to inappropriate impact on existing landscape structure. Whilst some appropriate woodland management to the canal embankment may be beneficial, removal and/or lopping of existing woodland belt trees in order to physically accommodate new development is not appropriate for what is, effectively, an important part of the buffer zone to the Ancient Woodland immediately across the canal.

4. The dwellings at Plots 46 – 48 are too close to trees along the brook to their north, with canopies extending in places virtually up to the rear elevations, and the majority of the private garden space directly under tree canopy. This would inevitably create problems with shading, overbearing impact, perceptions of danger from falling branches, and poor-quality living environment for occupants, leading to pressure for felling and/or lopping of trees. This would be detrimental to amenity, to the landscape structure of the site and the value of the brook and its wooded banks as a wildlife corridor.

5. Issues noted at points 7 – 10 above suggest the proposed scheme would constitute over-development which does not respect, respond sensitively or relate well to existing site landscape structure and constraints. In this regard the proposal would be in conflict with Local Plan Policy NE2, and with the Council's adopted Tree Strategy.

6. The indicated infilling/raising of site levels by c.600mm would be likely to have further harmful impact on existing trees due to potential root severance (if it involves prior excavation of existing ground before backfilling and raising), and/or compaction of soil structure within RPAs, and/or raising of ground levels around stem bases. For the western area of development, this could affect trees remaining at the Froghall Road frontage, those along the watercourse to the east of Plots 27, 31, 36, 41 and 46, and those along the watercourse to the rear of Plots 46 – 49. For the eastern area of development, again trees along the watercourse would mainly be affected, together with a few various others elsewhere. Is raising of site levels required across the whole site anyway (eg in relation to any flooding issues, or contamination remediation) or only in relation to areas proposed for actual development – i.e. if the layout is amended for whatever reason and the location/extent of proposed development changed, would the extent of raising site levels also be amended accordingly to suit? If so, this may change the potential adverse impact on trees.

7. Plots 2 – 8, and in particular their back gardens rather than the specific dwelling positions themselves, would require the removal of developing young trees/woodland belt along and against the bank up to the A52. This would result in removal of a substantial amount of existing screening, opening up views into the site from the A52 and increasing visual impact of the development, and eroding the presently enclosed/wooded boundaries of the site as described in the D & A Statement. Meanwhile the Landscape Design Statement refers to this belt of scrub, woodland and (unmanaged) hedgerow being an important corridor for ecology and landscape structure, but in practice the construction of Plots 2 – 8 as proposed and in particular creation of their private garden space would lead to the loss of most of this scrub and young woodland belt vegetation. Furthermore, whilst the mature hedgerow along the A52 boundary is indeed long unmanaged and of poor structure, its restoration management and infill planting would not in itself create a secure or private garden boundary for these

plots, with the prospect of fences being needed which would themselves be visually intrusive and erode the existing wooded rural character.

8. Continuation of the eastern estate road to serve Plots 19 – 26 would require the removal of existing trees near the northeast corner of the listed farmhouse yard, and also further along fronting Plot 23. In addition, the proposed layout for this roadway to Plots 19 – 26 and the new pond opposite Plots 21 & 22 appears to imply an intention to remove the remaining length (or substantial parts of it) of the former canal and railway embankment previously linking to the canal basin at Froghall Wharf. Removal of this embankment would be likely to cause damage to existing trees on/adjacent to it (not to mention result in the further loss of part of the site's heritage structure). Whilst retention of the former railway embankment to be "incorporated into the curtilage of one of the proposed residences" is suggested in the D & A Statement, this does not obviously appear to be supported by the proposed layout, and in fact the existing presence of the embankment does not appear to be represented on the existing site section drawing.

9. Renovation of the listed farmhouse and associated building could provide the opportunity for some restoration management of the overgrown/long-unmanaged orchard at the east/south-east side of the farmhouse (denoted Group G3 in the planning application tree survey). These trees are actually fairly old and decrepit, noted in the survey as being over-mature and in poor condition, but given some careful clearance of surrounding scrub and climbing plants, and specialist maintenance pruning where appropriate, it may be possible to improve the quality of the trees and the orchard as a habitat/landscape feature.

General Comments on Layout and Landscape/Visual Impact

1. The layout appears inappropriately formal/regimental. Given the current substantial screening to 3 sides, the site is visually self-contained but the immediately surrounding area and the various approaches to the site have very much a rural character, which gives the site a rural context. However, the scale and formal layout with (to my unqualified eye) rather suburban-style dwellings, would create an incongruous appearance and feel of an urban/suburban housing estate inappropriately located in the open countryside, with no particular distinguishing sense of place arising from the development itself, surroundings notwithstanding, to reflect either rural or former industrial character. This would be in conflict with Local Plan Policy DC1. Is there a case to consider a much more informal/organic approach to layout and much more rural character to the dwellings, estate roads and site landscaping? I appreciate this may well not achieve the same housing densities. Or as a complete alternative, a strongly industrial character (whether "traditional/heritage" industrial or "bold/modern" industrial). I acknowledge that the Landscape Design Statement notes there never were any historic industrial buildings on the application site and therefore the proposed development does not reference industrial context, but rural – although questionable whether this is achieved, but in fact the presence of historic industrial character is all around (canal, canal wharf/basin, railway, former tramway/plateway, lime kilns, copperworks etc). I appreciate I'm straying somewhat from my standard remit of trees/landscape/visual impact, but in fact visual impact will be significant from Froghall Road in particular, and the character and appearance of the development itself will strongly influence whether the landscape and visual impact is considered appropriate for its setting. The design and character of this site may also set a precedent/marker for subsequent development of the main copperworks site across the road.

2. It is questioned whether the development of the field north of the listed farm is appropriate at all – this is greenfield not brownfield, and again a row of repeated house types in regular

layout, infilling between the listed farm yard and the heritage/countryside destination site around Froghall Wharf, does not appear to reflect either rural or heritage/industrial character. (Bolton Copperworks Masterplan indicates potential for housing on this field, whereas the more recent and formally adopted Churnet Valley Masterplan SPD shows the field remaining undeveloped; adopted Local Plan Policy DSR4 requires development to be in accordance with the Churnet Valley Masterplan). The Landscape Design Statement suggests that filtered views would remain from Foxt Road between the dwellings on the former agricultural land (i.e. Plots 19 - 26), but in practice the dwellings are so close together that they are likely to be seen more as a continuous built form (although the east-west ridgelines of Plots 19 – 26, as proposed, would be more diffuse than a repeated/continuous run of north-south ridgelines).

3.As noted within point 8 above, the potential for rear garden screen fences to Plots 11 – 18 above or close to the existing concrete retaining wall could create a hard and visually abrupt edge to the watercourse, with also little opportunity to enhance the biodiversity value of the east bank as part of the wildlife corridor. Would this area of development work better if the estate road ran alongside the watercourse (at suitable distance, and perhaps with an open wide road verge leading directly to the bank of the brook – albeit this bank is largely formed by the retaining wall), with any dwellings then located on the eastern side of the re-aligned estate road? (although this may raise other issues in terms of setting of listed building?).

4.The D & A Statement describes the 3 short culs-de-sac off the western estate road (Plots 27- 49) as “landscaped courts”, but in practice they would have very little space available for any meaningful structural landscaping to contribute to streetscene, and would each be visually dominated by the dwellings themselves and the roadway, parking bays and vehicles.

5.In principle I would support the proposed pedestrian links to the canal towpath and Froghall Basin, in some appropriate form at least. However, given the existing tall concrete retaining wall and then the steeply sloping wooded embankment up to the towpath, the actual detail of these links would need careful consideration to demonstrate that its engineering/construction requirements would not cause significant loss of or damage to trees/woodland – again noting that this is within the buffer zone to the Ancient Woodland across the canal.

6.The Churnet Valley Masterplan SPD identifies the wider extent of the former Boltons Copperworks (of which the current application site forms part), together with some adjacent sites, as the “Bolton Copperworks Opportunity Site” which it advises should take a flexible approach to green space and trees, accepting that there will need to be some loss of greenspace and trees to achieve development. Therefore, although I have noted several issues in relation to the potential impacts on trees, it is acknowledged that there may well be a need for some compromise. However, it is noted that the current application is not in full accordance with the broad indications of the Churnet Valley Masterplan and the Bolton Copperworks Masterplan, and also that these masterplans place high importance on retaining woodland character, reflecting and enhancing historic character and heritage, achieving high quality of design in development accompanied by high quality landscaping treatment which complements existing informal woodland character, protects/enhances biodiversity, and maximises green infrastructure opportunities. Greater compliance with Local Plan Policy DC3 should be sought.

7.The application submission includes a Landscape and Visual Impact Assessment (LVIA); this broadly finds that due to the effects of pronounced topography and significant areas of existing woodland, the visual impact would generally be limited or negligible from more

distant receptor viewpoints in the wider area, and the main visual impact will be experienced at close viewpoints (I would not disagree) – in particular Froghall Road passing the main frontage of the site, and the A52 around the junction with Froghall Road, from where there are clear views into the site across its open south-western frontage/boundary and from where the proposed development would be locally prominent. Other boundaries currently benefit from established mature vegetation, but whilst this would provide some notable filtering of views (more so during the growing season, obviously) this would not provide complete screening, and the presence of a major new residential development will still be apparent from the canal, from the A52 between Froghall Road and Foxt Road, and from Foxt Road itself. As noted above the various impacts on trees/woodland bounding and within the site could partially erode the existing filtering contribution, leading to greater visual impact. Given that this would be a major development on a former industrial brownfield site and is part of a wider location identified in the adopted local plan as a strategic “Opportunity Site” for large scale mixed use development, it would clearly not be appropriate to raise objection to this application in principle simply on the grounds that it would have notable visual impact from close-range viewpoints. However, the character and quality of layout, appearance, details and mitigating measures would be key to determining whether the inevitable visual impact is considered appropriate and acceptable in relation to the character and quality of the site’s setting and landscape/biodiversity/historical context. Unfortunately, it is considered that the application as proposed would introduce an incongruous urban/suburban residential estate character out of keeping with the rural/historic industrial surroundings and would have too much adverse impact and pressure on the landscape structure of the site, and is therefore not appropriate as it stands.

Service Commissioning – Public open space

Advise that although the proposed development is relatively small request that some on-site play provision is included. The development site is general isolated from other similar residential areas and therefore any opportunity for play. The nearest play areas to the development are located in the villages of Whiston and Kingsley, both are more than a one mile away from the site and needing following busy A roads, one of which has no pavement for part of the route. Therefore, none of the sites would be considered as realistic alternative sites for the new residents to attend. The on-site provision should be to Local Area of Play (LAP) size meeting the needs of both the toddler and junior age ranges.

As a relatively small development there are no further comments around the proposed layout of the site from an Active Design view point. The current proposal includes new, safe access to the canal and Froghall Wharf (subject to agreement). The on-site footpath network links the development so that residents are able to walk around easily.

It should be known who will be responsible for the maintenance and repair of the on-site footpath network and in particular, the three new pathways to the canal and Froghall Wharf. Will a management company be in place for the up keep of the “open space” and will this include these pathways / tree safety etc.?

The site benefits from good local PROW network which offers walks in all directions, including two SMDC promoted circular walks nearby. Additionally, there is easy access to the popular Caldon Canal which offers a safe route for walking and cycling to Cheddleton and onwards to the Potteries. There is also the option to transfer from one canal to another and reach Leek. Lastly, the site is situated very close to the Froghall station of the Churnet Valley Railway. This is a restored heritage railway which is predominately a tourist attraction, but on selected days it could be used as a method of commuting to Cheddleton, Leekbrook and in the future Leek.

We would be seeking off site contributions for Playing Pitches which would be delivered within a 3 mile radius of the development. The formula for off-site playing pitches is £665.40 per bedroom. Further discussions are required regarding the trigger points for the off-site contribution payments but would ideally be at or around 10% occupancy of the dwellings.

Local Highway Authority

Requested clarification on a number of matters. Response awaited to further information received on the 24th August 2021

Environment Agency

Object on flood risk grounds.

Local Lead Flood Authority

Holding objection. Risk from canal breach not assessed

Coal Authority

No objection. The Coal Authority concurs with the conclusions and recommendations of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. Recommends a condition to secure the further intrusive investigations.

SCC Mineral Authority

Does not wish to comment

Canals and Rivers Trust

Advise that planning permission should not be granted for the following reasons:-

- a) the proposal will prevent future restoration of the former Uttoxeter canal and
- b) Insufficient information has been provided to clearly demonstrate that the development will not result in an unacceptable risk of creating land instability of Bolton's Embankment which carries the Caldon Canal past the western boundary of the site

Staffordshire Wildlife Trust

Issued a Holding objection grounds of net loss of biodiversity. Comments awaited on further information received on the 20th August 2021

Natural England

No objection subject to appropriate mitigation being secured. Advise that without appropriate mitigation the application would damage or destroy the interest features for which Churnet Valley Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required to be secured by condition or planning obligation:

A minimum 10-year habitat maintenance and management plan which considers the relevant sensitivities of the adjacent SSSI.

Heritage England

Do not wish to provide detailed comments and suggest that the Councils Conservation Officer is consulted

County Archeologist

No objection subject to conditions

Advises that there are a number of known heritage assets within the boundary of the application site, these include the Grade II listed Cottage Farmhouse (and associated farm buildings) and the line of the Uttoxeter Canal, including the sites of three locks. To the immediate west and approx. 27m to the north of the application site is the Caldon Canal Conservation Area which itself includes a number of listed buildings.

Recommends that all best efforts are made to work with the applicant to develop a scheme which protects the line of the former canal within the application site whilst also achieving the historic environment benefits of the current scheme.

Furthermore, it is suggested that the LPA appropriately consider the impact that a large-scale (for this area) housing development will have on this small historic settlement- your Conservation Team will no doubt advise further in their response

Above and Below Ground Archaeology

The proposals will, or have the potential to, directly impact upon the listed Cottage Farmhouse and its associated farm buildings, the line of the former Uttoxeter Canal and associated infrastructure (and indeed remnants of the railway line that succeeded it), and a 20th century building associated with the Bolton Copperworks, the main complex of which is located immediately to the south of the application site.

Recommendations – Uttoxeter Canal and Churnet Valley Railway

A significant amount of fill material will be required to be imported to the site to bring it up 600mm in order to remediate the expected level of contamination. This is likely to preclude significant intrusive groundworks which would directly impact upon the line of the former canal or associated features, although it is noted that elements of lock 2 are still visible above ground, and that some of the submitted plans (see page 29 of the DAS) include an attenuation pond within the line of the former canal.

With the above in mind, it would be appropriate that archaeological recording works are undertaken of the above ground elements of lock 2 (and the associated railway infrastructure at this point). This recording work should be covered by a condition of consent,

Recommendations- Cottage Farmhouse Complex

It is welcomed that the applicant proposes to sensitively restore these buildings as part of the proposals, and whilst it is acknowledged that the HIA provides a detailed understanding of its historic development and appraisal of its fabric, it is my opinion that some additional recording work will be required should permission be granted. This additional recording work can be covered by a condition of consent and will comprise a level 3 survey of these buildings as outlined in Historic England's 'Understanding Historic Buildings' (2016) guidance.

Recommendations – Former Bolton Copperworks Buildings

It is clear from the HIA and ADBA that a portion of a building associated with the former Bolton Copperworks is located within the application site. The ADBA describes this as the Technical Department and suggests it was built c.1940. A relatively small portion of this survives, and given its date and association with the Copperworks (which is recorded on the HER), and the fact that it is proposed to be demolished, it is recommended that a level 1 photographic survey of this should be carried out as outlined in Historic England's 'Understanding Historic Buildings' (2016) guidance. This recording work can also be covered by a condition of consent

Staffordshire Police: Crime Prevention Design Advisor

Staffordshire Police have no issues with re-use of the brownfield site and restoration of the farmhouse for residential purposes, which appear to make good use of the land. The proposed layout pays some consideration to issues of designing out crime, although there would be further opportunity in this regard.

Concerning the Eastern half of the site, the layout appears well conceived. A number of properties will address Froghall Road, and the access road, in-curtilage parking, new footpath connection to Froghall Wharf, ecological habitat area and dwellings will be very well overlooked from the dwellings served by that internal road. Existing dense vegetation should provide good protection for the rear garden boundaries of the new dwellings along the Eastern site boundary and the watercourse running through the centre of the site should deny access to the rear garden boundaries of plots 12-18.

Concerning the Western half of the site, the dual aspect plots overlooking the access road should provide useful natural surveillance. The rear gardens of plots 46-49 should back on to some dense undergrowth/scrubland to protect them, and the rear gardens of plots 36-45 will back onto one another to provide mutual security, which is ideal. The steep bankside along the western site boundary should also be advantageous in terms of security.

In terms of designing out criminal opportunities throughout the development, due consideration should be given to the following points:

1. While plots 8-11 will front Froghall Road, the corresponding plots (27-30) on the Western side of the site present their backs to Froghall Road, which will also expose their rear garden boundaries unnecessarily. In terms of reducing criminal opportunity, it would be far better for plots 27-30 to be reoriented 180° to front Froghall Road, which would enable the rear gardens of plots 27-30 and 31-35 to back onto one another in a mutually secure manner akin to plots 36-45.
2. The clear benefit of providing on foot connectivity for residents to the canal system to the north and west for recreational purposes is recognised. Alas, the Proposed Site Plan shows two new pedestrian connections to the west. While serving an obvious purpose, these linkages will legitimise the presence of anyone within those short cul-de-sacs and provide a variety of approach and escape routes for potential offenders. Given the short distances involved, serious consideration should be given to reducing the number of western linkages from two to one. This would not unduly inconvenience residents, but would enhance the security of one close of residents. It would also reduce redevelopment costs for the site.
3. Unauthorised access from the front of the new dwellings to the private rear gardens should be prevented by the placement of intruder-resistant fencing/walls/lockable gating as close to the front of the building line of the dwellings as possible.
4. There will clearly be some sensitivity given the setting and heritage regarding rear garden boundaries. Where more natural or less conventional garden boundaries are proposed, the use of defensive planting externally should be considered to reinforce those respective boundaries.
5. It would be highly desirable for the dwellings to satisfy the minimum physical security requirements contained within the Secured by Design Homes 2019 design guide. Specifically, installing external doorsets and ground floor/accessible windows (and any garage doorsets), which have been tested and importantly possess third party certification from a UKAS-accreditation body to a recognised manual attack-resistant security standard. This would be one further significant way in which the applicant could seek to design out criminal opportunity. Such third party certified doors and windows are widely available and provide a proven and demonstrable level of manual attack-

resistance, whereas non-certified products offer no such assurance, and introduce an easily avoided and unnecessary vulnerability. The Homes 2019 design guide has a raft of other crime prevention-related information the applicant may find useful.

Staffordshire County Council – Education

Advise that the application would not result in an education contribution and is therefore acceptable from an education perspective. The response is based on the information contained within the planning application and should the number and/or mix of dwellings change we would wish to be consulted so that a revised contribution can be calculated.

The majority of Staffordshire schools include residence in the school's catchment area as a high priority within their admission arrangements. Even where this is not the case schools still give high priority to children who live in the local area.

The location of a housing development in relation to schools in the local area is taken into consideration when assessing the mitigation required for education provision. Based on the location of the proposed development we have considered that there are projected to be a sufficient number of school places to mitigate the impact of this development at all phases of education.

Severn Trent Water

No objection subject to a drainage condition.

Staffordshire Waterways Group

Object.

The Staffordshire Waterways Group represents all the voluntary groups active on canals within the County. We work closely with the Canal & River Trust and Staffordshire County Council to improve and develop local waterways. We are united in wishing to object to the present planning application to build houses on the line of the former Uttoxeter Canal.

Staffordshire is the County which has the longest length of canals and canal towpaths in the land – 150+ miles. We also have 5 of the most significant canal restoration projects in the country. – the Lichfield & Hatherton canals; the Norbury-Newport section of the Shrewsbury and Newport canals; Stafford Riverway; the Uttoxeter Canal, and Burslem Port. Although these are longer term projects which will eventually add another 20-odd miles to our local network, they are also economically useful in attracting people from all over the country who come to visit and look at the works; or they come to participate in the restoration work itself.

In either case, they are responsible for significant amounts of visitor spend.

The Caldon Canal itself was reopened in 1973 after a considerable in-put from volunteers such as myself. The economic benefit has been felt ever since. Usage has grown from just 30 boats in 1970 to annual passage of over 3000 craft. Reopening the Uttoxeter canal would have a similar benefit. The restoration of the Froghall Basin in 2005 by volunteers from the Waterway Recovery Group and the Caldon and Uttoxeter Canal Trust, assisted by British Waterways, provides the stepping off point to the Uttoxeter Canal itself. Locks lead down from the basin to link up with the planned restoration. It is essential that this line of the former canal is protected: the present proposal to build houses there would cause irrevocable damage – there is no alternative route. Volunteers have already spent thousands of hours laying paths and improving access to the beautiful Churnet valley.

To allow this development to go ahead would send a negative message to all those currently engaged in voluntary work on the canal network, both locally and nationally. We ask that the present proposal be rejected.

Inland Waterways Association

Object. Implore SMDC to turn down this application as it currently stands and ask the developers to reconfigure the site layout to allow restoration of the Uttoxeter Canal in the future. If allowed to go ahead as currently proposed the development would prevent any future restoration of this rural waterway. The Staffordshire Moorlands would then miss out on all the benefits that waterway restoration can bring to rural communities and the local economy.

Froghall is where the Uttoxeter Canal joins the popular Caldon Canal (itself restored and reopened to navigation in 1974). The basin adjacent to the proposed development site, along with the first lock of the Uttoxeter Canal joining it to the Caldon Canal, were restored in 2005 in a £625k partnership project between volunteers, British Waterways, local authorities, backed by the European Regional Development Fund.

A study carried out in 2009 concludes that it would be feasible to restore the Uttoxeter Canal between Froghall and Denstone (Uttoxeter Canal Restoration Outline Feasibility Study 2009 commissioned by Staffordshire County Council and the Caldon & Uttoxeter Canals Trust).

Since then, the Caldon & Uttoxeter Canals Trust has led specific projects at a number of locations further down the valley, including projects in partnership with SMDC and others as part of the Churnet Valley Living Landscape Partnership.

The site proposed for development includes the next section of the canal beyond the restored first lock and basin, and is where the currently derelict canal would join the navigable waterways system. With no other viable route available, blocking the restoration on this site would also negate any regeneration of the canal further down the valley, and would prevent the communities along its route from being connected to 2700 miles of waterway network

Restored waterways can contribute to the economic development of rural communities, by improving the physical and mental health of the local population through opportunities for exercise, holidays and recreation which in turn creates financial benefits to local economies through tourism, employment and regeneration.

The benefits of waterway restoration to a local area are well documented, for example in IWA's reports "The Value of Inland Waterways" and "Waterways in Progress", which includes a case study about the restoration of Bridge 70 on the Uttoxeter Canal.

Evidence suggests that developers can benefit from a 15-20% uplift in value of waterside properties by incorporating a restored canal into plans for a site (*Water Adds Value, Highlighting the impact of the restoration of our waterways*, Canal & River Trust and IWA, 2015). Printed copies of these 3 documents are available on request, and links to online versions can be found in Appendix 1 below.

Instead of building over the line of the canal, an opportunity exists for the developers to embrace the canal and benefit from it. Examples exist elsewhere in the country where developers have done just this (e.g. Lichfield & Hatherton Canals Restoration Trust – "Breakthrough Agreement with Developers")

The Heritage Impact Assessment fails to acknowledge that the Uttoxeter Canal is identified by Historic England as a nationally recognised historic monument, Monument Number 305428. The Uttoxeter Canal is also recorded on the Staffordshire Historic Environment Record (Staffordshire County Council). As the Heritage Impact Assessment submitted with the application identifies, most (but not all) of the route of the former canal, including 3 locks, lies buried under the current ground level. Despite the later railway line being built on the line of the canal, evidence of the canal still exists on site in the form of a stone culvert under the canal and a clearly identifiable section of canal bank. As shown on the "main site constraints plan", the line of the canal and locks 3 and 4 would end up buried underneath the access road to some of the houses, resulting in this industrial heritage being lost irretrievably. The

loss of heritage on the site is deemed by the Heritage Impact Assessment to be “*unfortunate but unavoidable if the site is to be developed*”. This statement only considers the value of the remains of the Uttoxeter Canal on the site, and not the wider heritage value that restoration of the linear waterway would bring.

Most of the site proposed for this development is not brownfield site and is not identified in the Churnet Valley Masterplan or the Local Plan as suitable for development. The Masterplan specifically allows a strip of land for the future restoration of the canal, along with a route for walking, cycling and horse riding. This is shown in the Bolton Copperworks Concept Plan, Figure 7.3 which identifies “Potential new canal route” down the locks and outside the residential zone 3.

By allowing this development to take place, SMDC would be deviating from its own intentions for the line of the canal to be protected, as outlined in the Staffordshire Moorlands Local Plan, the Churnet Valley Masterplan and the Masterplan for Bolton Copperworks

Caldon and Uttoxeter Canal Trust

Object

The CUCT is concerned that, if permitted, the development as proposed will irreversibly prevent the restoration of that section of the Uttoxeter Canal the remains of which are known to be present on the application site. This would in turn render the restoration of the remaining length of the Uttoxeter Canal between the existing Froghall canal basin and Uttoxeter unachievable.

The applications are supported by a comprehensive range of drawings and technical reports. However, although a Phase 1 (desk based plus walk over) Ground Conditions Report is included as part of the supporting information it is notable, in the context of the viability argument made as part of the application, that no intrusive (Phase 2) ground investigation has been submitted. The applicants are seeking to make a viability case in respect of affordable housing and other s106 Agreement matters.

Comparing the planning application site plan drawing 1102-06 H with Figure 7.3 it is clear that the application is not in accordance with the CVM. Specifically, the CVM identifies three zones for residential development, zones 3, 6 and 8. Only one of these three zones, zone 3, which is north of the B5053 and west of the Shirley Brook is within the application site. The application site also includes land which the CVM identifies as being zoned for hotel use. The proposed residential development extends eastwards across the site and covers the route clearly identified as the potential new canal route. The proposal is not, as the Planning statement claims, in accordance with the Churnet Valley Masterplan.

Paragraph 6.68 of the SMLP notes that the Churnet Valley Masterplan is an adopted Supplementary Planning Document which seeks to identify opportunities and measures to promote regeneration based around sustainable tourism in a manner which is sensitive to and enhances the areas important heritage, landscape, and ecology. The development as proposed would be contrary to SMLP policy SS11 in that the residential development proposed east of the Shirley Brook would occupy land identified as a potential hotel location. It would therefore be contrary to the policy objective of supporting visitor accommodation and rather than protecting the heritage asset of the Churnet Valley it would totally undermine the strategic objective of restoring the Uttoxeter Canal which is a non-designated heritage asset.

The importance of the Uttoxeter Canal as a heritage asset is clearly recognized by the CVM which is an SPD. The development as proposed would result in the total loss of that part of

the canal which crosses the application site. Its importance is also clearly recognized in that the canal is recorded on Historic England's Heritage Gateway

DESIGNATIONS

The Uttoxeter Canal is recorded as a Monument – Canal in the national historic environment record; it is [Monument Number 305428](#).

And Staffordshire County Council have also recorded the canal:

The canal from Uttoxeter to Froghall is recorded on the Staffordshire Historic Environment Record, named as 'Caldon Canal – Uttoxeter Branch' (PRN Number 01226-MST1221) along with a number of associated structures along the route, such as the listed Crumpwood Weir, California Lock and other wharves and basins.

The proposed residential development would be contrary to Policy DC2 and in particular points 2 and 7, and contrary to the Churnet Valley Masterplan SPD, and the public benefit of the proposed new residential dwellings would not outweigh the loss of this heritage asset or the damage done to the strategic objectives of the SPD.

Froghall is identified as a small village under SMLP policy SS9. The penultimate paragraph of Policy SS9 requires 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.". Permitting development on the line of the Uttoxeter canal would clearly be contrary to this policy requirement since the heritage asset beneath the site would be permanently lost rather than protected.

The applications seek approval for a mix of dwellings which comprises 6 two-bed units, 20 three-bed units and 23 four-bed plus units. No one-bed units are included in the mix and no affordable housing is proposed. A viability assessment has been submitted as part of the supporting information to seek to support the absence of affordable housing.

At paragraph 1.9 of the Planning Statement, it is suggested that viability is a "key material consideration" and that the cost of the restoration of the listed building would outweigh the value of the converted building as a dwelling and that the development of the wider site would cross fund the re-use of the listed building. Paragraph 1.9 also notes that the wider site has significant contamination issues and that as a consequence no developer contributions (s106 Agreement) or affordable housing units are proposed given the "marginal viability" of the development.

The development appraisal undertaken by Mounsey Chartered Surveyors (December 2020) concludes that the development will return a "modest profit of circa 14% (£2,310,223)". The appraisal clearly states that this is an "executive development" and that the development costs, build costs and assumed land values have been provided by the applicant. No hard evidence has been produced in support of these key inputs to the appraisal.

The unit mix proposed is clearly contrary to SMLP policy H1 in that the "executive development" is obviously weighted in favour of larger detached units rather than being a broader mix of dwelling sizes which would be more appropriate for a small village. There are no one bed units and only six two bed units. Approximately 25% of the whole development is described as "four bed plus" style housing.

The proposed development is also contrary to SMLP policy H3 as no affordable housing is proposed. In seeking to make a viability case the development appraisal prepared by Mounsey uses a commonly accepted methodology but is crucially lacking in essential supporting information. No site-specific evidence of build costs or abnormal site costs is

provided and in the absence of any intrusive investigation to verify the extent and nature of the assumed contamination or geotechnical issues the appraisal has been based upon several broad assumptions provided by the developer.

The comparable sales values used are also open to question given that the examples quoted from sites in Stoke, Trentham and Uttoxeter are all for dwellings which are much smaller than the units proposed for this site. For example, the three bed houses on the quoted sites range from 55m² (594 sq. ft) to 79.14m² (851 sq. ft) but the three bed units proposed for the Froghall development range from 106m² (1,141 sq. ft) to 158m² (1,701 sq. ft). As the Mounsey letter states (page 2) this is to be an executive development with unit sizes to match rather than a development more suitable to a small village. Importantly no evidence is offered to justify the lower sales values used in the appraisal in calculating the development value of the site compared to the values on the quoted developments in Stoke etc. A small adjustment to the sales values, to match those achieved elsewhere in the District, would have a significant and beneficial impact on the profitability of the site.

The Planning Statement notes at paragraph 1.9 that the "... development of the wider site would be used to cross fund the restoration and re-use of the listed building ". The development appraisal states (page 4) that the farmhouse restoration costs are "circa £1.1million" - although no hard evidence is provided to back this up. However, the figures used in Appendix A to the Mounsey letter quote a construction cost for the farmhouse at slightly less than half of this at £549,091.50.

On the information provided the viability argument which has been advanced in the support of a zero affordable housing offer appears to be less than robust. In the absence of a credible viability case the lack of affordable housing is clearly contrary to SMLP policy H3. Further, whilst the viability case is not made with any reference to the canal, the lack of a credible viability case brings into question why a corridor has not been left for the canal to be reinstated.

Churnet Valley Conservation Society

- The development will prevent restoration of the Uttoxeter Canal and is consequently against the Churnet Valley Masterplan
- Sustainability and accessibility issues arising from location
 - Travel Plan does not address reality of rural location with lack of footpaths and difficult topography
- A new high-density development will impact upon tourism
- The site is not needed for housing
- The site is polluted and remediation plans are insufficient

Uttoxeter Rural Parish Council

The Parish Council are sympathetic to the concerns raised and grateful that the situation has been brought to the attention of the Council. The Council suggests working with the developers to get the Canal rerouted.

7.OFFICER COMMENT AND PLANNING BALANCE

7.1 As with all applications, the LPA is required to determine this application in accordance with the Development plan, unless there are material circumstances which indicate otherwise.

Principle

7.2 This site lies in the open countryside within the Churnet Valley. It is part brownfield and part greenfield. It is part of a much larger site which is allocated in the Local plan under Policy DSR 4, Boltons Copperworks, as an opportunity site for mixed use development. In addition to demonstrating that any flood risk issues can be satisfactorily addressed the Policy also requires as follows:-

- *“Uses which may be suitable are employment, residential, tourist-related retail and accommodation, leisure;*
- *Development shall make provision for appropriate off-site highway improvements;*
- *Development should be complementary to and not undermine the role of the towns and larger villages nor shall it undermine wider strategic objectives;*
- *Development should avoid or minimise environmental impacts and congestion and safeguard and enhance natural and cultural assets;*
- *Details of the development shall include an investigation of the extent and nature of any contamination on the site and appropriate remediation measures.*
- *Development shall be in accordance with the Churnet Valley Masterplan.”*

7.3 The applicant's position is that the principle of residential is therefore acceptable under this policy (para 4.8 and 4.15 Planning Statement). However, to be compliant with DSR 4 all criteria must be met.

7.4 The adopted Churnet Valley Masterplan (CVMP) provides a comprehensive framework for future development in the Churnet Valley and identifies opportunities to help regenerate and manage the area based around sustainable tourism in a manner which is sensitive to and enhances the heritage, landscape and ecology of the area. It is Supplementary Planning Guidance which was subject to very extensive consultation and is material consideration of weight in the determination of this application.

7.5 Within the CVMP a number of key opportunity sites are identified which have a role in delivering the strategy. These include the Bolton's Copperworks Opportunity site of which the application site forms a part. The Development Strategy for the site refers to the creation of a Rural centre comprising mixed use development. In respect of residential development, it refers to 50 high quality units but says there is a need for flexibility due to the requirement for this to be sufficient to cross-subsidise other uses. In other words housing was included to help the wider redevelopment of the site; it is not to meet the housing requirement in the Local Plan. The Policy Officer confirms that the site has not been taken into account in contributing to the housing land requirements in the Plan due to uncertainty with delivery and it is not included as an allocation in Policy H2.

7.6 In addition a Masterplan for Bolton Copperworks Froghall was prepared in 2011. It also promotes a mix use redevelopment of the site. It states the houses should be larger detached dwellings aiming at higher value housing and defined residential zones within the Masterplan area. It recognises that residential values will help meet remediation costs and support scheme viability and states that *“Planning policy relating to this site establishes any new housing development will need to be controlled and limited to a level which is required to cross subsidize desirable other uses.”*

7.7 The aim of Policy DSR4, the CVMP and the Bolton Copperworks Froghall Masterplan is for the comprehensive mixed use redevelopment of Bolton Copperworks. The Policy Officer confirms that the housing element is seen as a way to help facilitate the wider redevelopment of the site by helping to cross subsidise other uses. This application is for residential development only and on a small part of the site. The Policy Officer is concerned that this could be detrimental to achieving the mix use redevelopment of the site as the potential for the housing element to cross subsidise other uses would be jeopardised and the wider policy aspirations for the site may not be delivered.

7.8 Although the proposal is for a wholly residential scheme the Concept Plan in the CVMP shows the application site located within Zones 3 (Residential) Zone 4 (Hotel – 50 bed) and Zone 5 (Listed farm complex).

7.9 Policy DSR4 refers similarly to suitable uses including residential and tourist accommodation (rather than specifically a hotel) and refers to development being in accordance with the CVMP. In the Supplementary response of 28th May the applicant says that he has not received any approaches from hotel operators, tourist boards or the LPA. However, no active marketing of the site has been carried out to determine if indeed there is demand for other types of tourist accommodation other than a hotel as per Policy DSR 4. The applicants most recent response is that, *' it is the clients and design teams view that housing would be both more economically viable and a more appropriate neighbour to the listed building'*

During pre-application discussions in July 2019 various platforms were suggested to the applicant in order for him to promote the site and gauge interest. No active marketing however appears to have taken place. No detailed information has been forthcoming either to explain how and when the rest of the site might be brought forward to ensure its comprehensive redevelopment. The benefits to the wider area in terms of heritage, ecology and landscape as envisaged in policy may therefore not be achieved.

7.10 The applicant considers the alternative position of housing in a Smaller village under Polices SS9 and H1. However, these are not considered relevant in circumstances where there is a site specific policy in place (DSR4) but in any event the development fails to comply with H1 and SS9 as it is found to be harmful to the character and appearance of the area and does not reflect and enhance the character and heritage of the village, including heritage assets as discussed elsewhere.

7.11 In summary therefore, there is concern that this proposal could be detrimental to achieving the mix use redevelopment of the wider Boltons site as the potential for the housing element to cross subsidise other uses would be jeopardised and the wider policy aspirations for the site may not be delivered. The applicant does not appear to have a business plan or indeed any plan for the delivery of the rest of the site. Nor has he evidenced the lack of demand for tourist accommodation (Zone 4 of the Concept plan). As discussed elsewhere in the report, there are also outstanding issues or objections on matters of flooding, ecology, design, heritage, trees, land stability, landscape and visual impact. The only conclusion to be reached therefore is that the requirements of Policy DSR 4 are not satisfied and there is conflict with Polices DSR 4, SS1, SS10 and the Churnet Valley Masterplan. There is an objection in principle to the development.

Access

7.12 Access to the site is proposed via the two existing vehicular access points off the B5053 Froghall Road. Both accesses are slightly re aligned for visibility reasons. The

western access is shown to serve 23 new dwellings with the road running alongside the watercourse. The eastern access is shown serving 25 new dwellings.

7.13 The application is accompanied by a Transport Assessment prepared by Cameron Rose. It considers the impact of traffic from the proposed development on the local highway network including various junctions (site access/Froghall Road and Froghall Road/A52) and concludes that the impacts of residual trips from the proposed development would not have a significant impact on the operational performance and safety of the local highway network.

7.14 The scheme does not meet the parking guidelines in the Local Plan and relies on some on street provision. The applicant considers this to be acceptable stating that, *Parking vernacular is an important part of place making and takes place if required*. The view of the LHA is awaited. From a design point of view this is a surprising comment given that the application refers to *'cars and parking being are largely hidden from the public realm and enhancing a sense of place'*. It is considered in the Design section below.

7.15 The Local Highway Authority have considered the application and raised a number of issues in May 2021 concerning parking, swept path of vehicles, size of garages etc. A response from the applicant to these was received 24th August. It has not been possible in the time available to obtain revised comments from the LHA. These will be reported at the meeting.

Flood risk and drainage strategy

7.16 The site is located within Flood zone 3 which is land having greatest probability of flooding

7.17 A Flood Risk Assessment and Drainage Strategy report and Hydraulic modelling accompanies the application. Modelling shows that the main potential source of flood risk to the site are from Blackbank Brook and the elevated Caldon Canal.

7.18 It recommends a number of mitigation measures to reduce flood risk including

- Raising land west of Blackbank Brook by 600mm (as mitigation for contaminated land) with a gradual fall of 1 in 40 formed from the retaining wall in the western extent of the site towards the bank of Blackbank Brook.
- The retaining wall in the western extent of the site will be re-built, and its crest level raised by a minimum of 600mm above ground levels to the west of the wall (on the upslope / canal side). This will ensure shallow depth flooding from Caldon Canal, flowing down the slope from the Canal towards the site, is contained behind the retaining wall and routed north and into the channel of Blackbank Brook in the northern extent of the site, avoiding any flooding of developable parts of the site. A drain or shallow ditch will be placed immediately west of the retaining wall to aid conveyance of flood flows
- Land levels immediately east of Blackbank Brook will be raised at to provide a flood free development platform.

7.19 In terms of drainage, the development will result in an increase in hardstanding areas. Discharge of surface water is said to be to Blackbank Brook and will mimic greenfield run off. To achieve this attenuation will be required and will be provided in the form of oversized pipes and an attenuation pond (shown in the north east of the site). Foul flows will be discharged to the public combined sewer south of the site.

7.20 The Environment Agency have considered the application. They object to the application on grounds that the submitted FRA does not adequately assess the flood risks posed by the development.

7.21 The Local Lead Flood Authority have also considered the application. They are also currently maintaining a holding objection on grounds that the risk of flooding from a breach of the canal does not appear to have been assessed.

7.22 With objections from the EA and LLFA on flood risk grounds the application is contrary to Policy SD5 and advice in the NPPF.

Contamination and land stability

7.23 A Phase Ground report was provided with the application. It recognised that contamination will be present on the site and possibly at high levels in places. It says that following the initial survey and specialist advice the design has been developed to include a 600mm layer of fill to remediate the expected level of contamination. It recommended a further intrusive investigation (Phase 2) before development commences. This was subsequently carried out during the processing of the application and relevant consultees were consulted.

7.24 The EA do not object to the application in relation to the risk of contamination risk to controlled waters (as opposed to human health which is the remit of the Councils EHO). However, they recommend remediation conditions to ensure that any risk of water pollution is adequately controlled. The Environmental Health Officer does not object to the application either on contamination grounds although his comments in relation to the Phase 2 report are awaited and will be reported at the meeting.

7.25 With regard to Coal Mining a Coal mining risk assessment report is submitted. The report identifies that the Crabtree Coal seam, which is likely to have been worked historically, will underlie the site at shallow depth. It concludes that it is likely that insufficient rock cover will be present above the seam, if worked, to prevent surface instability in the northern part of the site, although sufficient cover may be present in the south eastern part of the site. The report goes on to make appropriate recommendations for the carrying out of intrusive ground investigations, in the form of boreholes drilled to depths of up to 35.0m below rockhead, in order to further assess the stability risk posed by unrecorded mine workings associated with the Crabtree Coal seam.

7.26 The Coal Authority has considered the submitted Report and concurs with its conclusions and recommendations i.e. that coal mining legacy potentially poses a risk to development and that investigations are required, along with possible remedial measures in order to ensure the safety and stability of the proposed development. They recommend a condition to secure this.

7.27 The Canals and River Trust has also considered the application in terms of land stability. They maintain their objection to the application notwithstanding further responses from the application (submission 25th May 2021). As noted elsewhere the Caldon canal is carried alongside the western boundary of the application site and is separated from the site by a steep vegetated embankment. The CRT say that any development in close proximity of this embankment carries a risk of adversely affecting the stability of the slope and thus the structural integrity of the canal. Any breach of the canal could result in significant flooding of the site. The IWA also support the CRT and point to recent examples where canal embankments of similar age to this have failed.

7.28 The applicant's response is that this can be left to be dealt with by condition. However, as the CRT rightly say sufficient information needs to be provided now to inform the decision-making process and demonstrate that the identified risks can be adequately mitigated. The NPPF confirms at para 178 that adequate site investigation information, prepared by a competent person, should be available to inform the decision making process. In this case the applicant has not provided any information to demonstrate that these risks have been taken into account in the layout preferring to leave this until the '*detailed design stage*'.

7.29 The NPPF at paragraph 183 confirms that stability is a material planning consideration and that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability.

7.30 In the absence of any information or assessment of the proposed layout on the embankment the proposal conflicts with advice in the NPPF on land stability.

Trees

7.31 As discussed above there is a small TPO in place on the application site. There are also areas of designated woodland nearby. The Ancient Semi-Natural Woodland (ASNW) of Straight Hills Wood lies to the south-east of the site, beyond the intervening A52 Whiston Bank. The closest part of this ASNW is c.70m from the application site boundary; clearly there would be no direct impact on Straight Hills Wood. Given the 70m separation, the intervening busy A road, the significant topographical elevation of Straight Hills Wood above the application site level, and the absence of any direct links between the woodland and the site, the Trees and Woodland Officer advises that there would also be no adverse indirect effects (eg water or pollution run-off, activity disturbance, light/noise pollution etc) on this ASNW arising from the proposed development.

7.32 Moseymoor Wood lies directly adjacent to the west bank of the Caldon Canal channel and hence close to the north-west boundary of the application site. Most of this is classified as Ancient Replanted but a small area of Moseymoor Wood directly across the canal from the northern-most part of the application site is identified as ASNW. The nearest proposed plots would exceed the 15m standoff buffer advised by Natura England/Forestry Commission but in any event, given the intervening substantial excavated canal and concrete retaining wall on site, no roots from trees within the Ancient Woodland extending will extend within the application site. The proposed development would not provide new (or significantly intensify existing) access into the Moseymoor Ancient Woodland itself due to the intervening barrier of the canal. Existing dense woodland/scrub belt along the north-west edge of the application site on the bank below the towpath provides, and would be retained as, a buffer to the Ancient Woodland and be in accordance with the Natural England/Forestry Commission Standing Advice that such peripheral buffer zones be managed as complementary semi-natural habitats. Provision of pedestrian links to the towpath would not directly affect the designated Ancient Woodlands nor themselves lead to harmful indirect disturbance. (NB these Ancient Woodland designations covering the southern-most projection of Moseymoor Wood, across the canal from the application site, do not appear to have been picked up in the application's Preliminary Ecological Appraisal, although given the absence of direct impact and very unlikely occurrence of harmful indirect impacts arising from the proposed development, this omission is not of critical consequence).

7.33 For these reasons the proposed development would not lead to loss or deterioration of, nor harmful impact on, any TPO, Ancient woodland or trees in the Conservation Area site and no objection is raised on these grounds. The impact of the development on existing trees on/close to the application site is considered in the Design section.

Design – Layout, scale and appearance

7.34 The application is accompanied by a Design and Access Statement (DAS), a Building for Life 12 assessment (BFL) and a Landscape Design Statement (LDS). The discussion below has regard to these documents and to the Agents response to planning issues document dated 28th May 2021 and also to the comments provided by the Trees and Woodland Officer specifically in relation to trees on or close to the site. The applicant was asked to provide some smaller scale sections through various parts of the site and to provide some visualisations to aid assessment of the scheme. This request however was declined.

7.35 Having considered all of these documents and the plans, there is concern that the scheme does not respect or respond appropriately to the site or its surroundings. It does not create a positive sense of place.

7.36 The DAS, LDS and BFL documents refer amongst other matters to the scheme providing defined streets and spaces, landscaped courtyards, active street frontages, parking positioned back from the main access route and generally to the scheme being integrated with the rest of the settlement at Froghall rather than ‘an enclave’. However, the proposed scheme does not generally support these descriptions. For example, rather than address Froghall Road Plots 9-11 and 27-29 have their private amenity space backing onto the road with the dwellings set back. Although boundary treatment is referred to on the Landscape Masterplan it is not detailed, despite the DAS referring to careful consideration having been given to boundaries. Occupiers will however rightly expect privacy and security from the road. The Police Architectural Liaison Officer shares these concerns. Internally the positioning of Plots, 27, 31, 36 and 41 will also result in unfortunate lengths of garden wall/fence fronting the road. None of these arrangements are conducive to active street frontages.

7.37 There is considered to be a missed opportunity to positively integrate the watercourse into the scheme which becomes sandwiched between an access road on one side and the rear gardens to Plots 12-18 on the other with boundary subdivisions and domestic paraphernalia framing the view. Once inevitable tree removal/damage has taken place, the concern is that rather than taking the opportunity to positively address the watercourse, the scheme will create a rather harsh and abrupt edge to it. Reference in application documents to ‘*waterfront properties*’ (presumably reference to plots 72, 31, 36 and 41) is considered to be a little misleading.

7.38 The application documents refer to ‘landscaped courtyards’ in the western section of the site which again are not demonstrated in the Layout. The first cul de sac is heavily dominated by parking spaces on one side and the rear boundaries of private gardens for plots 31-35 on the other. The second and third cul de sacs are not improved being dominated on both sides by the dwellings themselves, roadways, parking spaces and parked vehicles. The head of each cul de sac is poorly punctuated by parking spaces and garages. Plots 30, 35, 40, 45 and 49 in this part of the site are considered to be too close to the wooded canal embankment and the existing retaining wall (which is to be rebuilt and raised in height according to the recommendation in the Flood Risk Assessment). The Trees and Woodland Officer says that in the positions shown the dwellings are likely to require the removal or substantial lopping of overhanging trees. Furthermore, the trees would create

significant shading and overbearing impacts on the dwellings and their gardens and together with the retaining wall would provide a poor level of amenity. Whilst the Tree Officer says that some appropriate woodland management to the canal embankment may be beneficial, removal and/or lopping of existing woodland belt trees in order to physically accommodate new development is not appropriate for what is, effectively, an important part of the buffer zone to the Ancient Woodland immediately across the canal.

7.39 There are other areas where the dwellings are sited too close to existing trees resulting in poor amenity for future occupiers and pressure to fell, Plots 46-48 for example. There is also concern that Plots 2 – 8 and in particular their back gardens would require the removal of a substantial amount of existing screening, opening up views into the site from the A52. The Landscape Design Statement refers to this belt of scrub, woodland and (unmanaged) hedgerow being an important corridor for ecology and landscape structure. Again, these dwellings do not address the road.

7.40 There are other areas within the scheme where frontage parking tends to dominate the street scene, Plots 2- 7 and 13-17 for example. The access road serving plots 9-11 will provide a particularly harsh environment of road, parking spaces, vehicles and the blank side elevation of Plot 12.

7.41 With the exception of House type 10, all of the house types are over 9m to the ridge with house type 6 at 9.8m. They will read as three storey buildings with high ridges and steeply sloping roofs. None of the dwellings have chimney's, a characteristic feature of the locality.

The Conservation Officer describes the overall housing design and layout as very standard estate layout, regimented and not related to patterns of local settlement character or traditional building form and appearance. Particularly poor aspects include the long rear elevation of House type 4 (prominent on plot 11), the blank rear and side gables on house type 5, unrelieved side elevations on house type 2 and the overall form and appearance of house type 9 (plots 19-26). This type has a narrow frontage with deep side elevations. The LDS refers to filtered views between these units but the positioning would suggest that they are more likely to read as continuous built form.

7.42 The layout shows a Play area in the north of the site. It is not centrally located for the development and is rather tucked away. There is more limited scope for natural surveillance of it in this location. The views of the Commissioning Officer will be reported at the meeting.

7.43 Policy DC1 requires all development to be well designed and to reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Councils Design SPD. The scheme does not achieve this for the reasons set out above. It does not incorporate detailing appropriate to the character of the area or promote a positive sense of place nor does it protect the amenity of future occupiers. Furthermore, it does not respect, respond sensitively or relate well to existing site landscape structure and constraints and the streets are not tree lined as required in the most recent revision to the NPPF. There is considered to be conflict with Policies DC1, NE2, DSR4, the Churnet Valley Masterplan, the Council's adopted Tree Policy, the Councils adopted Design SPD and the NPPF which says that development that is not well designed should be refused.

Landscape and Visual Impact

7.44 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) prepared by Awscape Landscape Design. This broadly finds that due to the effects of

pronounced topography and significant areas of existing woodland, the visual impact would generally be limited or negligible from more distant receptor viewpoints in the wider area, and the main visual impact will be experienced at close viewpoints. In terms of landscape impact it says that the former agricultural landscape has been taken into consideration with regards the impacts on landscape character and the magnitude of change on this particular location would be medium adverse. However, the remaining landscape would see a medium high beneficial magnitude of change. The overall significance of effect of the development would be (Slight) Moderate Beneficial. It attributes this to proposed management of woodland, trees and hedges and additional planting which it says will create 'a more leafy development'.

7.45 The Trees and Woodland Officer has considered the submitted LIVIA. He advises that the proposals would require the removal of and/or would have adverse impact on existing trees/wooded areas around the site boundaries and along the watercourse bisecting the site, and would lead to felling/lopping pressure, to the detriment of the existing woodland character. Whilst as he says some compromise over the approach to tree/greenspace retention may be required, the application as proposed does not respond acceptably to existing landscape structure constraints.

7.46 Although he agrees with the applicant that visual impact would be limited to local views, in these views the development would be locally prominent. Other boundaries he says currently benefit from established mature vegetation, but whilst this would provide some notable filtering of views, this would not provide complete screening, and the presence of a major new residential development will still be apparent from the canal, from the A52 between Froghall Road and Foxt Road, and from Foxt Road itself. Furthermore, the design and layout as discussed above would result in an incongruous development of suburban appearance out of keeping with its rural context and this in combination with its impact on existing tree/woodland structure would lead to a prominent intrusion of development into the countryside and would fail to respect or enhance local landscape character. It is also noteworthy that any new planting and management of existing features (hedges for example) could take many years to provide effective cover.

7.47 For these reasons there is conflict with Policy DC3 and the Churnet Valley Masterplan which places high importance amongst other matters on retaining woodland character and achieving high quality landscaping treatment which complements existing informal woodland character, protects/enhances biodiversity and maximises green infrastructure opportunities.

Heritage

7.48 The application includes the Grade II Listed Cottage Farmhouse. The former Uttoxeter canal is also known to cross the application site. It is a non-designated heritage asset. The Caldon Canal Conservation Area lies immediately to the west but outside of the application site.

7.49 Policy DC2 seeks to protect heritage assets and Sections 66 and 78 of the 1990 Act place a statutory duty on decision makers to consider Listed buildings, Conservation Areas and their settings when assessing planning applications.

7.50 A detailed Heritage Impact Assessment is provided with the application. It includes an assessment of these heritage assets within the site and an assessment of a number of heritage assets outside of the site within Froghall Wharf.

7.51 In respect of the Listed Cottage farmhouse the HIA concludes on balance that the impact of the scheme is Major positive. However, in reaching this overall balanced view the author does attach moderate harm to the setting of the Listed building arising from development in the field to the north which she says cannot be fully mitigated. She however considers that this part of the setting of the listed building is of less importance to the significance of the listed building than the principal outlook to the west and the principal approach views from the Foxt Road entrance to the site and the A52.

7.52 In respect of the Caldon Conservation Area the HIA concludes that the proposal will result in Slight negative impact.

7.53 In respect of the former Uttoxeter Canal the HIA comments that the loss of the future route of the Uttoxeter Canal would need to be evaluated in the planning balance exercise, taking into account all other factors, including its status as a 'non-designated heritage asset', albeit that only buried remain.

7.54 The Conservation Officer has considered the application and HIA in detail and considers it to be detailed and well evaluated. Overall, however she disagrees with the level of harm the HIA attaches to the to the setting of the Listed building and in her view it also downplays the value of the former Uttoxeter canal and railway structures, both non-designated heritage assets.

Internal and external alterations to the Listed Cottage farmhouse and outbuildings for which Listed building consent is also sought

7.55 Access to Cottage farmhouse is shown from the Foxt Road as existing. A pedestrian access from the A52 is also shown and also a gate leading into the housing development. The proposal is to repair and restore the farmhouse together with five outbuildings (Buildings A-E on the plans). The internal and external alterations proposed to Cottage farmhouse and the farm buildings are detailed in the submitted plans, Specification (Tarpey Woodfine Dec 2020) and in the HIA at page 38. Overall the repair and restoration works generally aim to reinstate/repair historic features (windows, doors, brickwork, stonework, roof, render etc) and remove modern interventions.

7.56 The Conservation Officer has no objection to these internal and external alterations subject to conditions to secure the detail for the repair/reinstatement works including rainwater goods, vents and ducts, joinery details, facing materials, landscaping and boundaries. However, she does express concern that given that the restoration of the Listed Buildings are identified as a primary motivation for the development, the buildings have been allowed to deteriorate and makes reference to para 191 of the NPPF which states that where there is evidence of deliberate neglect the deteriorated state of the heritage asset should not be taken into account in any decision. The applicant disputes this point.

Impact on the setting of the Listed building

7.57 In terms of the setting of the Listed buildings the Conservation Officer is concerned about the impact from the proposed housing. She says that the field to the north (Plots 19-26) contributes to setting as there are interconnected views from Foxt Road and south from closer to Froghall Wharf and the railway sidings. These viewpoints are elevated allowing views directly across the site and allowing the farmstead to be viewed in its agricultural setting. The farm buildings also have doorways connecting immediately to the field including

the large, covered entry which allows views though to the field beyond and this is a straight line-of-site from the Foxt road access.

7.58 The Heritage Impact Assessment (HIA) notes that the field is the only complete field surviving from the farm which has a long-standing physical relationship with the farm. Whilst it is agreed between the parties that development on this site would be harmful to setting, the Conservation Officer considers this impact to be a 'high' level of harm to setting; the HIA considers it to be 'moderate'. She does not agree that the northern field is of less importance to setting than other outlooks because it will only impact on the 'curtilage' farm buildings rather than the Listed farmhouse which diminishes its level of harm. She advises that the assessment of setting should be the heritage asset as a whole '*the environment in which the asset is experienced*'. The HIA comments that the site will only be glimpsed through the hedges but the Conservation Officer points out that this is because the hedge is currently unmanaged. The hedge is actually set low from the road so in future it is likely that development will be very prominent from Foxt Road. This is the main viewpoint where the building is read in its landscape setting.

7.59 Overall the Conservation Officer considers that the proposal will harmfully impact on the setting of the Listed building. Notwithstanding its former industrial setting to the south and west she comments that the housing design and layout is a very standard estate layout, regimented and not related to patterns of local settlement character or traditional building form and appearance. The opportunity should be taken she says to draw on the industrial character of the site in the design and form of the buildings. Notwithstanding its former setting the NPPF requires that the opportunity should be taken in this development to enhance and better reveal the significance of the Listed building (para 206).

Impact on the Caldon Canal Conservation Area

7.60 The Caldon Canal Conservation Area is outside of the site but close to its western boundary. Even during the summer months there are filtered views from the elevated canal towpath into the site through the embankment woodland. Once tree removal/thinning takes place here, these views will become more pronounced although it is accepted that the site is currently industrial in nature. The Conservation Officer advises that there will be some harm to the setting of the Conservation Area arising from views across the northern field as discussed above. She concludes and agrees with the HIA that there would be slight negative harm to the setting of the Conservation Area.

Impact on the former Uttoxeter Canal, a non-designated heritage asset

7.61 In terms of the former Uttoxeter canal the Conservation Officer considers that the HIA downplays the value of the canal. It describes the canal as 'only buried remains' and a 'line'. As the Conservation Officer notes, the canal may be buried but a canal is already a largely sunken feature and there is potential for it to survive intact beneath the surface (as has been demonstrated by excavations of the canal basin by the C&UCT elsewhere along the route). She says that the adopted Masterplan highlights the importance of the canal to the redevelopment of the site and it should not be dismissed as only low to medium significance because it was displaced by the railway and limited evidence that it survives below the ground. It is possible that the entire canal is still in-situ with potential for reinstatement in the future. She considers it to be of moderate significance.

7.62 The Canal and Rivers Trust, Inland Waterways Association and the Caldon and Uttoxeter Canal Trust all object to the application on grounds that it does not protect the line of the former Uttoxeter canal. Their detailed comments are provided above. Many of the letters of representation also raise similar concerns.

7.63 The restoration of the Uttoxeter canal was subject to a Feasibility Study by Halcrow in 2009 (known as the Halcrow report). It concluded that it was a technically feasible project although it recognised that there were significant issues to address. The applicant says that protecting the line of the route would render their scheme unviable and they provide a draft sketch to try and show this although without detailed analysis it is difficult to attribute weight to this. They say that the alternative route muted in the Halcrow report (taking the canal further up the A52) would have implications for the Listed building. They therefore suggest a third option which would be a completely new route alongside the River Churnet. However, this is completely speculative with no feasibility work undertaken. Little weight can be given to it.

7.64 Although the applicant says the scheme has been designed to reveal the route with the new estate road aligned accordingly, it would physically block any opportunity to re-open the canal along its former route. The long term restoration of the canal is clearly set out in the CVMP which says that any development should not prejudice potential reinstatement of the route. There is conflict as such with the CVMP. This matter is returned to in the planning balance below.

7.65 The northern field also includes the remains of the railway embankment and canal structures which are significant industrial archaeological remains, identified in the masterplan for retention and interpretation. The Conservation Officer says that these are also non designated heritage assets. The canal was designed by John Rennie, a nationally significant canal engineer. The loss/adaptation of these features will be harmful and a significant departure from the aims of the masterplan. The plans indicate that parts of these structures would be incorporated into some of the gardens, but no details are provided

7.66 Policy DC2 seeks to conserve and where possible enhance heritage assets including their setting in a manner appropriate to their significance. It says that protection will be given to designated heritage assets and their settings and non– designated heritage assets as set out in the NPPF. The Conservation Officer finds harm to the setting of the Listed building and to the Conservation Area as discussed above. She says that the former Uttoxeter canal is of moderate significance. The opportunity to reinstate it will be lost if this scheme goes ahead. There is conflict therefore with Policy DC2. The harm is considered to be ‘less than substantial’ in terms of the NPPF and is to be weighed therefore against the public benefits of the proposal. This is considered in the planning balance below.

Biodiversity

7.67 The application site sits directly between the Churnet Valley SSSI to the west and Harston Hill Froghall Wharf Local Wildlife Site (LWS) to the east, so is an important part of the ecological network in this area

7.68 The application is accompanied by a Preliminary Ecological Appraisal and various protected species surveys. These were initially considered by Staffordshire Wildlife Trust acting as advisors to the Council. They issued a holding objection on grounds that the

current proposals are likely to result in a loss of biodiversity from the site. They advised that important habitats and species need to be designed into the scheme to retain the site's wildlife value and linking function within the wider ecological network of designated sites.

7.69 Further information including a Biodiversity Impact assessment, Breeding bird survey and invertebrate survey was subsequently received on the 20th August 2021. This has been forwarded to Staffordshire Wildlife Trust and their response will be reported at the meeting.

Footpath links

7.70 The Layout shows two potential links from the site up the embankment to the Canal towpath 'subject to third party agreement'. The CRT are the 'third party' and any such link would require their consent. They say that no assumptions would be made at this stage as to the likelihood of their consent being forthcoming. Therefore, whilst connectivity to the canal would be positive to residents in terms of encouraging active and healthy lifestyles little weight can be attached to this given the uncertainty as to whether it can actually be delivered. It is also noted that the Police Architectural Liaison Officer cautions against the provision of two pedestrian connections as shown and advises that in terms of designing out crime, just one ought to be provided. The Trees and Woodland Officer supports the proposed pedestrian links to the canal in principle, in some appropriate form at least. However, he also cautions that given the existing tall concrete retaining wall and then the steeply sloping wooded embankment up to the towpath, the actual detail of these links would need careful consideration to demonstrate that its engineering/construction requirements would not cause significant loss of or damage to trees/woodland, noting that this is within the buffer zone to the Ancient Woodland across the canal. Such detailed assessment is not currently available.

7.71 A further potential link is also shown from the site to Froghall Wharf to the north. This would also be over third party land and whilst a very welcome feature in terms of connectivity little appears to have done to progress this. Given the uncertainty over its likely provision/delivery little weight can be attributed to this

Locational Accessibility

7.72 The TA shows that the site is accessible by foot to nearby facilities including the Railway pub, Froghall Wharf, Hetty's tea shop and the Churnet valley heritage railway. Whilst this is true it is noted that these are all tourist facilities, and none offer day to day facilities for residents. Further afield the villages of Kingsley and Ipstones offer some limited facilities including primary schools, church, village store, butcher and village hall. However owing to distance, topography, combination of unlit narrow country roads without pavements and the main A52, walking and cycling are considered unlikely to replace most car journeys to access services and facilities on a day to day basis.

7.73 In terms of bus provision, although the site is close to a bus stop, only a limited service is available. Apart from the heritage railway there is no public rail service nearby.

7.74 Overall it is considered that residents will be heavily reliant upon the private car to access day and day facilities and services, a view shared by the Local Highway Authority. The site is not in a highly sustainable location and is the reason that Froghall is identified as a Smaller Village in Policy SS9. The supporting text to the policy recognises that development on a large scale would be unsustainable in these villages as it would generate a disproportionate number of additional car journeys outside the village and may undermine the spatial strategy.

7.75 A draft Travel plan framework is provided. It is said that Hadleigh Industrial Estate Limited are committed to funding a deliverable Travel Plan and a budget cost is provided indicating a sum of £88,400 to do this. The Travel plan suggests the appointment of a travel plan coordinator travel, provision of information packs to residents, a community web site, bike user group, car sharing, walking bus etc. Whilst these are all very admirable, the likelihood of such measures resulting in an effective modal shift away from the car seem unlikely for the reasons above.

7.76 An important part of ensuring that the Travel plan remains effective is that it is monitored by the LHA. It is normal practice for the LHA to request a fee to undertake this work. In this case, the LHA have requested a fee £7000. At the time of writing this report the applicant has not confirmed that he is prepared to meet this cost.

7.77 Polices DC1 and T1 require amongst other things that new developments are well integrated for car, pedestrian and cycle use as well as other sustainable transport links. Having regard to the available facilities as noted in the applicants TA, the lack of public transport networks, the uncertainty as to whether the applicant will meet the cost of monitoring the Travel plan and the conclusion above on the principle of the development, there is conflict with relevant parts of DC1, T1 and SS9 albeit that this is limited given that the site is put forward for some limited residential development to cross subsidise and help bring forward the mixed use development under DSR4.

Viability and developer contributions

7.78 Policy H3 requires developments of more than 10 dwellings to provide at least 33% of them as affordable units unless viability indicates otherwise. Polices SS12, C1 and C2 require that developments over 20 dwellings mitigate any impact from development on public open space and education. In this case Staffordshire CC has confirmed that local schools have sufficient capacity and will not be requesting a contribution. The Service Commissioning Officer advises that an offsite contribution towards Playing Pitches will be required to mitigate impact. He advises that the current formula for off-site playing pitches is £665.40 per bedroom.

It was never the intention for this site to deliver rural affordable housing, as confirmed by the Policy Officer. Housing was seen as a 'high' value' use to help cross subsidise other uses as described above.

7.79 The applicant's Planning statement confirms that a key consideration of this application is viability. It states as follows:-

'The existing listed building (which the applicant has recently made secure with scaffold) is in a severe state of disrepair, which this application seeks to resolve. The restoration of the listed building would result in a conservation deficit where the costs of restoring the building to a habitable condition would outweigh the value of the converted building as a dwelling; hence the proposed development of the wider site would be used to cross-fund the restoration and re-use of the listed building. In addition, a significant proportion of the site comprises an industrial legacy site with significant contamination issues that need to be addressed in order to facilitate the proposed development. In light of these considerations, no developer contributions or affordable housing are proposed from this development given the marginal viability of the site. A viability appraisal accompanies this planning application to demonstrate the marginal viability of the site.'

7.80 Simply put the applicant's case is that 49 new build houses are required to restore the Listed building and deal with the contamination on the site and that to maintain a viable development no developer contributions or affordable housing are proposed.

7.81 The applicant says that this is not 'enabling' development but a cross subsidy scheme. The Conservation Officer does query whether this should in fact be considered as an enabling development and therefore follow the more rigorous tests set out in Historic England's guidance on enabling. The view is however that because the site is covered by a site specific policy in the adopted Local Plan, Policy DSR 4 which promotes its redevelopment for a mixed use scheme, it is not strictly 'enabling' development.

7.82 A Development Appraisal (DA) prepared by Mounsey Chartered surveyors accompanies the application. It concludes that without supporting development of 49 houses the restoration of the Cottage farmhouse is commercially unviable. It says that the costs of over £1m to restore the Listed building has a skewing effect on the appraisal. It also says that the restoration of the Listed building in isolation would be unviable with the appraisal returning a loss of £518,702. It concludes that with the 49 new houses the restoration of the Listed building is viable, returning a profit of circa 14%, however no developer contributions or affordable housing are provided. The development also absorbs the costs associated with contamination on the site

7.83 The applicant's DA has been independently reviewed by Bruton Knowles. Their initial report concludes as follows:-

1. The Development Appraisal does not appear to have been prepared strictly in accordance with the mandatory provisions of the RICS Professional Statement Financial viability in planning: conduct and reporting (1st Edition, May 2019) or the RICS Assessing Viability in Planning under the NPPF 2021. This was brought to the applicant's attention in February of this year.
2. At present the DA lacks credibility and requires further information and clarity to determine matters such as how the purchase costs and acquisition costs have been calculated and if there is a Bench mark land value. Clarification needed on some of the costs included such as demolition costs and asbestos removal
3. Advise that there is a fine margin between costs and return and advise that if the costs can be revisited and reduced and clarification on costs in 2 above are provided, the scheme could reach a 15% profit return and possibly allow some contributions to affordable housing and/or planning contributions
4. Bruton Knowles have carried out an independent residual development appraisal at 15% profit which does potentially result in some allowance towards financial planning contributions to be negotiated.

7.84. The Development Appraisal submitted as part of the application has been independently reviewed by Bruton Knowles. The summary of their advice is that the proposed development as per the applicant's development appraisal is marginally unviable at 14% profit however this is subject to clarification on further points, such as how the land acquisition cost has been calculated and if there is a Benchmark Land Value (BLV) as discussed above. This could impact this outcome. However, our independent residual development appraisal at 15% profit demonstrates a viable scheme from which some allowances for affordable housing and other financial planning contributions could be made.

7.85 The NPPF advises at para 58 that the weight to be attached to a viability assessment is for the decision maker. In this case the viability case presented is not considered to be sufficiently robust and does not clearly demonstrate that developer contributions would

render the scheme unviable. In these circumstances there is potential conflict with Policies SS12, C1 and C2 which seek to only permit development where the necessary infrastructure is either available or can be made available in time; in this case a contribution is requested to mitigate impact on public open space provision.

Conclusion and Planning Balance

7.86 As with all applications, the LPA is required to determine this application in accordance with the Development plan unless material considerations indicate otherwise. As discussed above, the proposal does not accord with the Development plan. There is conflict with Policies SS1, SS10, DC1, DC2, DC3, NE2, SD5 and DSR 4 of the Staffordshire Moorlands Local Plan and with the adopted Churnet Valley Masterplan.

7.89 The NPPF is a material consideration. In terms of heritage, para 202 requires decision makers in cases of 'less than substantial harm', as in this case, to weigh this against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In respect of non-designated heritage assets (the former Uttoxeter canal in this case) para 203 says that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

7.90 For the reasons set out above, the public benefits of restoring the Listed building together with the economic and social benefits arising from the construction of 48 new homes are not considered to outweigh the harm to the setting of the Listed buildings and Conservation Area and conflict with the development plan policies.

7.91 Furthermore the scheme does not safeguard the potential reinstatement of the route of the Uttoxeter canal. The canal has moderate significance and the scheme would prevent its reinstatement through the site. This also weighs against the application.

7.92 The proposal conflicts with an up to date Development plan. In these circumstances the NPPF says that planning permission should not usually be granted. The recommendation is for refusal of planning permission.

7. RECOMMENDATION

A SMD/2020/0684

That planning permission be refused for the following reasons:-

1.The site is part of the opportunity site designated in a site-specific policy for mixed use development in the adopted Local plan, Policy DSR 4, Bolton Copperworks. Policy DSR4 is supplemented by the adopted Churnet Valley Masterplan SPD 2014. Both Policy DSR 4 and the Masterplan seek to promote the regeneration of the site with mixed use development recognising the potential of the site's heritage features including the canal and railway and the tourist potential of the area. The Masterplan is clear that limited housing (reference to up to 50 units across the entire site) is included to help cross subsidise other uses. Policy DSR4 identifies suitable uses as employment, residential, tourist related retail and accommodation, leisure. The policy includes a requirement for proposals to be in accordance with the Churnet Valley Masterplan. Within this Masterplan the Concept plan shows the application site to be within Zones 3 (Residential) Zone 4 (Hotel – 50 bed) and Zone 5 (Listed farm

complex). There is concern that this proposal could be detrimental to achieving the mix use redevelopment of the wider Boltons site as the potential for the housing element to cross subsidise other uses would be jeopardised and the wider policy aspirations for the site may not be delivered. Furthermore, the applicant has not evidenced the lack of demand for tourist accommodation or explained how the rest of the site may come forward for delivery and when. As such there is conflict with Policies DSR4, SS1, SS9 and SS10 of the adopted Staffordshire Moorlands Local Plan and the adopted Churnet Valley Masterplan SPD.

2.The site is within Flood zone 3 which is land most vulnerable to flooding. Whilst a Flood Risk Assessment and Drainage Strategy is provided, it is considered that this does not adequately assess the flood risks posed by the development and from the adjacent canal. As such it has not been demonstrated that the proposal will ensure that flood risk is not increased on the site or elsewhere. There is conflict with Policies SD5 and DSR4 of the adopted Staffordshire Moorlands Local Plan and the NPPF.

3.The Caldon canal is carried alongside the western boundary of the application site and is separated from the site by a steep vegetated embankment. Any development close to this embankment carries a risk of adversely affecting the stability of the slope and thus the structural integrity of the canal. Any breach of the canal could result in significant flooding of the site. Insufficient information has been provided to demonstrate that these identified risks can be adequately mitigated. The NPPF confirms at para 183 that adequate site investigation information, prepared by a competent person, should be available to inform the decision-making process. In this case the applicant has not provided any information to demonstrate that these risks have been taken into account in the layout preferring to leave this until the '*detailed design stage*'. In the absence of this it is not demonstrated that the site is suitable for its proposed use taking account of any risks arising from flooding as described in reason for refusal 2 above or land instability and conflicts with advice in the NPPF.

4.The proposal does not represent an acceptable design for this sensitive rural location. Policy DC1 requires all development to be well designed and to reinforce local distinctiveness by positively contributing to and completing the special character and heritage of the area in line with the Council's Design SPD. The scheme does not achieve this owing to the layout, appearance and scale of the proposed dwellings. Furthermore, the amenity of future occupiers is not protected, the scheme does not respect, respond sensitively or relate well to existing site landscape structure and constraints and the streets are not tree lined as required in the most recent revision to the NPPF. There is considered to be conflict with Policies DC1, NE2, DSR4, of the Staffordshire Moorlands Local Plan the Churnet Valley Masterplan, the Council's adopted Tree Policy, the Council's Design SPD and the NPPF which says that development that is not well designed should be refused.

5. The proposal would require the removal of and/or would have adverse impact on existing trees/wooded areas around the site boundaries and along the watercourse bisecting the site, and would lead to felling/lopping pressure, to the detriment of the existing woodland character. Whilst some compromise over the approach to tree/greenspace retention may be required, the application as proposed does not respond acceptably to existing landscape structure constraints. Although visual impact would be limited to local views, the design and layout as discussed above would result in an incongruous development of suburban appearance out of keeping with its rural context and this in combination with its impact on existing tree/woodland structure would lead to a prominent intrusion of development into the countryside and would fail to respect or enhance local landscape character. There is conflict with Policies NE2 and DC3 of the Staffordshire Moorlands Local Plan, the Churnet Valley Masterplan and the NPPF

6. Policy DC2 seeks to conserve and where possible enhance heritage assets including their setting in a manner appropriate to their significance. It says that protection will be given to designated heritage assets and their settings and non-designated heritage assets as set out in the NPPF. The proposal as a result of the layout of the dwellings, their appearance and scale is found to result in harm to the setting of the Listed building and to the Caldon Canal Conservation Area. The harm is less than substantial but is not outweighed by the public benefits. Furthermore, the proposal would result in the lost opportunity to safeguard the route of the former Uttoxeter Canal, a non-designated heritage asset for potential reinstatement. For these reasons there is conflict therefore with Policy DC2 of the Staffordshire Moorlands Local Plan, the Churnet Valley Masterplan and the NPPF

7. The viability case put forward is not sufficiently robust to demonstrate that the scheme would not be able to make a contribution towards the provision off-site of public open space to mitigate impact. In these circumstances there is conflict with Policies SS12, C1 and C2 of the adopted Staffordshire Moorlands Local Plan

B. SMD/2020/0685

That Listed building consent be granted for the external and internal alterations to the Listed buildings at Cottage farm subject to the following conditions and any other conditions deemed necessary by the Conservation Officer

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

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004 and Section 18 of the Listed Buildings Act.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: TBA

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

C. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/in formatives/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.

Site Plan

