

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

11th November 2021

Application No:	SMD/2021/0498	
Location	Land South East Of A521, A50 Blythe Bridge Bypass, Blythe Bridge, Staffordshire	
Proposal	Full planning application for a haul road to provide temporary construction access to development at Blythe Vale	
Applicant	St. Modwen Homes	
Agent	Mr. Peter Hayward, Turley Associates	
Parish/ward	Forsbrook	Date registered 28/07/21
If you have a question about this report please contact: Ben Haywood tel: 01538 395400 ex 4924 ben.haywood@staffs Moorlands.gov.uk		

REFERRAL

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

1. SUMMARY OF RECOMMENDATION

APPROVE subject to Conditions

2. SITE DESCRIPTION

2.1 The Application Site comprises a strip of agricultural land alongside Woodlands Lane at Blythe Bridge as well as the recently constructed spine road through the new housing development at Blythe Vale. The site forms part of a wider site controlled by St Modwen, which in turn forms a significant part of a site allocated in the adopted Development Plan mixed use development and is within the settlement boundary for Blythe Bridge.

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

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

3 DETAILS OF PROPOSAL

3.1 Members may recall that a full planning application was approved on 10/05/2018 (App Ref. SMD/2017/0512). for residential development of 118 dwellings on the first phase of the allocated site at the south western corner adjacent to the A50 / A521 junction.

- 3.2 Access to the site to undertake construction was originally intended to be achieved via the junction of the Phase 1 access road and the Uttoxeter Road (A521). This access would then go on to serve the residential development. Whilst planning permission had been granted, the process of the S278 Agreement with Staffordshire County Council took considerably longer to conclude.
- 3.3 St Modwen Homes wished to commence work on site as soon as possible in order to deliver the 118 dwellings permitted under Phase 1 (App Ref. SMD/2017/0512). However, the timescales for the S278 agreement which allows for works to be undertaken within the public highway were relatively lengthy and therefore to ensure that the delivery of new homes within the site could be commenced consecutively, St Modwen sought to secure planning permission for a temporary haul road access that will allow construction traffic to enter the site until such a time as the access works subject to the S278 process were approved and completed. Access could then be achieved via the original access permitted under. SMD/2017/0512.
- 3.4 Accordingly, temporary planning permission was granted in February 2019 for a haul road to provide temporary construction access into Phase 1 (App Ref. SMD/2017/0512) at 'Land South East of the A521 Uttoxeter Road', otherwise known as Blythe Vale. The permission was subject to a number of conditions including one condition which limited the consent to a temporary period ending in February 2020 with the road to be removed by *31st July 2020*.
- 3.5 Members may also recall that by March 2020 roadworks had commenced to construct the new access but were uncompleted. Accordingly, the Council granted planning permission for a variation of the condition in question to enable use of the haul road for a further temporary period of 12 no. months (Ref: SMD/2020/0038). Since the approval of planning permission Ref: SMD/2020/0038, the new signalised junction off the A521 has been installed and opened, providing vehicular access into the Phase 1 development solely for use by new residents and sales.
- 3.6 Subsequently, the planning application which is the subject to this report (Ref: SMD/2021/0498) was submitted in July 2021 to seek full planning permission for the continued provision of a haul road to provide temporary construction access to the development at Blythe Vale, again accessed via Woodlands Lane, albeit it realigned from planning permission Ref: SMD/2020/0038. The statutory consultation period for planning application Ref: SMD/2021/0498 ran between 29th July 2021 and 1st September 2021, and associated consultation responses have been subsequently received from statutory consultees and local residents. This includes comments received from Draycott-in-the-Moors Parish Council at their meeting with St Modwen Homes in August 2021, and comments received from Staffordshire County Council Highways on 18th August 2021.
- 3.7 Following a review of these comments, it is recognised by the developer that the continued temporary use of Woodlands Lane for construction traffic has been predominantly questioned and objected to. Alternatively, it has been suggested by consultees and local residents that the newly opened junction off the A521 should now also be utilised for access by construction traffic.
- 3.8 Consequently, St Modwen Homes have made the following amendments to planning application Ref: SMD/2021/0498 to seek to satisfy the consultation responses received.

3.9 Firstly, it is proposed that the temporary haul road and associated construction traffic will no longer access Uttoxeter Road via Woodlands Lane. Alternatively, the temporary haul road is proposed to utilise the main A521 junction and internal spine road, directing the haul road and associated construction traffic through the Phase 1 site and up to the site compound within Phase 2.

3.10 Following this amendment, the haul road would only utilise land within the Blythe Vale site, though the proposed development would continue to constitute an engineering operation providing construction access to the wider Blythe Vale site. As a result, full planning permission continues to be sought under planning application Ref: SMD/2021/0498, though an extended temporary period, for planning permission to ensure the haul road can be utilised for future build continuity across Blythe Vale Phases 1 and 2.

3.11 This revised planning submission therefore also seeks to extend the temporary period for which planning permission is granted from up to 12 months, to a revised period of up to 5 years.

3.12 Details of the application and supporting documents can be found at: <http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=151226>

4. RELEVANT PLANNING HISTORY

- SM.97-0216 Premium Employment Site Development 30th July 1997
- 03/00498/FUL_MJ Variation of Condition 2(a) (b) (ii) of SM97-0216 to extend time limit. 15th July 2003
- 06/00984/FUL Variation of Condition 1 attached to planning permission 03/00498/FUL_MJ dated 15th July 2003 to extend time period in which to submit reserved matters by a further 5 years to 15th July 2013. - 17th October 2006
- 01/00125/REM Provision of access to phase 1 development of employment site. 3rd April 2007
- 07/01532/REM_MJ Development of commercial site of phase 1 for Class B1 use. 29th April 2008
- 11/00405/REM New Planning Permission to replace extant Planning Permission 06/00984/FUL, pursuant to the original Outline Planning Permission SM.97-0216 for a Premium Employment Site on land adjoining A50(T), Blythe Bridge, in order to extend the time for submission of reserved matters by 5 years to the 15th July 2018 and the implementation of the planning permission by 5 years to 15th July 2021. - 9th August 2011
- SMD/2017/0512 'Detailed Planning Application for the development of 118 dwellings (Use Class C3), new access and internal roads for vehicles, pedestrian and cycle linkages; car and cycle parking; associated play and open space, landscaping, ecological habitats; sustainable drainage measures, earthworks and all ancillary enabling works including the demolition of building and structures.' - Approved

- SMD/2018/0443 Reserved matters application for the phase 2 access road and associated infrastructure including drainage to serve the road, tree removal, levels, landscaping, safeguarding area, great crested newt mitigation pursuant to planning application 11/00405/REM – Approved
- SMD/2018/0696 Full planning application for a haul road to provide temporary construction access to Phase 1 (Ref. SMD/2017/0512) – Approved
- SMD/2018/0790 Development of 146 dwellings (Use Class C3), access and internal roads for vehicles, pedestrian and cycle linkages; car and cycle parking; associated play and open space, landscaping, ecological habitats; sustainable drainage measures, earthworks and all ancillary enabling works including the demolition of building and structures. – Approved
- SMD/2021/0370 Development of 11 no. residential dwellings (Use Class C3) and associated works comprising internal access roads, parking and hard and soft landscaping, including alterations to and the replacement of 23 no. residential dwellings approved under full application Ref: SMD/2018/0790 – pending
- SMD/2021/0418 Full planning application for residential development of 200 dwellings (Use Class C3), access and internal roads for vehicles, footpaths and cycle linkages, parking, public open space and landscaping, ecological habitats, community orchard, sustainable drainage measures, and associated infrastructure and earthworks. - Pending

5. PLANNING POLICIES

5.1 The Development Plan comprises of:

- Staffordshire Moorlands Local Plan (Adopted 2020)
- The Minerals Local Plan (Adopted December 1999) Saved Policies 2007
- Staffordshire & Stoke-in-Trent Joint Waste Core Strategy (Adopted March 2013)

Staffordshire Moorlands Local Plan (2020)

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

- Policy SS1 Development Principles
- SS2 Settlement Hierarchy
- SS8 Larger Villages Strategy
- Policy H1 New Housing Development
- Policy DC1 Design
- Policies H2 and DSR1, 'Blythe Vale'.

Supplementary Planning Guidance (SPG)

- Developer/Landowner Contributions SPG (2004)

National Planning Policy NPPF 2021

6. CONSULTATIONS CARRIED OUT

The public consultation period ended on: 19/08/2021

Forsbrook Parish Council

No objection

Draycott Parish Council

No comments received at the time of report preparation

Lead Local Flood Authority

No comments received at the time of report preparation

Highways

- There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:-
 - No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) a site compound with associated temporary buildings;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) wheel wash facilities;
 - vi) mechanical road sweeper for existing carriageway;
 - No mud or other deleterious material shall be deposited on the public highway
- This response is based on revised proposals received 10/09/2021.
- Following issues raised by Highways and others, revised proposals were submitted which removed the proposal to use Woodlands Lane as a haul route. Revised proposals now indicate that all construction traffic will now use the recently constructed traffic signal controlled main access.
- This is the most appropriate access to the site.
- It is not entirely clear that the developer requires planning permission to access phase 2 of their own site through phase 1 of their own site.
- Condition 1 above was recommended for SMD/2017/0512 and will be recommended for SMD/2021/0418. It is recommended here for completeness and to avoid confusion.
- Most details are shown on the revised drawing R9051-BML-18-XX-DR-C-2201 C apart from wheel wash facilities/road sweeper.
- As access is through phase 1, it will be in the developers interests to keep phase 1 and the public highway beyond clean and free from mud or dust.

Ecology

No comments received at the time of report preparation

Tree Officer

No comments received at the time of report preparation

Archaeology

No comments received at the time of report preparation

Public Rights of Way

No comments received at the time of report preparation

Environmental Health

- No objections subject to condition relating to:
 - hours of construction
 - Construction method statement
 - Artificial lighting
 - Testing of Imported Soil / Materials

Severn Trent

have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Ramblers Association

- Heron Cross Footpath 6 runs along Woodlands Lane which will be used by heavy site traffic.
- Care must be taken to keep the P.R.O.W open and safe for the public using it.

Peak and Northern Footpaths Society

- We note that the PROW Forsbrook 6 constitutes part of the proposed site.
- Use of the PROW, as a "haul road" would cause us great concerns for the safety of users of the PROW. If planning permission is granted, then suitable measures should be put in place to ensure that walkers' safety is ensured.

- This comment is made on behalf of Peak and Northern Footpaths Society, a registered charity which exists to protect and improve public rights of way for use by walkers.
- Nothing in this response should be taken to imply the Society's support for the development.

Neighbours

Initial Plans

- In 2018 when the first application (SMD/2018/0790) was submitted we were assured that when the new entrance to Blythe Vale was open, the use of Woodlands Lane would no longer be required but here we are again with another planning application (SMD/2021/0498).
- This new planning application states that 'the proposed development seeks to maintain separate access points into the Blythe Vale site for construction traffic and residents and sales access. Construction traffic would solely use the proposed haul road, whilst the residents and sales traffic would use the main site access off the A521. Preventing this potential conflict and interference between construction and residential traffic will reduce the risk of any potential health and safety hazards, to protect both site operatives and existing and future residents and sales traffic'.
- How is this fair to both the residents of Woodlands Lane and the business owners at the bottom of the lane? Does their Health and wellbeing not count?
- The entrance to Blythe Vale has a large splay with pavements to both sides whereas the entrance to Woodlands Lane is only 8ft wide and the splay at the bottom is privately owned.
- When HGVs are trying to access the bottom of woodlands lane, they are spinning their wheels to gain traction thus causing damage to the tarmac which was not returned to the original condition stated in the first application and also potential damage to vehicles accessing the garage business at the bottom of the lane.
- Vehicles have caused disruption to Chandni cottage and B & R Motors due to vehicles obstructing the entrance to the businesses not allowing full access.
- The red line boundary plan submitted (Ref 12629-201E-R9051-BML-18-XX-DR-C-0201 and Site Logistics plan Ref 12629-201E-R9051-BML-18-XX-DR-C-2201) have been drawn showing adequate splay to accommodate HGV passing points but in reality, they do not have permission to stop, pass or cross over land which is privately owned.
- In the Haul Road operation statement (MC/12829 Second issue -9 July 2021)
 - 2.2 States that Prior to any works along Woodlands Lane, SMH undertook a photographic survey of the roadway/verges to record the existing condition for defects/dilapidation if this is correct why have they not tarmacked all the way down to the junction with Uttoxeter Road?
 - 2.8 Any surface water runoff from the haul road will drain to the new filter trench/French drain running alongside the road. But then what? it runs all the way down the lane onto Uttoxeter road along with mud because last winter the road was constantly covered in mud brought down by the HGVs and run off.
 - 2.14 Pedestrian refuges will be provided to the side of the haul road on woodlands lane to allow for safe standing areas should conflict with vehicles (errant drivers) occur. Where are these as Woodlands Lane is only 8ft wide hedges either side.
- The residents of Woodlands Lane and the business owners on the Chandni and B & R

Motors site deserve the same consideration as the new residents in the new homes on the Blythe Vale estate!

- I am the owner of the Chandni cottage, B & R Motors site along with the land to the right of woodlands lane at the junction with Uttoxeter road and I do not give permission for St Modwen to use my land in any way.
- I read this application with dismay after living through the previous “temporary” solution to access to the SMH site. I refer back to the original planning application and stipulation that the temporary haul road, and the temporary use of Woodlands Lane would ON until the full junction is completed. This application, if granted, contradicts the assurance that Staffordshire Moorlands District Council gave to the residents of Woodlands Lane.
- The period covered by the initial planning consent saw a blatant disregard for the stipulations agreed to. There was traffic trying to use the lane before the watershed of 8.00am. Cars and vans racing up and down the Lane at significant speed. There was only ever one banksman. The one of the lane entrance was always transferred to the main site entrance after 8.00am. There are no safe pedestrian points in the lane and the lane is not wide enough to support these without destroying hedgerows and animal habitats. The Lane was often left caked in mud and it took calls to the site manager to get this rectified. There was also inappropriate use by SMH contractors, crawling in their vans behind pedestrians as they walked the lane.
- The application states that this keeps site traffic and residents separate. The plan was always to use the main entrance through the new junction as main access to the site. I wonder if the new residents have complained, and so SMH have gone for the easy option of railroading the council into allowing them to cause hell once again to the residents of Woodlands Lane. This would be dangerous and reckless of the Council to approve. The residents of Woodlands Lane deserve better than this. They were there first and it is improper for SDMC to commit them to more traffic, noise and risk by approving this application. The residents of Woodlands Lane deserve the same consideration as the new residents in the new homes!

Revised Plans

No comments received.

7. OFFICER COMMENT

Main Issues

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

Principle of Development

7.2 Under the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”. The part of the application site which lies within the field alongside Woodlands Lane, is allocated in the newly adopted Staffordshire Moorlands Local Plan (September 2020) for approximately 300 homes within a wider, 48.5 hectare mixed use development on the site. This allocation is referred to in Policies H2 and DSR1, as ‘Blythe Vale’ or ‘Blythe Bridge Regional Investment Site’.

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

7.4 Planning permission was granted for a temporary haul road from Woodlands Lane to provide for construction traffic whilst the new junction and spine road were constructed. A further permission to extend the time limit for use and removal of a temporary haul road to allow construction work be completed on the approved residential access road was also subsequently granted. Work has progressed rapidly on site and a significant number of units are now completed on phase 1. The traffic light junction has been installed and the spine road has been constructed.

7.5 As originally submitted, this application sought to retain the haul road from Woodlands Lane, for a further temporary period, albeit relocated within the site slightly to the south east of its current position. However, this proposal raised significant objection from local residents, the Parish Council and the Highway Authority, given that the new junction and spine road are now in place. The Highway Authority considered that there was now no justification for heavy construction traffic to be accessing the site via Woodlands Lane.

7.6 The proposal has therefore been amended so that all traffic, including construction vehicles will now access the site from the new traffic light junction. Planning permission is still being sought for a new length of haul-road within the field, where the existing haul road is found, to the south east of Woodlands Lane. A “stand-alone” planning permission is required for this because it lies outside of the application site boundary for the previous consents on the site. However, crucially, there will be no access to the site from Woodlands Lane.

7.7 Although it lies outside the site boundary of the previous permissions, the new haul road is contained within the settlement boundary for Blythe Bridge and the wider Blythe vale Allocation. It will allow the construction of the residential development within the Blythe Vale allocation to continue apace. This allocation forms a vital housing supply and delivery contribution supporting the housing trajectory of the Staffordshire Moorlands Local Plan. These development proposals seek to act as a catalyst for the delivery of an allocated site. This will therefore support the Local Planning Authority’s housing delivery position.

7.8 As such the proposed temporary haul road is in accordance with the adopted Local Plan in principle as it will enable the development of the site in accordance with adopted policies and approvals. It does not present an opportunity to re-consider the suitability in principle of the site for residential development of the area covered by Phase 1. Overall, therefore, the principle of the haul road is considered to be acceptable and in accordance with both adopted policy.

Contaminated land

7.9 Issues relating to contaminated land have been dealt with as part of other applications and therefore a full contaminated land report has not been submitted or required. Furthermore, a temporary haul road is not considered to be a sensitive end use. The Environmental Health Officer has been consulted on the application and no objection has been received subject to conditions to deal with any unexpected contamination.

Accordingly, the proposal would comply with Local Plan Policy SD4 'Pollution and Water Quality' in respect of contaminated land

Noise Impact and Air Quality

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

Drainage and Flooding

7.11 The applicant has submitted with the application construction details for the road with the application, which includes drainage detail. The haul road has a cross-fall away from Woodlands Lane houses and toward the field. Any surface water run-off from the haul road will drain to the new filter trench/French drain running alongside the road. The Lead Local Flood Authority, (Staffordshire County Council) has been consulted on these proposals and although it has not commented on the application it raised no concerns previously regarding the original proposals which included the same arrangement. Severn Trent also has no objections. Furthermore, given that the haul road is a temporary feature, and is already in place. No instances of flooding have been reported as a result and therefore subject to compliance with conditions imposed previously, the proposal is considered to accord with Local Plan Policy SD5 'Flood Risk' and the NPPF, particularly Chapter 10.

Layout and Design

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

7.13 With regard to the design of the road, the submitted construction details show that this comprises a geotextile laid on the existing ground, which is covered by 33mm of compacted stone and topped with 155mm of macadam binder course. Whilst the appearance of the road will be necessarily functional it is a temporary feature and has been designed in such a way that will facilitate easy removal and restoration. A similar design was employed in the construction of the haul road on its previous alignment and was found to be acceptable. Accordingly, it is considered that road complies with Policy DC1.

Trees & Landscape

7.14 Policy DC3 sets out measures to protect and enhance the local landscape and setting of settlement. In detail, Policy DC3 'Landscape and Settlement Setting' states 'The Council will protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands by: 1. Resisting development which would harm or be

detrimental to the character of the local and wider landscape or the setting of a settlement and important views into and out of the settlement as identified in the Landscape and Settlement Character Assessment; 2. Supporting development which respects and enhances local landscape character and which reinforces and enhances the setting of the settlement as identified in the Landscape and Settlement Character Assessment ...'.

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

7.16 Although no comment has been received from the Trees and Woodlands Officer, impacts on existing trees, were considered as part of the previous application, when it was noted that the removal of a small number of trees and hedgerow sections was required to deliver the proposed access road and drainage works. The Site Logistics Plan (Ref. R9051-BML-18-XX-DR-C-2201 Rev G) shows that the new haul road will access the phase construction site at the same point as the existing haul road. Therefore, no further tree removal will be required here. The road itself will be located further away from the trees on the field boundary with Woodlands Lane, than the existing haul road and as a result no concern is raised in respect of impact on this tree. As access is no longer proposed from Woodlands Lane, no further tree removal will be required at the northern end of the road.

7.17 The turning area at the northern end of the haul road adjacent to the existing access from Woodlands Lane, which is due to be closed, would be partly within the root protection area of an existing Category C tree (T19). However, given that there is existing temporary hardstanding in this location and given that the surfacing would be constructed with a "no dig" technique, this is deemed to be acceptable.

7.18 Overall therefore it is considered that the proposal would meet with the objectives of Local Plan policy DC3, which seeks to resist development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement and those policies relating to good design and protection of trees (DC1 and NE 2 respectively) and the relevant core principles of the NPPF in respect of always seeking to secure high quality design and taking account of the different roles and character of different areas as well as protecting trees of amenity value.

Ecology

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

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

(b) no satisfactory alternative and

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

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

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

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

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

7.24 The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

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

7.26 In this case the application is supported an ecological note which concluded:

- *the completion of the temporary haul road will only result in the loss of a limited area which provides potential resting sites for the confirmed population of GCN. Consequently, this development will not affect the 'favorable conservation status' of GCN on site as there will be no loss of habitat. This conclusion is reached from assessment of the habitats present within the site against the definitions of 'resting places' provide in the EC guidance.*
- *Although during the site clearance / construction phase, a risk (albeit a remote risk) to GCN has been identified, with the application of appropriate avoidance techniques as outlined above, this risk could be avoided. The application of such methods is also in accordance with NE current guidance where the potential impact of a development to populations have been assessed as negligible.*
- *In summary, as the development will only affect any potential 'resting places' for GCN as defined in the Regulations and appropriate measures to avoid potential offences*

can be applied it is concluded that the development can be completed without the need for a derogation licence from Natural England.

7.27 The Council's ecologists (Staffordshire Wildlife Trust) have been consulted on the application. No comments had been received at the time of report preparation. However, the ecological report submitted in support of the previous haul road, which was located only a few metres to the north west of the current proposal and within the same field, reached the same conclusion and SWT raised no objections to that proposal at the time. Accordingly, the proposal complies with Policy NE1

Amenity

7.28 The only neighbouring properties which could be affected by the proposal are those in Woodlands Lane. Now that the road is in place, it is considered that the main amenity impacts associated with the road are noise, dust and light pollution associated with the continued operation of the road for a further 12 months. However, the majority of the proposed road (other than that which lies within the existing carriageway of Woodlands Lane) is within the area of the Blythe Vale allocation and permissions and on this basis will be subject to construction activity in any event in the future. It is not considered that the impacts of the operation of the road for a further 5 years would be any greater than those already experienced and associated generally with a major construction project of this nature. Moreover, the matter has been considered carefully by Environmental Health who have raised no objection subject to conditions. In the absence of any objection from Environmental Health it is not considered that a refusal on amenity grounds could be sustained. It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy DC.1 of the Core Strategy.

Archaeology

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

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

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

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

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

7.31 Notwithstanding this, it is noted from the submitted construction drawings, that the haul road is formed on top of the existing ground and no substantial excavation is required in order to form the road itself. Excavation is limited to the drainage trench alongside the road. Accordingly, no archaeological issues are anticipated.

Highway Safety and Traffic Generation.

7.32 As initially submitted, the County Highway Engineer had concerns regarding the continued use of Woodlands Lane now that the traffic light junction has been completed. However, as noted above this aspect of the proposals has now been omitted. He has examined the revised application raised no objection subject to conditions. As now amended, it is considered that the proposal complies with policies T1 and DC1 of the Local Plan in respect of highway safety, traffic generation, parking and sustainable transport.

Public Right of Way

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

7.34 The County Council Rights of Way Officer has not commented on this application but raised no objection to the proposals previously provided that the PROW remains open and available for the public to use and that the safety of the public using it is maintained. A site visit by the case officer confirmed that the Right of Way was open and accessible. The length of PROW within the application / construction site which runs along the northern boundary of the field was securely fenced to ensure walkers were safely separated from construction activity. This will continue to be the case. Furthermore, the revised proposals are preferable for PROW users, as they do not involve the use of Woodlands Lane by heavy traffic.

8. CONCLUSIONS & PLANNING BALANCE

8.1 Under the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”. The Staffordshire Moorlands Local Plan (September 2020) allocates approximately 300 homes within a wider, 48.5 hectare mixed use development on the site.

8.2 Phase 1 of the overall site development comprising 118 dwellings has already been approved (Application Ref. SMD/2017/0512) and is well advanced on site. This approval includes the delivery of a junction and access road from the A521 Uttoxeter Road. The Council has previously granted (and extended) a temporary planning permission for a haul road for construction traffic leading from Woodlands Lane to the site, whilst the new junction was constructed.

8.3 The current application as originally submitted was to retain the access from Woodlands Lane, and to slightly re-position the haul road within the field through which it runs. However, this raised significant local objection and objection from the highway authority as the new traffic light access is now in place. The developer has therefore amended the scheme so that the road is now accessed from the new junction and spine road. The haul road would enable the development of the site in accordance with adopted and emerging local plan allocations and extant planning permissions and is thus acceptable in principle.

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

8.5 Given the relatively good level of screening to the site and temporary nature of the development no landscape or design and appearance concerns are raised. The proposal will therefore comply with policies, DC1 & DC3 of the Core Strategy as well as NPPF advice in terms of design. The County Highways Officer also has no objection subject to conditions.

8.6 Overall, therefore the proposal complies with all relevant development plan policies, there are no significant and demonstrable adverse impacts to outweigh the substantial benefits arising from enabling the development and, subject to the receipt of the outstanding comments and is recommended for approval. However, conditions should be imposed limiting the consent to a temporary period and requiring restoration of the site. Previous consents have been given for a 12 month period. However, the developer has requested that this consent be granted for a 5 year period. Given that all of the works are now contained within the Blythe Vale site allocation and there is no use of Woodlands Lane, this is considered to be a reasonable request.

9. RECOMMENDATION

A. APPROVE subject to the following conditions:

1. The development to which this permission relates must not be begun later than the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

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

**12629_200J-R9051-BML-18-XX-DR-C-0200 Rev J Site Location Plan
12629_201G-R9051-BML-18-XX-DR-C-0201 Rev G – Existing Site Plan
12629_2201G-R9051-BML-18-XX-DR-C-02201 Rev G – Site Logistics Plan**

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

3. There shall be no access to the haul road or application site from Woodlands Lane. The existing temporary access shall be closed within 1 month of the new haul road becoming operational.

Reason:- For the avoidance of doubt and in the interests of highway safety

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

Reason: To record likely below ground archaeological remains

5. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - vii) a site compound with associated temporary buildings;
 - viii) the parking of vehicles of site operatives and visitors;
 - ix) loading and unloading of plant and materials;
 - x) storage of plant and materials used in constructing the development;
 - xi) wheel wash facilities;
 - xii) mechanical road sweeper for existing carriageway;
 - xiii) No mud or other deleterious material shall be deposited on the public highway

Reason: In the interests of highway safety

6. Unless prior permission has been obtained in writing from the Local Planning Authority, all construction activities and use of the approved temporary access road shall be restricted to the following times of operations.
 - 08:00 - 18:00 hours (Monday to Friday);
 - 08:00 - 13:00 hours (Saturday)

- No working or use with the exception of emergency access is permitted on Sundays or Bank Holidays.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

7. All works shall be carried out in accordance with the Demolition, Construction and Environmental Method Statement – Blythe Bridge v3 submitted with the application. Any alteration to this Statement shall be approved in writing by the Local Planning Authority prior to any deviation from it.

Reason: To protect the amenities of the area.

7. No top soil or fill material is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material shall be submitted to and agreed in writing by the Local Planning Authority prior to the soils being imported onto site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.

Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

8. Use of the haul road hereby approved shall be discontinued on 11th November 2026 and the haul road shall be removed and the land restored to its former condition on or before 11th May 2027 in accordance with a scheme of work which shall first have been submitted to approved in writing by the Local Planning Authority.

Reason: To protect the amenities of the area

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

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

10. Prior to any undertaking of works between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds and the results shall be submitted to and approved in writing by the Local Planning Authority. Where nests are found in any building, hedgerow, tree or scrub to be

removed (or converted or demolished in the case of buildings), a 4.0m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report shall be submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.

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

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

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

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

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

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

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

14. The first action on commencement of development, prior to any further action (including any demolition, site clearance, site stripping or site establishment) shall be the erection of temporary tree protection barriers fencing and advisory notices for the protection of the existing trees to be retained, in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and this shall be retained in position for the duration of the period that development takes place, unless otherwise agreed in writing by the Local Planning Authority. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed in writing by the Local Planning Authority.

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

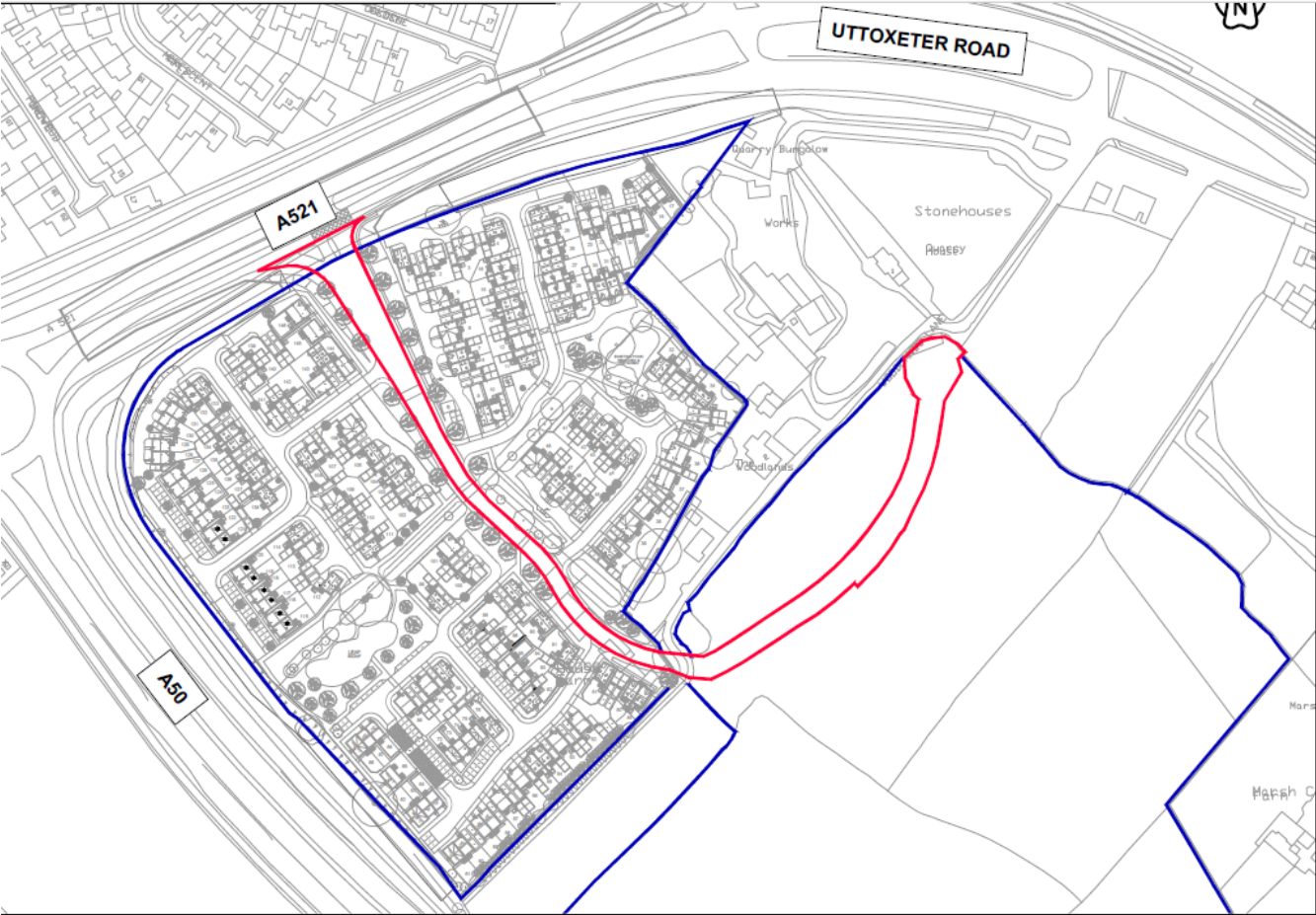
Informative

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The

Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

B. In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the [Planning Applications Committee], provided that the changes do not exceed the substantive nature of the Committee’s decision.

Site Plan



— SITE BOUNDARY

— LAND UNDER ST. MODWEN HOMES' OWNERSHIP.

SITE LOCATION PLAN
SCALE 1:2500