

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**15<sup>th</sup> December 2022**

<b>Application No:</b>	SMD/2022/0175	
<b>Location</b>	Woodhead Garage, Froghall Road, Cheadle. ST10 2DN	
<b>Proposal</b>	Proposed extension to existing yard area to provide additional vehicle parking and associated landscaping works.	
<b>Applicant</b>	Mr. M. Shirley MJS Transport (UK) Ltd	
<b>Agent</b>	Mr. R. Duncan	
<b>Parish/Ward</b>	Cheadle	<b>Date registered</b> 1/4/2022
<b>If you have a question about this report please contact:</b> Mrs L. Jackson <a href="mailto:lisa.jackson@staffs Moorlands.gov.uk">lisa.jackson@staffs Moorlands.gov.uk</a>		

**REFERRAL**

This application has been brought before the Committee due to level of local interest.

**SUMMARY OF RECOMMENDATION**

**Refuse.**

**1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

The application site is Woodhead Garage, Froghall Road, Cheadle, a haulage yard operated by MJS Transport (UK) Ltd. The application informs that MJS Transport have been operating from the site since 1995 and that the 'existing site inclusive of the existing buildings and associated yard occupies an area of 18,925 square metres.' The parcel of land the subject of this application is located to the north of Woodhead Garage, it is currently open grassland which is visually prominent from the roadside. The site is located on the northern side of Cheadle and on the western side of Froghall Road; residential development is located to the south and east. The roadside boundary of the red edge application site measures approximately 63m at its widest point, tapering to approximately 35m at the western (rear boundary) with an approximate 222m depth.

**2. DESCRIPTION OF THE PROPOSAL**

2.1 To use the open field area on the northern side of the existing haulage yard site for the provision of additional HGV parking spaces, the formation of a staff car park and vegetation buffer planting. The application is accompanied by a Planning Statement which gives further details as follows;

'The existing yard has space for the parking of 43 lorries and 2 vans. The application proposes to remove six of the existing spaces that lie parallel with the northern elevation of the building, along with the eleven spaces located to its northeast and

provide a new parking area encompassing a total of 52 lorry parking spaces (a net increase of 35).'

'Associated with the proposal is the formation of a new staff car park which will have space for the parking of 43 vehicles. The two parking areas are to be enclosed by a substantial landscaping buffer that will extend across the north-eastern site boundary. Further landscaping is proposed along the eastern site boundary.'

No additional vehicular access is proposed and the plans do not show any intention to alter the existing vehicular access arrangement.

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

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=160325>

### **3. RELEVANT PLANNING HISTORY**

SMD/2014/0265	Erection of extension to existing warehouse/haulage building. Approved.
06/00287/FUL_MJ	Replacement workshop, office, covered lorry parking and warehouse. Approved.
86/00799/OLD	Established use certificate for use as a haulage yard. Approved.

No applications relating directly to the red edge site identified within this application.

### **4. PLANNING POLICIES RELEVANT TO THE DECISION**

4.1 The following Staffordshire Moorlands Local Plan policies are relevant to the application:-

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS7 Cheadle Area Strategy
- SS10 Other Rural Areas Strategy
- SD1 Sustainable Use of Resources
- SD4 Pollution and Water Quality
- SD5 Flood Risk
- E1 New Employment Development
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport
- Appendix 2 Parking Guidance

4.2 The National Planning Policy Framework is relevant in the consideration of the application, including sections;

Section 2:	Achieving sustainable development
Section 4:	Decision making
Section 6:	Building a strong, competitive economy
Section 9:	Promoting sustainable transport
Section 11:	Making effective use of land
Section 12:	Achieving well-designed places
Section 13:	Protecting Green Belt land
Section 15:	Conserving and Enhancing the Natural Environment

#### National Planning Policy Guidance

#### Supplementary Planning Guidance

1. Design Principles for Development in the Staffordshire Moorlands

#### Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

### **5. CONSULTATIONS CARRIED OUT**

Site Notice: Expired.

Neighbour notifications: Expired.

#### Letters of representation

6 representations (outlining objections) have been received. One of the letters has 12 signatures.

#### Objections

- Doubling of a commercial development in a residential area.
- Additional volume of traffic and noise levels
- The addition of a further 35 HGV and articulated lorries and 21 cars will increase the noise pollution heard by local residents.
- Noise from cars arriving, car doors being shut, lorries starting up and running for 15-20mins as vehicle checks are completed will be more noticeable to residents within the vicinity, especially as noise carries at night in the early morning.
- A development of this size is not suited to the position, needs to be in the industrial area.
- Green Belt location.
- Is this an appropriate exception for development on otherwise protected landscape?
- Development looks sympathetic to the surroundings but it is gradual erosion of designated greenbelt
- Removing natural habitat and creating a hard standing area of 3386sqm is detrimental to the ethos and council policy for green belts

- The premises in its current set up already emits an unnecessary and excessive amount of light into the night sky, effecting both residents, birds and nocturnal wildlife
- The area is currently subject to near daylight in certain conditions, most nights.
- This new development has a further and clear disregard for local light pollution and introduces an additional 55 new lighting pylons
- 50 x 1m high light bollards around the extended lorry parking and new carpark
- Currently the site emits a dome of light 3km wide and up into the night sky, this is already unreasonable and total excessive,
- Additional vehicles are creating further light to pollution
- Substantially sized boundary hedges and trees have been removed which now means noise and lights of the lorries to be clearly seen and heard from MJS Transport
- Removal of 50m of natural hedge and trees from the south boundary - This has had a dramatic effect on the wildlife in the area
- A new native hedge and trees proposed on the North and East boundaries will not compensate for the south hedgerow already removed
- Several residents' ground floor rooms can now be clearly seen into by employees and visitors to the yard.
- The report from FFC Landscape Architects is out-dated
- Majority of the bedrooms to the properties of Masefield Close are at the rear, the additional noise and lights are causing sleeping issues for residents
- Increase in number of vehicles using Froghall Road including new housing estates- Cecily Mills and the Persimmon site on Froghall Road
- Already congestion on the approach to Leek Road from Froghall Road, with the current lorries trying to swing in the turning and cars parked at the top of Froghall Road.
- The number of 3rd party delivery vehicles will reduce, surely the increase in company vehicles is a replacement for the 3rd party deliveries, as the company vehicles will undertake the role of the 3rd party deliveries. Therefore reduction of 3rd party deliveries is negligible?
- Is the Shirley's site at Cellarhead not a viable alternative location?
- There is no evidence of Ecological, Environment or Biodiversity reports being undertaken.
- Additional vehicles and yard expansion will impact surrounding habitats, wildlife, waterways, residents, neighbouring roads, traffic implications, light and noise pollution
- Increased risk of flooding to Masefield Close gardens
- No information about the proposed sustainable drainage system
- No mitigation for additional surface water into Cecily Brook
- In direct opposition to Staffordshire Moorlands Local Plan Policy T2 Other sustainable Transport Measures, Staffs Moorlands seek to minimise the environmental impact of freight road transport, an additional 35 HGV's does not appear to reflect this policy

Cheadle Town Council: No objections to the application.

Environmental Health: Following on from receipt of further information, no objections subject to conditions.

Highways (Staffordshire County Council): No objections raised.

Severn Trent Water: As the proposal has minimal impact on the public sewerage system Severn Trent Water advise they have no objections to the proposals and do not require a drainage condition to be applied.

Staffordshire Wildlife Trust: Final comments awaited following on from submission of additional information by the applicant. Staffordshire Wildlife Trust initially registered a holding objection.

Environment Agency: I refer to your letter consulting us on the above planning application. Based on the information submitted this appears to be a lower risk planning consultation which does not require direct consultation with us; it does not fall within our 'consultation filter'.

Coal Authority: No objections. Informative notes recommended. Confirm that the site falls within the defined Development High Risk Area. The Coal Authority records indicate that a thick coal seam outcrops at or close to the surface of the site which may have been worked in the past and historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The site also lies within a Surface Coal Resource Zone.

The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application. However, when considering the nature of this particular development proposal, it does not appear that it will require substantial foundations or earthworks. On this basis we do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of the development proposed in this particular case and do not object to this planning application.

## **6. OFFICER COMMENT AND PLANNING BALANCE**

### **Policy Context and Principle of Development**

6.1 The Local Planning Authority is required to determine applications in accordance with the Development Plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations. The Staffordshire Moorlands Local Plan 2020 is the adopted Local Plan for the district.

6.2 Policy SS1 of The Staffordshire Moorlands Core Strategy identifies that development should contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands.

6.3 The application site is located on the outskirts of Cheadle. It is not within an isolated location but it is within the Green Belt for the purposes of planning policy consideration. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land

permanently open; the essential characteristics of Green Belts are their openness and their permanence.

6.4 NPPF paragraph number 150 states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

6.5 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF goes on to state that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

6.6 The applicant's Planning Statement confirms that they believe the proposed works are not inappropriate Green belt development by reason of compliance with the 'engineering' and 'changes of use of land' exceptions outlined within NPPF paragraph number 150. The Planning Statement expands this reasoning by stating that;

*'The proposed engineering works (formation of the yard area and landscaping buffer) will preserve the openness of the Green Belt and not result in any material conflict with the five purposes of including land within the Green Belt, as the resultant yard area will remain an open in nature, with no buildings constructed upon it or retaining walls formed. The land will be gently graded, and a new landscaping buffer formed along the north-eastern site boundary which will not affect the openness of the Green Belt.'*

*'The proposed use of the resultant yard area for the parking of vehicles will also preserve the openness of the Green Belt. The parking of vehicles upon the site, in particular the lorries, will amount to a transient impact, rather than a permanent one.'*

6.7 The Planning Statement goes on to say that if the Local Planning Authority did deem the development to be 'inappropriate' then there are very special circumstances to outweigh the harm to the Green Belt. The reasons include economic benefits, lack of alternative sites, reducing vehicle movements and landscape and biodiversity enhancements

6.8 The Local Planning Authority is of the opinion that this scheme does amount to inappropriate Green Belt development as the engineering operations and change of use of the land would not preserve openness and would conflict with the purposes of including land as Green Belt. Further discussion concerning openness impact, the benefits of the scheme and very special circumstances are considered within the Conclusion and Planning Balance section of this report.

## **Design and Visual Impact (Character and Appearance)**

6.9 Local Plan policy DC1 requires that all developments shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the character and heritage of an area. Development should be of a high quality, adding to the value of a local area, incorporating creativity, be designed to respect the site and its surroundings and promote a positive sense of place and identity. Policy DC3 concerns itself with Landscape and Settlement Setting and is clear that development should be resisted where it would lead to a prominent intrusion into the countryside.

6.10 The scheme is designed so as to provide level parking/turning facilities for HGV's as well as staff car parking. The parking area is identified as being finished with a functional concrete paved surface. The staff car park is shown to have individually marked spaces and is separated from the HGV parking area by small areas of land earmarked for shrub planting. 1m high lighting bollards would surround both the HGV and staff parking areas.

6.11 The application site is an unmistakable parcel of greenfield land which has a Green Belt designation. The application is accompanied by a Landscape, Visual Assessment and Landscape design report. The report identifies a number of potential receptors in respect of visual impact, these include (but are not limited to) road users, neighbouring properties, long distant views from higher ground and views from the new housing site. The crux of the report is to demonstrate degrees of visual impact upon completion of mitigation measures such as landscaping and buffer areas. Other than from the nearby new housing site, the report concludes that visual impact concerns can be addressed. It is noted however that being able to address any concerns appears to depend upon mature tree cover. The Site Sections plan shows there will need to be some land excavation to create level parking/turning spaces and that artificially formed embankments are proposed in an attempt to close and mitigate any significant views of the development from outside of the site. The Site Sections plan also shows tree buffer planting but the sections scale shows these trees to have heights of approximately 4-4.5m in some areas. Heights such as these would likely take many years to reach whilst in the meantime leaving a stark commercial/industrial development within a visually prominent and exposed area.

6.12 The application site is clearly divided from the main haulage premises and forms part of a wider field network. Extension of the haulage yard will clearly constitute encroachment to the detriment of the open and visual quality of the land. The addition of significant areas of concrete surfacing, 2.5m high metal post/mesh fencing and timber post/rail fencing and lighting bollards would be incongruous features in an otherwise undeveloped parcel of land. In addition to these features is now the proposed erection of a 2m high acoustic fence which would be positioned along the entirety of the roadside boundary. The reasoning for the addition of the fence is explained within the 'Environmental Health' section of the report below, but it is problematic from a visual impact perspective as it is yet another highly visible feature encroaching into an open and greenfield parcel of land.

## **Highways/Access**

6.13 The NPPF and Local Plan policies DC1 and T1 require that all development proposals secure safe and suitable access to a site whilst making a contribution towards meeting parking requirements and ensuring that all new development can be satisfactorily accommodated within the highway network. The application proposes

the continued use of the existing vehicular access with no alterations to it. The County Highways Officer notes that this is an expansion of an existing business, that the existing access is already in regular use and visibility is adequate in both directions. Staffordshire County Council have not objected to the scheme and have not requested the addition of any conditions in the event of the application being approved.

## **Environmental Health**

6.14 There are a number of Environmental Health matters to consider including neighbour amenity, noise, lighting/light pollution and land contamination. Public objection letters have raised concerns relating to neighbour amenity in addition to which the council's Environmental Health Department initially recommended refusal due to insufficient information being provided to address concerns relating to residential amenity. To assess potential noise impacts of the development the applicant has submitted a noise assessment (Martec 20220804 9283) and technical note (Martec Ref. 20221107 9283) at the request of the Environmental Health Officer. The assessment predicted no significant change in the local noise. The technical note has considered some modifications to the layout and the inclusion of a 2m high acoustic barrier. This has altered the acoustician's predictions to cause reductions in noise impacts. The Environmental Health officer recommends all mitigation as set out in the noise assessment and technical note are completed in full. A condition requiring the submission, and compliance with, a Construction and Environmental Management Plan is considered necessary.

6.15 In terms of possible light pollution the Environmental Health officer has stated that the submitted plan setting out predicted spillage levels (Ansell: QUO-61717-T8T4J8) indicates negligible light spillage beyond the site boundary. The Environmental Health officer recommend a condition in order to ensure compliance if permission granted and that all proposed mitigation should be installed prior to first use. With respect to potential site construction nuisance, the Environmental Health officer considers that 'all construction activities should pay due care to the advice set out in BS 5228:1 and 2 in order that noise and vibration impacts are minimised during site preparation and construction phases.' Potential land contamination and drainage issues (note no objection from Severn Trent) could be dealt with by appropriately worded conditions.

6.16 Due to the submission of the additional information and conditional recommendation of approval being received from the Environmental Health officer, it is considered that there would be no adverse harm to residential amenity and all light and noise pollution can be addressed by appropriately worded conditions. Accordingly it is considered that there would be no harm the residential amenities of surrounding neighbour and this aspect of the planning proposal is acceptable.

## **Ecology/Biodiversity and Trees**

6.17 Staffordshire Wildlife Trust raise an initial holding objection due to insufficient information being provided on biodiversity matters. A biodiversity net gain report has been submitted and comments from Staffordshire Wildlife Trust are awaited.

6.18 In terms of landscaping, the scheme proposes a landscape buffer zone along the northeastern perimeter of the site covering 0.38 hectares of land. A new woodland is proposed in this area, along with further planting to the eastern boundary of the site.



The applicant states that within this area there will be significant biodiversity gain and such environmental benefits add significant weight in favour of the development.

## **Conclusion and Planning Balance**

6.19 The application involves engineering and a change of use of land. National Planning Policy Framework paragraph 150 is one of the relevant sections to consider as the scheme does not include the erection of any new buildings which are controlled under paragraph number 149. Paragraph number 150 is clear in that other forms of development are not necessarily inappropriate development provided they preserve openness and do not conflict with the purposes of including land within the Green Belt which are;

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.20 As demonstrated within paragraphs 6.10, 6.11 and 6.12 of this report it is clear the development conflicts with parts a and c (purposes of including land within the Green Belt). The scheme clearly proposes development that encroaches into the Green Belt and will have significant visual impact. It is acknowledged that the Landscape, Visual Assessment and Landscape design report states that buffer planting will mitigate visual impact but it is noted it will not completely eradicate it and will in any case harmfully impact the open field/undeveloped nature of the site by the loss of greenfield land and its replacement with significant areas of concrete hardstanding and manmade earth bunds. The Planning Statement also attempts to justify the development by stating the parking or vehicles would be 'transient' however this does not render the application acceptable nor contribute to preserving openness. The fact is that the scheme proposes parking for 52 HGV's and 46 staff spaces (shown on plan) and that at any one time all the spaces could be occupied for long periods of time. No planning condition could control the number of vehicles stationary at any one time. The applicant has applied for the large number of spaces so there is clearly a need for such a large area.

6.21 It is concluded that the proposal constitutes inappropriate Green Belt development and therefore consideration moves on to whether the scheme should be approved due to the existence of very special circumstances. The Planning Statement outlines the reasons why the applicant feels the development should be supported on the basis of very special circumstances. The reasons include economic benefits, lack of alternative sites, reducing vehicle movements and landscape and biodiversity enhancements.

6.22 The council's Regeneration Officer has assessed the scheme in terms of potential economic benefits. The assessment has been made on the basis of the data supplied by the applicant and the council's approved multipliers. It is understood that the scheme will create an additional 20-40 jobs over the next 5 years, it is acknowledged that this predicted growth is realistic and in-keeping with staff increase from the previous expansion. It is understood that between 4.5% and 9% of employees overall household spend is spent within 2-3 miles of their place of employment. In Staffordshire Moorlands this would equate to £1394 per annum. Based on an additional 20 FTE this scheme could generate an additional £27,880 uplift per annum for local shops and traders. The applicant provides further information on economic benefits within paragraph 5.10 onwards of their Planning

Statement and their contention that the scheme complies with Local and national planning policies concerning securing employment growth. There is no disputing there will be some economic benefit to the area by approval of the application. However, this benefit is not a 'very special circumstance' as it could be repeated all too often throughout the district and indeed the country, rendering much Green Belt land vulnerable to such development. Business expansion is not specifically mentioned within the Green Belt exceptions policies especially where this would result in the expansion of a site into undeveloped Green Belt land.

6.23 Redevelopment of previously developed land might be considered an exception but this is neither applicable nor the case here. It is not considered that the economic benefits which would be brought about by this proposal would be so significant to outweigh Green Belt harm. The applicant states there are no other alternative locations which would be suitable however, this does not constitute a very special circumstance. Landscape and biodiversity benefits cannot be determined at this stage due to outstanding comments from Staffordshire Wildlife Trust. Staffordshire Wildlife Trust originally made a holding objection however the applicant has submitted more information. Upon receipt of the Wildlife comments the Local Planning Authority will be able to assess any landscape/biodiversity benefits/enhancements. Members should be aware that the Staffordshire Wildlife Trust comments may result in an additional reason for refusal.

6.24 Even if there are some landscape and biodiversity benefits, this would not amount to very special circumstances which would outweigh the harm to the openness of the green belt. Biodiversity benefits arising from new development is a requirement under Policy NE1, and therefore would not amount to a "very special circumstances". The development comprises inappropriate development which would significantly reduce the openness of the green belt and conflict with the purposes of including land within it. The economic benefits and any other benefits, are not considered to amount to very special circumstances to outweigh the harm to the green belt.

## **7. OFFICER RECOMMENDATION**

- 1. The application site is an undeveloped parcel of agricultural land within the Green Belt. The proposed extension to the existing yard area for additional vehicle parking and associated landscaping works constitutes inappropriate development within the Green Belt. The scheme would result in a loss of openness and visual impact harm and would conflict with the purposes of including land within the Green Belt. The application does not demonstrate any very special circumstances which would individually or cumulatively outweigh the identified harm. The application is therefore contrary to policies SS1, SS10, DC1 and DC3 of the Staffordshire Moorlands Local Plan together with sections 2 'Achieving sustainable development,' 12 'Achieving well-designed places' and 13 'Protecting Green Belt land' of the National Planning Policy Framework.**

**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/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.



