

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

13th July 2023

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| Application No: | SMD/2020/0502 | |
| Location | Land South of Thorley Drive Cheadle | |
| Proposal | Outline planning permission with all matters reserved for residential development and associated works | |
| Applicant | Providence Land Limited | |
| Agent | Howard Sharp and Partners LLP | |
| Parish/ward | Cheadle | Date registered 14/10/20 |
| If you have a question about this report please contact: Jane Curley tel: 01538 395400 ex 4124 Jane.curley@staffsmoorlands.gov.uk | | |

REFERRAL

This is a major development for housing on a non-allocated site in the open countryside

1. SUMMARY OF RECOMMENDATION

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| APPROVE subject to conditions and the prior completion of a Section 106 |
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2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 This site consists of a single rectangular shaped field which extends to approx. 1.7 hectares. It is a greenfield site. The land is assessed to be a mix of Grade 3a (73%) and Grade 4 agricultural land (27%). All boundaries are defined by traditional hedgerows with occasional trees. The land lies to the south of a recently constructed housing development known as Oswald Place which also wraps around its eastern boundary. To the south and west the site adjoins open countryside.

2.2 Access to serve the site is shown taken from the Oswald Place development and thereafter from Ashbourne Road to the east.

2.3 The site is not flat and falls in a south westerly direction. The topographical survey shows the level change to be just under 10m across the site.

2.4 A public Right of Way (Cheadle 3) runs just beyond the south eastern boundary

3. DESCRIPTION OF THE PROPOSAL

3.1 This is an outline application for residential development. All matters are reserved for subsequent approval. The applicant seeks approval of the principle of housing on the site only at this stage. An Illustrative plan shows how the site could be developed.

3.2 During the processing of the application the applicant agreed to amend the description of development to remove reference to 'up to 40 dwellings'. This followed concerns raised by Officers about the ability of the site to accommodate this level of development.

3.3 The applicant has advised in correspondence since submission that this will be a 100% affordable scheme. This matter is discussed further in the main body of the report.

3.4 The application is accompanied by a Planning and Sustainability Statement, Design and Access Statement, Arboricultural Report, Agricultural Land Classification, Biodiversity Report and BNG assessment, Transport Assessment and Travel plan, Flood Risk Assessment, Landscape and Visual Impact Assessment, Ground Report and Utilities Statement

4. RELEVANT PLANNING HISTORY

SMD/2014/0227 Proposed residential development of up to 190 dwellings with new access and associated works. Refused

SMD/2016/0083 Outline application for up to 60 dwellings. Approved

SMD/2017/0586 Reserved matters application for 57 units. Approved

SMD/2019/0169 Variation of Condition 1 of SMD/2017/0586. Approved

SMD/2019/0301 Variation of Section 106 legal agreement to reduce the affordable housing from 19 to 10 units. Deed to Variation granted

5. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Local Plan (adopted September 2020)

- SS1 Development Principles
- SD1 Sustainable Use of Resources
- SD3 Carbon-saving Measures in Development
- SD4 Pollution and Water quality
- SD 5 Flood risk
- SS2 Settlement hierarchy
- SS3 Future provision and distribution of development
- SS4 Strategic housing and employment supply
- SS10 Other Rural area strategy
- SS12 Planning obligations and community infrastructure levy
- H1 New housing development
- H2 Housing applications
- H3 Affordable housing
- DC1 Design Considerations
- DC2 Heritage
- DC 3 Landscape setting
- C1 Creating Sustainable Communities
- C2 Sport recreation and open space
- 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 expiry date: 18th November 2020

Site Notice expiry date: 19th November 2020

Local residents have been notified by letter. In 2022 all adjoining residents of the application site (Oswald Place development) were formally consulted. At the time of the submission of the application (2020) the Oswald Place development was still under construction with no road names and/or no house numbers and/or occupiers

29 letters of objection have been received including one from Cheadle Unite raising the following points:-

- This application according to the Local Plan sits outside the designated areas nominated under the LP and is not in a preferred area and if approved would set a precedent to allow developers yet again to build anywhere in the Moorlands. A government inspector spent a lot of time advising on these locations and you should not go against this judgement.
- The Local Plan has already identified a very significant 1236 Plots for Cheadle to last to 2033.
- Planning application SMD/2016/0083 was approved on the understanding that the Highway Department had no objection as the junction of Tape Street and Ashbourne Road would have major improvements to relieve the anticipated extra traffic from the Thorley Drive development. In a press release Highways have stated that this is now unfeasible due to the unsustainable cost of the operation. This application will add pressure to this junction. The Highways agency revoked its original objection to developing land south of Thorley Drive on the understanding that a S106 agreement for £200,000 would be made *towards junction improvement of the Tape Street / Ashbourne Road* Roundabout (Summarised to the PAC in Jan 2015 re SMD/2014/0227). In the Planning Statement 3.15 for the new Proposal it is stated *'Phase 1 Made Significant Contributions to improvements in the roads to the town centre'*. However the reality is that nothing has happened to improve the traffic movement on the Tape Street Roundabout, no plans (e.g. a flow lane), have been or are likely to be forthcoming to improve the roundabout traffic flow, given physical constraints and has simply *'been retained'* as is, as detailed by the press earlier this year, and therefore the original Highways agency objections should still stand from the original application and especially when applied to an additional 40 houses and in the knowledge that any income that may have come from Phase 1 did not go to improve the roundabout layout. Further it was stated: *'The process is likely to lead to excessive journey times in and out of Cheadle and a drastic increase in toxic fume emissions. Drainage impact is also not being properly addressed, with flooding of the local pitches already an issue'*.
- The traffic implications of the current houses being built next to Thorley Drive have not yet taken place, even if the application were acceptable it would be prudent to observe the impact
- This application is an attempt to circumvent planning application SMD/2014/0227 which was refused planning permission due to the amount of traffic that would be produced. The outcome of several phases would result in arriving back at the original number of houses for which planning application was originally refused.

- On the current development, the number of affordable houses has been dropped from 19 to 10 on the grounds that it is not financially viable.. This new proposal starts as did the first with a claim of providing 33% (13) affordable houses, I believe this will get reduced or dropped again if they are given permission. . As a community it would be common business sense to ensure any developer fulfils their stated obligation to ensure their claims are viable from start to finish before assuming any further claims of viability on adjoining land.
- When the 1st phase was passed the area is an L shaped plot, the builder illegally removed the hedgerow and concreted the field that is now up for application, we complained about this and were told that it was being rented for storage and would be reinstated as a field. Did someone know about this application and were there discussions?
- If you pass this plan it will show the level of behind closed doors discussion that actually goes on
- The roads on this development are still not complete
- We believe this application is a clear attempt to step increase the number of houses back to the original application through a series of applications until the original figure is reached.
- There are clearly not enough dentists, doctors, schools in Cheadle. The infrastructure is not there to support more houses
- Cheadle is already at capacity. Roads are constantly gridlocked. The roads are full to capacity and can't cope with any more traffic. There are already lots of other housing developments in Cheadle
- I feel as though I have been deceived and mis-sold my property. I am a corner plot on Augustus way and the only reason we bought this property was that we weren't over looked and we had beautiful views. Prior to moving we asked the builders if any houses would be built behind our house to get told no because it had been rejected. Looking at your plans the only access is right by my house. If this gets accepted you leave me no choice to look for another property with a baby because I have been completely deceived and I haven't even lived in the property for 12 months.
- Ruins the view from our homes . The landscape will just be houses and no countryside and that's a big reason we brought the property
- We do not want lorries using the estate and access to get to this site as the road is already thin. It isn't big enough for more heavy traffic and definitely not construction traffic. It would be dangerous for children playing
Ask Dave about suitability of access for construction
- This development would be detrimental to the residents of Augustus Way and Mercian Way. It would be a huge mistake to bring in more traffic to the area and more unaffordable houses.

Town Council

Object for the following reasons:-

a)In 2014 application no: SMD/2014/0227 for 197 houses was refused on the decision of the planning committee, due to the amount of additional traffic that would result on to Ashbourne Road and the Tape Street roundabout. The refusal was informed by local opinion including a study in 2014, and SCC commissioned Transport Studies carried out in 2015 and 2017 by Amey. The 2017 report stated '*Peak Conditions are constrained, with numerous links already operating near or at capacity without development flows*'.

The Highways agency revoked its original objection on the understanding that a S106 agreement for £200,000 would be made 'towards junction improvement of the Tape Street / Ashbourne Road' Roundabout. No plans have been or are likely to be forthcoming to improve the roundabout Junction.

b) The traffic implications of the current houses being built next to Thorley Drive have not yet taken place, even if the application were acceptable it would be prudent to observe the impact.

c) We believe this application is a clear attempt to step increase the number of houses back to the original application through a series of applications until the original figure is reached.

d) On the current development, the number of affordable houses has been dropped from 19 to 10 on the grounds that it is not financially viable. It will be no surprise if that figure disappears completely. This new proposal starts as did the first with a claim of providing 33% (13) affordable houses, we think this will get reduced or dropped again if they are given permission.

e) SMDC have finally agreed the Local Plan, this development sits outside the local plan, it is not a preferred site. The Local Plan sets out preferred sites for housing across the Moorlands, and has already identified a very significant 1236 Plots for Cheadle to last to 2033. If this application is approved it would set a precedent to allow developers yet again to build anywhere in the Moorlands.

Policy Officer

- The Staffordshire Moorlands Local Plan was adopted on the 9th September 2020.
- The most recent published 5-year land supply statement confirms that the district has a supply of 3.7 years at March 2022
- Policy SS3 states that 25% of the overall housing requirement for the district will be located in Cheadle and clarifies how the five year housing supply will be maintained in accordance with the trajectory. Policies in the plan allocate specific, deliverable sites for years one to five of the plan period and specific, developable sites for growth, for years 6-10 of the plan and even further (years 11-13) which is consistent with the Framework. Policy SS4 clearly sets out how the housing requirement for Cheadle will be met by allocations totalling 1026 dwellings and a windfall allowance for small sites.
- As the site lies outside the Cheadle development boundary Policy SS10 'Other Rural Areas' is more directly applicable. Policy H1 states that in addition to the allocated sites, unidentified residential windfall sites will be allowed within the development boundary (subject to wider Local Plan policies). Policy H1 does not provide flexibility for additional residential sites, such as this, on the edge of the towns outside the development boundary as the requirement is already met within the Cheadle development boundary. However as this part of policy H1 restricts the supply of housing, less weight can be given to the policy as specified in NPPF para 11d.
- In terms of housing mix, Policy SS7 seeks to increase the range of available and affordable house types and higher market housing, including for first time buyers and families. Policy SS10 states that the Other Rural Areas will provide only for development which has an essential need to be located in the countryside in accordance with Policy H1.
- The site is 1.7 hectares and does not appear to meet the definition of a 'entry-level exception site' as defined in the NPPF para 72. Policy H1 states that in the other rural areas in the open countryside, affordable housing which cannot be met elsewhere, in accordance with Policy H3 will be permitted. Part 3) of Policy H3 specifies that these 'rural exceptions sites' should be located in or on the edge of villages. There is however a high need for affordable housing across the district. The 2017 SHMA update identified a need for between 224 and 432 affordable homes a year.
- Policy H1 states that the final mix should be negotiated with the developer based on housing needs as informed by the SHMA and other factors such as available supply and market demand. Below is the ward based census data with a calculation of the

percentages of dwellings for Cheadle SE Ward and the property size and type recommended by the SHMA. The application should bring the housing stock closer to the SHMA recommendations. (The 2021 ward data is not yet available from ONS.)

| 2011 census merged ward | All categories : Number of bedrooms | 1-bed | 2-bed | 3-bed | 4-bed | 5 or more bed |
|-------------------------------|-------------------------------------|-------------------------------|-------|-------|-------|---------------|
| Cheadle SE | 1,550 | 108 | 486 | 705 | 223 | 28 |
| % of housing stock | 100% | 6.9% | 31.4% | 45.5% | 14.4% | 1.8% |
| SHMA recommendations | | Property type and size | | | | |
| 1-bed flat / house / bungalow | | 60% | | | | |
| 2-bed flat/house/bungalow | | | | | | |
| 3-bed house/bungalow | | 40% | | | | |
| 4-bed house | | | | | | |

- The Government's First Homes scheme came into effect on 28th June 2021 setting the national policy requirement for at least 25% of all affordable homes provided by developers under S106 agreements to be First Homes. For example under the new requirement, a 100 dwelling scheme would secure a total of 33 units with 5% First Homes (5 units) and the remaining 75% (25 units) delivered in line with the proportions set out in the local plan policy (60%/40%) which would be 15 rented units and 10 shared ownership units.
- In addition the self-build/ custom-build register indicates a need for 11 plots in the Cheadle area plus there is a non-specific need for an additional 52 plots. A contribution toward this need should be sought as part of the overall housing mix.
- A S106 agreement should consider the provision of affordable housing, open space and outdoor sports provision, education, highways and any other planning obligations in line with adopted Policy SS12.
- The Cheadle Transportation Study identified improvements to address transport issues in the town based on levels of growth identified in the adopted Local Plan. Additional growth proposed by a site of this scale and its impact on town centre traffic should be considered.
- The site is identified as being 'important landscape setting to settlement' in the Council's Landscape and Settlement Character Assessment.
- In conclusion, paragraph 11 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Where policies relating to the supply of housing are out-of-date (as a result of not having a five year supply of deliverable housing land), paragraph 11d(ii) of the NPPF is triggered, which affirms that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole– the 'Tilted Balance'. NPPF para 11d(i) does not apply as the site does not appear to be subject to any of the specific protections set out in NPPF footnote 7 such as habitat sites, SSSI's, Green Belt, Local Green Space, AONB etc. Therefore the relevant policies for the supply of housing therefore carry less weight compared to other policies in the adopted Local Plan.

Regeneration Officer

Advises that 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 development of up to 40 dwellings on land south of Thorley Drive, Cheadle, will provide the following outputs:

- 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 30 units this is calculated at £375,520 per year.
- 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 42 direct jobs and 5 indirect jobs.
- The development will also generate approximately £7,348 council tax for the area p.a.

Operations Manager -Waste

No issues regarding waste collections at this stage.

Environmental Health Officer

No objection subject to conditions to secure a detailed Remediation scheme, a Construction Method Statement, an updated Air quality assessment and Electric charging points

Trees and Woodland Officer

- No objection on grounds of impact on existing trees/hedgerows. Tree protection condition required.
- Greatest imposed visual impact on some existing properties at Thorley Drive, initially minor to moderate adverse but potentially reducing to some degree over time depending on opportunity and detail of associated new landscaping. Elsewhere, visual impact on surrounding receptors generally negligible to minor adverse.
- No significant loss of existing landscape features, although fundamental and permanent change in character of the site itself.
- Potential for incongruous urban expansion into surrounding landscape character area, and erosion of Landscape Setting to Settlement – these issues should be given weight in view of the application site lying outside the town development boundary and not being an allocated site in the local plan.
- Any subsequent detailed layout should give greater consideration to and make greater
- spatial provision for substantial structural/screen planting and streetscene landscaping.

Local Highway Authority

This is an outline application with only means of access to the site to be determined at this stage. The submitted layout drawing is purely indicative, accordingly the internal layout and

access to individual plots has not been assessed in detail and will be considered fully at reserved matters stage.

The detailed layout to be submitted at reserved matters stage should benefit from the following:

- the use of shared surface streets in accordance with the principles outlined in Manual for Streets.
- good internal and external pedestrian connectivity.
- parking provision to comply with Local plan standards and be of sufficient geometry for example a width of 3.0m if hard up against a boundary to aid vehicle manoeuvring.
- swept path analysis to cater for a 12.0m long refuse vehicle.
- drainage to SUDS principles

Access is through a previously approved development currently under construction. Under that approval, 30mph speed limit is to be extended. Committee requested that the speed limit be extended to beyond the bend to the south east, which is being progressed. There are no recorded personal injury accidents on B5032 Ashbourne within 50m of the site access (the recently constructed access) within the last five years.

No objection subject to conditions to secure visibility splays, a Construction Management plan and a contribution of £47 495.00 towards works identified in the Staffordshire Moorlands Transport Strategy for footway upgrades to promote pedestrian connectivity to the town centre and bus stop upgrades. In addition a sum of £2500 is sought for monitoring of the Travel plan.

Local Lead Flood Authority

No objection subject to condition to secure detailed drainage design

Severn Trent Water

No objections to the proposals subject to the inclusion of a condition seeking drainage details

Staffordshire Wildlife Trust

Initially sent a Holding objection. Advised further information and amendments required, due to lack of evidence that net biodiversity gain can be delivered.

Subsequently removed objection on receipt of a Biodiversity Net Gain calculation subject to conditions

Commissioning Officer – open space

We have considered the application and note that Phase 1 of this development included an onsite play area (LEAP) and areas of Public Open Space (POS). We would therefore request that the expected s106 payments for both play and playing pitches are paid towards off-site contributions as below:

- We would be seeking off site contributions for both Play Area and Playing Pitches, which would be delivered within a 2km radius of the development.
- The formula for the off-site play area is £533.25 per bedroom.
- 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, although we would push to have these as early as possible, ideally at the commencement of construction.

- In terms of considering Active Design within the development we feel that there are limited options to include or change the development layout, which would improve the ability of the
- residents to take part in physical activity. We would however draw attention to the possibility of the creation of a new footpath linking both phase 1 and 2 to the Thorley Drive football pitches and beyond to the Cecilly Brook LNR. This would encourage traffic-free walking activities in the locality and open up easy access to the town, leisure centre and Tean Road Recreation Ground.
- The new path (PROW) would need to go west from the development across the adjacent field and link to the football pitches.

Coal Authority

No objection subject to condition to secure further investigations along with possible remedial measures in order to ensure the safety and stability of the proposed development. The application site falls within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority's information indicates that the site lies in an area where historic unrecorded underground coal mining activity is likely to have taken place at shallow depth. The application is accompanied by a Ground Condition Desk Top Study Report (January 2016, prepared by Mayer Brown Limited). The study area for this report covers a wider area, including the current application site. Whilst the report focuses primarily on contamination matters, it does provide a level of assessment of mining legacy affecting the application site the report acknowledges the potential for shallow coal to have been worked beneath the site. It goes on to recommend that an intrusive investigation is undertaken which targets the eastern part of the site, which it considers may be affected by former mine workings.

Whilst the Coal Authority welcomes the recommendation for site investigations to establish the exact situation regarding coal mining legacy issues, our information suggests that shallow coal workings may be present beneath the entire application site. The report does not identify the likely depth of potentially worked coal seams beneath the site and, as such, the rationale for limiting site investigations to the eastern part of the site is unclear.

The intrusive site investigations should therefore be designed by a competent person to properly assess ground conditions and to establish the exact situation regarding coal mining legacy which could pose a risk to the proposed development across the whole site.

The findings of the intrusive site investigations should be interpreted by a competent person and should be used to inform any mitigation measures, such as grouting stabilisation works and foundation solutions, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The applicant is requested to note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Coal Authority property, i.e. coal seams and associated workings.

The submitted report does not consider the risk posed by mine gas migration in any detail.

The Coal Authority recommends that the LPA seek comments from the Council's Environmental Health / Public Protection Team on this matter and any resultant need for gas monitoring and/or the incorporation of appropriate gas protection measures within the proposed development.

SCC Mineral Authority

No objection

The site falls within a Minerals Safeguarding Area for shallow coal and fireclay.

Advises that while the proposed development would not fall into any of the categories for exemption from Policy 3, it is bounded to the north and the east by residential development so it is unlikely that it would be practicable, or environmentally acceptable to extract any underlying minerals in the foreseeable future.

It is noted that the application site is within a 'Coal Referral Area' and that a coal mining risk assessment is required which will involve consultation with the Coal Authority. Should coal underlying the site need to be removed for ground stability reasons, the applicant should be advised that the removal of coal from the site for sale would require planning permission.

SCC School Organisation

Advise that this development falls within the catchments of The Cheadle Academy and the Cheadle Primary School. The development is scheduled to provide 40 dwellings including 14 dwellings for social rent (RSL). Excluding the 14 RSL dwellings from secondary only, a development of this size could add 8 primary aged children and 4 secondary aged children. The Cheadle Academy is projected to have sufficient space to accommodate the likely demand from pupils generated by the development.

However, Cheadle Primary School is projected to be full for the foreseeable future. The County Council is working with Staffordshire Moorlands District Council (SMDC) to plan strategically for the education infrastructure required to accommodate the children generated by the level of housing growth proposed across the District. The County Council has a statutory duty to secure the sufficient supply of school places, which includes requiring developers to provide additional education provision in line with the pupils generated by proposed new housing. It has been identified that the level of growth proposed in Staffordshire Moorlands Local Plan for Cheadle will necessitate a new primary school to be delivered within one of the residential development sites. We will therefore be requesting a contribution towards primary school provision. A fair, transparent and consistent

approach must be taken across large developments proposed in the Cheadle area. As a new school will be necessary to accommodate the level of development proposed in the area, this site will be required to contribute proportionally to the cost of providing the new school. We have been advised that the latest cost of a new 210 place primary school (1 form entry) would be in the region of £5.2 million (excluding acquisition of the necessary land). Based on 40 houses the proportional contribution towards a new primary school of this size would be £211,644. The above is based on current demographics which can change over time and therefore we would wish to be consulted on any further applications for this site.

Staffordshire Police: Crime Prevention Design Advisor

The Indicative Site Layout drawing accompanying this outline application appears to tick many of the points (or has the potential to do so), in terms of providing a safer and more secure environment, and reducing criminal or anti-social opportunity. Housing is shown as outward-facing blocks with the potential to provide plenty of natural surveillance and with enclosed rear gardens backing onto one another. Ultimately to complement a robust

crime/asb-resistant and safe site layout, the applicant should endeavour to satisfy the minimum dwelling physical security requirements (in terms of external doorsets, ground floor windows and garages) referenced within the guidance document, Secured by Design Homes 2019. This would be a further significant way the applicant could demonstrate that they had sought to design out criminal opportunity for the benefit of the future residents.

Any reserved matters application that subsequently comes forward should clearly explain within the Design and Access Statement and demonstrate in the site layout how crime prevention and community safety measures have been considered and incorporated within the proposal. Providing a specific and comprehensive section in the Design and Access Statement addressing this would be helpful.

7. OFFICER COMMENT AND PLANNING BALANCE

7.1 As with all applications and by law this application must be considered in accordance with the Development Plan, unless there are material circumstances which indicate otherwise

Principle

7.2 The application site is a greenfield site which is located outside of the defined Development Boundary of Cheadle. It is not an allocated site and lies within open countryside. Policy SS10 sets out the strategy for development in such locations. In respect of housing it says that such locations will provide only for development which has an essential need to be located in the countryside. There is no suggestion that this would be the case here and there is conflict with this policy. Furthermore whilst Policy H1 allows for unidentified residential windfall sites, it is clear that this provision is only for sites within the development boundary. It does not provide flexibility for additional residential sites, such as this, on the edge of the towns outside the development boundary. This is because the requirement is already met within the Cheadle development boundary. Policy SS2 sets out the spatial strategy which seek to focus growth in the towns such as Cheadle with Policy SS3 providing for 25% of the housing provision for the period 2014-2033 being located in Cheadle. Policy SS4 gives a net housing requirement for Cheadle of 1158 homes which it says will be met from new allocated sites and windfall sites in accordance with the Spatial strategy and Policy H1.

7.3 It is for these reasons that the principle of housing would on the face of it would conflict with strategic Policies SS2, SS3, SS4, SS10 and H1. However the Council is not currently able to demonstrate a 5 year deliverable supply of housing land. This matter is returned to in the planning balance below

Housing land supply

7.4 The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement for LPA's to maintain a 5 year rolling supply of housing

7.5 The most recently published 5-year Housing Land supply statement confirms that the District has a supply of 3.71 years on 1st April 2022.

7.6 Para 11 of the NPPF says that decisions should apply a presumption in favour of sustainable development. For decision taking it says this means:-

- c) Approving development proposals that accord with an up to date development plan without delay or:-
- d) where there are no development plan polices, or the polices which are most important for determining the application are out of date, granting planning permission unless:
 - i) The application of polices in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposals or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole;

7.7 Footnote 8 to Para 11 confirms that out of date polices includes, for applications involving the provision of housing, situations where the LPA cannot demonstrate a 5 year supply of deliverable housing sites.

7.8 There are no polices in the NPPF which provide a clear reason for refusing permission (para 11 d) i)) as these are set out in a closed list in the footnotes to paragraph 11 and include policies relating to Green Belt, AONB's, heritage assets, etc. none of which apply in this case. Therefore paragraph 11d(ii) of the NPPF is triggered, which affirms that permission should be granted in this case unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; the tilted balance as it is known. This matter is discussed in the planning balance below

Access

7.9 Access is proposed through the recently completed development to the north and leads to Ashbourne Road. A Transport Assessment accompanies the application. It concludes as follows:-

- the site is well located in terms of sustainable accessibility, with good pedestrian connectivity and opportunities for travelling by public transport.
- A review of the most recent five-year personal injury collision data for the adjacent highway network has been undertaken and does not highlight any existing safety issues that would need to be mitigated as part of the development proposals.
- The Transport Statement demonstrates that the level of car and cycle parking proposed complies with local standards. Swept-path analysis of the site layout shows that the forecast vehicle movements can also be accommodated.
- A review of traffic generation resulting from the development of the site has been undertaken and demonstrates that the impact of the development proposals on the local highway network will be negligible.
- Overall, it is concluded that the development is in full accordance with the transport policy tests for new developments as set out in the National Planning Policy Framework.

7.10 The Local Highway Authority have reviewed the application. They raise no objection to the application. Access onto Ashbourne Road is good and they note that the existing 30mph speed limit is being extended beyond the bend to the south east; a requirement of the approval for the development to the north referred to as Phase 1. They refer to the fact that there have been no recorded personal injury accidents on the Ashbourne Road within 50m of the new site access within the last 5 years. Some of the conditions recommended by the LHA are not relevant to this outline application as approval of Access is not sought. However the response of the LHA does demonstrate that an acceptable access is available to serve the site.

7.11 The LHA has requested a contribution towards works identified in the Staffordshire Moorlands Transport Strategy to mitigate impact. Relevant to this development are footway upgrades on routes from the site to the town centre (dropped kerbs/resurfacing/crossing points), upgrade of the rights of way footpaths that link to the site and bus stop upgrades. The LHA has clarified that the upgrades would be on Ashbourne Road and also on the route through the Thorley Drive estate. The LHA also request a fee to monitor the Travel plan. Up to date figures are being sought from the LHA for these improvements and for the monitoring of the Travel plan and will be included in the update report.

7.12 With conditions in place and a Section 106 Agreement to secure the financial contributions sought there is compliance with relevant parts of T1 and DC1 and the NPPF in this regard.

Accessibility

7.13 The site is in a relatively sustainable location albeit on the edge of the settlement. The Transport Statement describes the services and facilities nearby and the availability of public transport. The site is within walking and cycling distance of shops, a post office, pharmacy, health clinic, leisure centre and schools and there are bus services available nearby. The site is accessible by sustainable travel modes in line with Policy T1 and further measures to facilitate and encourage walking and public transport as a mode of travel will be secured as part of the financial contribution sought by the LHA (see discussion in Access above)

Affordable housing and self-build housing

7.14 During the course of the application (by e-mail 17th February 2022) the applicant advised that the scheme would be 100% affordable. The partner is said to be MCI, a division of Keepmoat Homes although the Council has not had sight of any formal agreements reached.

7.15 The site cannot be considered, nor is it promoted as either an entry level exception site or a rural exception site. Policy H3 however requires that on sites of greater than 10 units, 33% of the total number of units should be affordable homes secured in a Section 106 Agreement. Although the provision of a 100% scheme is a material consideration and a perceived/potential benefit of the application as it would contribute to much needed affordable homes in the District, the weight to be given to it is tempered by the fact that it is not and cannot be guaranteed because only 33% can be secured in a Section 106 agreement in line with Policy H3. There can be no certainty that a greater amount (than 33%) would in fact ultimately be delivered, as it is not unusual for circumstances to alter or sites to change hands.

7.16 The applicant says that the higher proportion of affordable housing being offered will help to address the Districts need for affordable housing. Whilst there is a need for affordable housing, as the Policy Officer advises, this is being addressed through Policy H3 and indeed there are a number of sites in Cheadle which have recently or are currently delivering affordable housing such as Thorley Drive Phase 1, the Former Cecilly Mill site, The Birches and Ayr Road. Furthermore other allocated sites in the Local Plan will secure affordable housing units in due course.

7.17 Some of the letters of representation are critical of the fact that on the adjoining site the applicant committed to policy compliant affordable housing at the application stage but subsequently sought a reduction from 19 to 10 units on viability grounds, largely citing abnormal development costs. As noted elsewhere in this report the NPPF confirms that it is up to the applicant to demonstrate whether particular circumstances justify the need for a

viability assessment *at the application stage*. The applicant in this case has not submitted a viability assessment and the application is therefore determined on this basis.

7.18 Policy H1 requires that sites over 10 dwellings such as this make a contribution towards the need for self-build and custom build plots, to be negotiated on a case by case basis. There are 38 currently on the Council's Self build Register of which 6 have expressed a preference specifically for Cheadle or in other locations but including Cheadle. A contribution of 2 self builds is considered a reasonable contribution for a development of this size. The applicant has agreed to this and in the event of an approval these would need to be secured via a Section 106 Agreement.

7.19 To conclude on the matter of affordable housing and self-build plots, subject to a Section 106 agreement to secure the policy requirement of 33% of the total number of dwellings as affordable homes and 2 self-build plots there would be compliance with Policies H1 and H3. The Government's First Homes scheme came into effect on 28th June 2021 setting the national policy requirement for at least 25% of all affordable homes provided by developers under S106 agreements to be First Homes. For this site therefore 25% of the affordable units secured would be First Homes with the remaining 75% delivered in line with the Local Plan i.e. 60% rental and 40% shared ownership

Impact on trees

7.20 An Arboriculture survey report accompanies the application. It refers to 7 category A (High quality) or B (Moderate quality) trees on the site boundaries. It also surveys three hedgerows, two of which it refers to as Category B (Moderate quality) and one as (Category C (Low quality) It concludes that it is unlikely that any trees or significant sections of hedgerow would need to be removed to facilitate the proposed development. It recommends that the moderate quality Ash T4 is removed in favour an immediately adjacent and more ecologically important Oak.

7.21 The Trees and Woodland Officer accepts the conclusions of the report and raises no objection in terms of the impact on trees and hedgerows subject to a condition to require that the reserved matters application be accompanied by an updated Arboricultural Report. With this in place there would be compliance with Policy NE2 and the NPPF.

Flood risk/drainage

7.22 The site lies within Flood Zone 1 which is land with lowest probability of flooding. A Flood Risk Assessment is submitted with the application. It describes the strategy at this stage which includes an on-site attenuation including a basin and discharge at greenfield run off rates to tributaries of the Cecily brook to the south/southwest of the site. Foul drainage it says will either be directed by gravity to the public system within Miller view to the south west or, subject to approval from Severn Trent Water, pumped to the drainage network serving Phase 1 to the north. The strategy it says will be based on SUDS principles.

7.23 The Local Lead Flood Authority and Severn Trent Water have considered the application and raise no objection subject to conditions to secure a full drainage design for review prior to the commencement of development. With these in place there is compliance with Policy SD4

Agricultural Land Classification

7.24 An Agricultural Land classification report is provided. It confirms the results of a site survey of the land and soils. It advises that of the total site 73% falls within the Agricultural Land Classification of Grade 3a land and 27% as Grade 4 land

7.25 The NPPF defines the Best and Most Versatile agricultural land as being land in Grades 1, 2 and 3a of the ALC. It says at para 174b) that planning decisions should recognise the economic and other benefits of the best and most versatile agricultural land. Policy SD1 says that all developments should make sustainable use of resources and adapt to climate change by amongst other matters having regard to the BMV agricultural classification of the land with a preference for the use of lower quality over higher quality agricultural land

7.26 The permanent loss of this Grade 3a land is regrettable. The UK's resilience to food supply issues and self-sufficiency was tested during the recent pandemic, noting that BMV land is a finite resource. For the reasons above there is considered to be some conflict with SD1 and this weighs against the application. It is considered further in the planning balance below.

Landscape and visual impact

7.27 The site lies with open countryside. It lies within the Ancient Slope and Valley Farmland (ASVF) landscape character type in the Council's Landscape and Settlement Character Assessment. Whilst this landscape character type is not particularly sensitive to change, localised residential development is noted as an incongruous feature, with expansion of neighbouring settlements a key planning issue. The site also lies within a broad area around the south-east side of Cheadle defined as Important Landscape Setting to Settlement in the same Character Assessment, typified in this location by a small scale field pattern with strongly vegetated field boundaries. The site is characteristic of the ASVF character type but it is not considered to be a 'valued landscape' as per Para 174 a) of the Framework as it does not hold distinctive features or cultural links to set it above other landscapes in the area.

7.28 The application is accompanied by a Landscape and Visual Impact Assessment. In respect of landscape character, the conclusion of the report is that the development of the site would result in the loss of approximately 1.7 hectares of pastoral land changing it from agricultural to residential in nature. During construction it notes that there would be some soil stripping and storage, together with perception of activity and vehicular movements associated with the scheme's construction. The magnitude of change on the site and its setting are assessed to be Medium to High, resulting in a Moderate to Major Adverse level of effect. On completion of the scheme, it notes that the residential development would not be uncharacteristic within the existing landscape character of the Site and its immediate surrounding area, given the existing settlement in both the immediate vicinity and within short distance of the Site. During operation therefore the magnitude of change is assessed as Medium and the resulting operational effects would be of a Moderate Adverse level on the Site and its immediate setting.

7.29 In terms of visual impact the LIVIA considers a number of representative viewpoints (see Appendix E). It concludes that despite the potential for longer range views due to rising landform to the east of Cheadle, few receptors were considered to be subject to potential effects as a result of the proposal. In the majority of cases where views may have been possible, the scheme was considered to be effectively screened by tree blocks and lines and successive field boundary vegetation. Where effects are predicted on views, it says that receptors are primarily limited to the immediate and short distance, comprising residents in close proximity to the Site, public right of way users to the east, road users approaching the

Site along Ashbourne Road from the east, and recreation user at the Thorley Drive Pitches to the west. With the exception of residents, effects on completion are not predicted to be greater than Slight Adverse. There may additionally be some effects it says of a no greater than Negligible Adverse level from limited locations for receptors at long distance to the east and south east, where elevation and intervening vegetation allows. It says some residents from the development under construction may suffer effects of moderate to substantial adverse.

7.30 The Trees and Woodland Officer has considered the application and the submitted LIVIA. In terms of visual impact he largely agrees with the conclusions of the applicant's report that visual impact on surrounding receptor locations, whether existing residential properties or public access sites/routes, would generally be very limited, particularly when "Phase 1" development to the north is taken into account. This is mainly due to distance from the site and/or intervening landscaping which includes layers of established hedgerows, trees, tree groups/wooded copses. He says visual impact would be greatest (likely minor to moderate adverse) on those properties on Augustus Way and Mercian Way which directly adjoin the site to the north and east. There will be some impact on some properties on Thorley Drive although the Phase 1 development lies between them and the application site and where land is open (Nos 40-54) views tend to be increasingly oblique

7.31 In terms of landscape impact the Trees and Woodland Officer says that although there would be no loss of existing landscape features, as development is contained within a single field with the boundary hedgerows/trees retained, there would nevertheless be a fundamental and permanent change in the character of the site itself from pastoral agricultural land to suburban housing estate. Localised residential development is noted as an incongruous feature in this landscape character type (see above). He says that the development has the potential to erode the landscape setting to Cheadle further although as he notes it would not prominently intrude into any important views into or out of the settlement. His advice is that, if allowed, the application should be required to make further substantial contribution to enhancing and strengthening settlement edge. This would be secured through the reserved matters of Layout and Landscaping

7.32 Policy DC3 says that the Council will protect and where possible enhance local landscape and the setting of settlements. For the reasons above there is considered to be some conflict with this policy and the NPPF because the development could not be said to respect or enhance local landscape character nor could be said to reinforce or enhance the setting of Cheadle. If permission is forthcoming then structural/screen landscaping particularly on the southern and western boundaries will be very important to mitigate this impact.

Biodiversity

7.33 The application is accompanied by a Preliminary Ecological Appraisal (August 2020) and a Biodiversity Net gain assessment

7.34 The conclusion of the PEA is that without mitigation the project could impact nesting birds and roosting bats. These impacts can be avoided it says through appropriate mitigation. Recommendations are given for timing vegetation clearance (although all hedges and trees will be retained) and avoiding lighting trees and hedges. In order to provide ecological enhancement it says that bat and bird boxes should be included within the scheme. A precautionary pre-works check for badgers is also recommended.

7.35 Following a Holding objection from Staffordshire Wildlife Trust who are advising the Council on ecology matters relating to the application, a Biodiversity Net gain assessment and calculator were provided

7.36 The BNG assessment indicates that the proposal would result in the loss of 5.4 habitat units (77% loss approx.) and a gain in hedgerow units (assumed around the SUDS feature) of 0.8 units (14% approx.). It shows that a 10% net gain in habitat units can also be achieved by enhancing off site land to the south east within the applicants ownership. This would entail converting 0.93 ha of managed grassland into ponds, scrub and neutral grassland habitats for wildlife (Scenario 3 in the BNG assessment).

7.37 Following receipt of this further information, Staffordshire Wildlife Trust have no objection to the application subject to conditions. They say the proposed offsetting area appears to be in an ideal position next to semi-natural habitat and that a net gain is achievable and final details can be provided as part of the reserved matters. They also comment that Hedge 2 (western boundary) is an important, intact species-rich, and supports an ancient woodland indicator species (wood anemone). Hedge 8 (northern boundary) is intact species-rich. Both hedgerows have potential to be of district or county value and need to be assessed against the Local Wildlife Site criteria. The presence of, and impacts to, a LWS is a material consideration. SWT also advise that SUDS must be considered given the potential impact on Cecily Brook Local Nature Reserve given that surface water is likely to drain into a tributary of Cecily Brook.

7.38 With conditions in place therefore to secure amongst other matters a biodiversity net gain, a Landscape and Ecology Management plan there is compliance with Policy NE1 and the NPPF

Developer contributions

7.39 The NPPF confirms that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The applicant in this case has not submitted a viability assessment. He has however committed to the provision of affordable housing as noted above and to making a contribution towards off site playing field provision, education and highways to mitigate the impact of the development on local infrastructure as follows:-

Public open space

7.40 Policy C2 expects that residential developments of 10 dwellings or more will make provision or a contribution towards provision of open space, sports and recreation facilities where necessary. Within Phase 1 (land to the north) an on-site play area was secured together with areas of public open space along the Ashbourne Road frontage. The Service Development Officer therefore recommends that rather than seeking further provision on this adjoining site that a contribution should be sought from the applicant to mitigate the impact from the development on public open space so that this can be provided elsewhere but within a 2km radius of the development. The contribution is calculated using a formula and is based on the number of bedrooms. It would need to be secured via a Section 106 Agreement.

Education

7.41 Policy C1 expects all new development to either incorporate the infrastructure required as a result of the scheme or to make provision for financial contributions and/or land to secure such infrastructure or service provision at the time it is needed. In this case the Schools Organisation Team advise that whilst there is forecast to be sufficient secondary school places available, primary school places are projected to be full for the foreseeable

future and therefore SCC are requesting a contribution towards primary school provision. As a new school will be necessary to accommodate the level of development proposed in the area, this site will be required to contribute proportionally to the cost of providing the new school. SCC advise that the latest cost of a new 210 place primary school (1 form entry) would be in the region of £5.2 million (excluding acquisition of the necessary land). Based on 40 houses the proportional contribution towards a new primary school of this size would be £211,644. Given that the Education's response was now some time ago they have been contacted to provide update figures and these will be included in the update report for Members.

Highways

7.42 See above for discussion but contribution requested towards works identified in the Staffordshire Moorlands Transport Strategy

NHS

7.43 The views of the Local Integrated Care Board awaited and will be reported at the meeting

7.44 With a Section 106 agreement in place to secure these contributions there would be compliance with Policies C1 and C2 and the NPPF

Contamination and Land Stability

7.45 The application is accompanied by a provisional Ground condition desk top study by Myer Group which the Environmental Health Officer says was the same report submitted for SMD/2016/0083. However he accepts the report and advises that it is considered acceptable as a provisional risk assessment. He raises no objection subject to conditions to secure and agree further site investigations and a scheme of remediation to ensure no adverse impact on human health, controlled waters or the wider environment from the development

7.46 Whilst mainly focusing on contamination the Report does acknowledge the potential for shallow coal to have been worked beneath the site. The Coal Authority advise that their information suggests that shallow coal workings may be present beneath the entire application site and because of this they query the rationale for limiting site investigations to the eastern part only. They advise that further intrusive site investigations are required to properly assess ground conditions and to establish the exact situation regarding coal mining legacy which could pose a risk to the proposed development across the whole site before development commences. As such they also recommend conditions to secure the further site investigations necessary along with possible remedial measures in order to ensure the safety and stability of the proposed development.

7.47 With suitable conditions in place there would be compliance with relevant parts of Policy SD4 and the NPPF

Air quality

7.48 No Air Quality assessment has been submitted in support of this application. The application on the adjacent site required that an AQ assessment be undertaken as part of a condition and this was subsequently provided and agreed. The EHO advises that this report should be updated to reflect both the cumulative impact of both phases of development and up to date traffic figures. This can be secured by condition.

7.49 The EHO also advises that an additional mechanism by which the developer could help offset the AQ impacts of the development, in addition to the submitted Travel plan, would

be to install Electric Vehicle (EV) charging points at the properties. This would allow new residents to more easily switch to low emission vehicles and may also help improve the future air quality in Cheadle. This is now a mandatory requirement of the Building Regulations on new dwellings and also aligns with Policy T1 and the Staffordshire Local Transport plan.

7.50 With appropriate conditions in place therefore the impact on air quality can be made acceptable and comply with relevant parts of Policies T1 and SD4 and the NPPF

Residential amenity

7.51 The amenity of both existing and proposed occupiers is a material consideration which Policy DC1 seeks to protect.

7.52 As the EHO notes the proposed development is close to existing properties so care needs to be taken during the construction phase to ensure that activities do not cause unreasonably disruption to neighbour's enjoyment of their properties. A Construction Method Statement is therefore recommended.

7.53 As this is an outline application with all matters reserved it is not possible to assess compliance with the Council's space about dwelling standards but there is no reason to believe that these could not be achieved in any subsequent reserved matters application, noting comments however elsewhere in this report on shortcomings with the illustrative plan, dwelling mix and structural landscaping on the southern and western boundaries which would need to be addressed.

7.54 With conditions in place any potential impact on residential amenity can be made acceptable and ensure compliance with Policy DC1, SD4 and the NPPF

Dwelling mix

7.55 Although this is an outline application with no detail of the proposed houses provided, the Planning Statement refers to a mix of detached and semi-detached dwellings of 2, 3 and 4 bedroom and a strong lean towards 3 and 4 bedroom homes for the open market dwellings. This is at odds with the SHMAA which recommends the following split:-

60% 1 and 2 bedroom properties

40% 3 and 4 bedroom properties

Furthermore the census data (2011) for Cheadle SE ward shows that the current stock is only 40% 1 and 2 beds with 60% 3 beds and above. This site should therefore help to bring the housing stock close to the SMHAA

7.56 A condition to ensure the mix aligned with the SHMAA and the Nationally Described Space Standards (NDSS) would be necessary in the event of an approval in order to ensure compliance with Policy H1 The applicant has confirmed that this would be acceptable and was given the opportunity to advise if this affected viability.

Illustrative layout

7.57 Although matters of appearance and scale are reserved matters and not for consideration at this stage, it is noted that there is reference in the submitted documentation to some of the units being 2.5 storeys in height. This is not considered to be acceptable for this edge of settlement location and a condition to limit development to 2 storeys in height would be considered appropriate in the event of an approval

7.58 A suggested Layout is provided with the application. It is for illustrative purposes only and presumable was provided to demonstrate capacity. As noted above reference in the description of development to 'up to 40 dwellings' has been removed with the agreement of the applicant due to concern of Officers that this level of development was achievable. The Indicative layout is considered to be rather poor, dominated in part by roads, vehicles and hard surfacing and with a lack of space for meaningful landscaping and green space. Although development is shown to be outward facing and shows a potential strip of open space along the southern edge, this is too narrow and would not be sufficient to accommodate necessary substantial structural/screen planting here and along the western boundary to enhance and strengthen the settlement edge.

7.59 All matters are reserved for subsequent approval and therefore these issues would not be reasons to refuse the application at this stage. Nevertheless an informative is recommended to draw the applicants attention to these shortcomings so that they can be addressed in any future reserved matters application

Planning Balance and Conclusion

7.60 This application must be considered in accordance with the Development Plan unless material considerations indicate otherwise. The proposal is not in accordance with the Development Plan as noted above. There is conflict with spatial polices for housing development because the site is not an allocated site and lies in open countryside outside the settlement boundary (SS2, SS3, SS4, SS10 and H1). There is some conflict with Policy SD1 because the proposal does use, in part, higher quality agricultural land. There is also some conflict with Policy DC3 which seeks to protect and where possible enhance local landscape character. Although the proposal would not result in a prominent intrusion into the countryside, it would result in the permanent and fundamental change to the character of the site itself from pastoral agricultural land to a suburban housing estate and in this respect would further erode the landscape setting to Cheadle

7.61 The National Planning Policy Framework (NPPF) is a material consideration. It confirms at paragraph 47 the requirement for LPA's to maintain a 5 year rolling supply of housing

7.62 The most recently published 5-year Housing Land supply statement confirms that the District has a supply of 3.71 years on 1st April 2022.

7.64 Para 11 of the NPPF says that decisions should apply a presumption in favour of sustainable development. For decision taking it says that in circumstances, as in this case where the polices which are most important for determining the application are out of date (because the Council cannot demonstrate a 5 year supply) and there are no policies in the closed list in the footnotes to paragraph 11 in the Framework that provide a clear reason for refusing the development proposals, that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; the tilted balance as it is known.

7.67 The proposal would result in significant economic benefits which the Regeneration Officer has clarified above in terms of the creation directly of construction jobs and indirectly of jobs in shops and services, increased local spending power and generation of Council tax. The proposal would also result in a significant social benefit by providing much needed housing including affordable housing and self-build housing in circumstances of a housing under supply. There will be some environmental harm through the permanent loss of some higher quality agricultural land, however this affects only a relatively small area of land and

Policy SD1 is not a prohibitive policy but rather expresses a 'preference' in line with national policy. There is also some landscape harm resulting from the permanent loss of pastoral agricultural land and its replacement with a suburban housing estate. The impact on school, health and public open space infrastructure can be mitigated as described above. There are no technical issues (drainage, flood risk, ground conditions, access) that can't be addressed via conditions. These are not benefits of the scheme however but are neutral matters in the overall balance.

7.68 It is for all of these reasons above that the environmental harm is not considered to be so significant and demonstrable as to outweigh the benefits when assessed against the policies in the Framework taken as a whole.

A recommendation of approval is therefore made

8 RECOMMENDATION

A That planning permission be granted subject to the following conditions and the prior completion of a Section 106 Agreement to secure 33% of the units as affordable homes, self-build/custom build plots and financial contributions towards off site highway improvement works, public open space and education

1. The approval of the Local Planning Authority shall be obtained in writing with respect to the plans and particulars of the following reserved matters (hereinafter called "the reserved matters") before any development is commenced, Layout, Scale, Appearance, Landscaping and Access

Reason:- The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:- To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:- To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

4. The development hereby approved shall be carried out in accordance with the following drawings and documents

Location Plan 0180/002

Reason:- To define the permission and in the interests of proper planning

Travel plan/Access

5. No part of the development permitted by this consent shall be occupied until such time that a Travel Plan has been submitted to and approved in writing by the Local

Planning Authority. The Travel Plan shall set out proposals, including a timetable, to promote travel by sustainable modes. The approved Travel Plan shall subsequently be implemented in accordance with the timetable set out in the plan. Thereafter on the anniversary of the date of approval of the Travel plan, an Annual Performance Report (which shall include, as appropriate, the proposals and/or remedies required as set out in the Travel Plan) shall be submitted to the Local Planning Authority for its written approval. In the event that an Annual Performance Report is submitted which does not in the opinion of the Local Planning Authority achieve the objectives and/or targets of the Travel Plan and such opinion has been conveyed in writing, proposals and/or remedies in accordance with the Travel Plan shall be submitted to the Local Planning Authority for its approval in writing. This process shall be repeated as often as necessary until such revised proposals and/or remedies to the Travel Plan are approved in writing by the Local Planning Authority.

Reason:- To comply with NPPF paragraph 108; to comply with SMDC Local Plan Policy DC1 and T1; in the interests of highway safety and to encourage alternative means of transport and comply with Local Plan Policy T1

6. The development hereby permitted, including site clearance and site stripping shall not be commenced until a Construction Management Plan is submitted to and approved in writing by the Local Planning Authority detailing the management and routing of demolition/construction traffic, delivery times, internal compound arrangements and wheel washing facilities. The approved Traffic Management plan shall be implemented on the commencement of construction and thereafter be adhered to for the full period of construction.

Reason:- To comply with NPPF paragraph 108; to comply with SMDC Local Plan Policy DC1 and T1; in the interests of highway safety.

Ecology

7.The first reserved matters application shall be accompanied by a Landscape and Ecology Management Plan (LEMP) for the written approval of the Local planning Authority. This shall inform the application and be based on the BNG Calculation, Cheadle Phase 2 (rev2) (11/11/2021), Preliminary Ecological Appraisal August 2020 and Breeding Bird Survey September 2020 and shall include amongst other matters (this list is not exhaustive):-

- a) Further surveys for bats and amphibians,**
- b) Mitigation and enhancement measures for protected and priority species**
- c) A Local Wildlife Site assessment of the species-rich hedgerows to inform mitigation/ enhancement/ management.**
- d) Habitat creation and proposed new planting/landscape features on site including timescales for implementation and measures to secure its long term management**
- e) full details of the off site mitigation to be provided on land to the south east of the site as described in the BNG Calculation, Cheadle Phase 2 (rev2) (11/11/2021) together with a timescale for implementation of the works and measures to secure its long term management**

The development shall proceed strictly in accordance with the approved LEMP

Reason:- In the interests of protected species and biodiversity enhancement on site

Trees

8.The first reserved matters application shall be accompanied by an updated Arboricultural Survey Report (ASR) for the written approval of the Local Planning Authority which shall be based on the submitted ASR dated August 2020 but revised

to take account of the detailed layout. The development shall thereafter be carried out in accordance with the approved ASR

Reason:- To protect existing trees and hedgerows in the interests of the character and appearance of the area

Drainage

9. 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. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason:- 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.

10. The first reserved matters submission shall be accompanied by a detailed surface water drainage design for the written approval of the Local Planning Authority. It shall be designed in consultation with the Lead Local Flood Authority and shall finalise the detail of the Preliminary Drainage Strategy Plan (20111 / SK01 – B) submitted at outline planning stage and must further demonstrate:

a) Infiltration testing in accordance with BRE digest 365 shall be undertaken to fully demonstrate the viability/ non viability of using infiltration methods to provide full (or partial) discharges to ground via infiltration methods in line with Part H of the building regulations.

b) Full design detail and cross sections of the re-graded land drain and proposed swale to demonstrate capacity to convey flows of 6.3 l/s towards to the unnamed tributary of the Cecilly Brook as shown upon the Preliminary Drainage Strategy Plan (20111 / SK01 – B).

c) A plan showing the total impermeable areas of the post developed site. The modelled impermeable area of the site shall be increased by 8% to include an allowance for urban creep over the lifetime of the development.

d) Surface water drainage system(s) designed in accordance with the non-technical standards for sustainable drainage systems (DEFRA, March 2015).

e) All discharges from the site to be limited to a maximum rate of 6.3 l/s.

f) Provision of attenuation storage for all events up to and including the 100-year return period plus and allowance of 30% for climate change to achieve the restricted discharge rate as per the approved Preliminary Drainage Strategy Plan (20111 / SK01 – B).

g) SuDS design to provide sufficient water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria. Mitigation indices are to exceed pollution indices for all sources of runoff. All SuDS measures are to be demonstrated on the drainage plan.

h) Detailed design (plans, network details and full hydraulic calculations) in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements. The attenuation basin shall include an emergency bypass channel or emergency spillway feature to ensure an alternative route for surface water is available to the final outfall point if the inlet or outlet headwall becomes blocked.

i) Calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations (15 minutes to 48 hours), to include as a minimum the 1:2 year, 1:30 year and the 1:100-year plus climate change return periods.

j) Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.

Finished floor levels to be set 150mm higher than surrounding ground levels to mitigate the risk from exceedance flows.

K) Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development. To include the name and contact details of the body(-ies) responsible.

l) The drainage details should have regard to the Biodiversity Impact Assessment and calculation BNG Calculation Cheadle Phase 2 (rev 2) (11/11/2021)

The development shall thereafter proceed in accordance with the approved details.

Reason:- To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development and in the interests of biodiversity

11. A scheme to demonstrate satisfactory arrangements for the control of surface water are in place as part of any temporary works associated with the permanent development shall be submitted to approved in writing by the Local Planning Authority before any development commences on site including site clearance and site stripping

Reason:- To ensure that flood risk is not increased prior to the completion of the approved drainage strategy.

Construction & Demolition: Construction Method Statement

12. The development hereby permitted including site clearance and site stripping shall not take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement should include the following details:-

I. The hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;

II. The method and duration of any pile driving operations (expected starting date and completion date). Pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;

III. The arrangements for prior notification to the occupiers of potentially affected Properties by any pile driving operations

IV. A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.

V. Details of wheel washing facilities. All demolition/construction vehicles shall have their wheels cleaned before leaving the site;

VI. a scheme for recycling/disposal of waste resulting from the demolition/construction works;

VII. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;

The development shall thereafter be carried out in accordance with the approved Construction and Environmental Method Statement throughout the course of the development.

Reason: To protect the amenities of the area from dust and avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

Contamination

13. No development approved by this planning permission shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme must include:

I. A site investigations scheme, based on the information already provided to support a detailed assessment of risks to all receptors that may be affected, including those off site

II. The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and a remediation strategy giving full details of remediation objectives and remediation criteria

III. A validation plan providing details of the data that will be collected in order to demonstrate that the all works set out in (a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

Validation

14. Prior to bringing the development into first use, a validation report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved validation plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the validation plan, and for the reporting of this to 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.

Unexpected Contamination

15. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development shall not commence any further until an initial investigation and risk assessment has been completed in accordance with a scheme to be first agreed in writing by the Local Planning Authority, which shall assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not commence further until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been

prepared and shall be subject to the written approval of the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details. 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.

Coal mining

16. No development shall commence until the following has been submitted to and approved in writing by the Local Planning Authority

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

17. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason:- To ensure a safe and stable development

Importation of soil/ fill

18. No top soil / 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 validity evidence submitted to and approved in writing 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.

Air Quality

19. Prior to development, an updated detailed Air Quality (AQ) Assessment, incorporating Phase 1 and Phase 2 of the development, should be submitted and approved by the Local Planning Authority. The full scope of assessment should be agreed in writing with the local Planning authority and should be appropriate to both the location and scale of development and designed to quantify the impact of the proposed development upon the existing air quality within the local area. If the assessment indicates a potential breach in local AQ objectives as a result of the development, the development shall not precede until an air quality action plan, detailing possible mitigation measures that could be adopted in the future by the Local Planning and Highways Authority, to improve AQ in the area, has been submitted and approved by the local planning authority.

Reason: To ensure that the development does not cause breaches in local Air Quality Objective and help secure a long-term improvement in Cheadle AQ

Levels

20. The development hereby permitted shall not be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority

- a) existing and proposed levels across the site and relative to adjoining land,
- b) finished floor levels of the proposed buildings
- c) long and cross sections through the site

Development shall thereafter be undertaken in accordance with the approved details.

Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties.

Dwelling height

21. Notwithstanding reference in the Planning and Sustainability Statement and Design and Access Statement no dwellings shall be greater than 2 storey in height

Reason:- In the interests of the character and appearance of this edge of settlement site which adjoins open countryside

Dwelling mix

22. The mix of units at reserved matters shall reflect the Council's Strategic Housing Market Assessment and all units shall meet the Nationally described space standards

Reason: - To ensure an appropriate mix of units to reflect local need and comply with national standards for internal space within new dwellings

Structural/screen planting

23. The reserved matters application of 'Landscaping' shall provide for structural/screen planting along the southern and western boundaries of the site

Reason:- To protect and enhance the settlement edge in the interests of the character and appearance of the area

Informative

1. A sustainable development has been negotiated which complies with the provisions of the NPPF
2. This permission should be read in conjunction with the Section 106 Agreement dated TBC
3. This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.
4. The applicant's attention is drawn to the fact that the detailed layout to be submitted at reserved matters stage should benefit, amongst other matters, from the following:
 - the use of shared surface streets in accordance with the principles outlined in Manual for Streets.
 - good internal and external pedestrian connectivity.

- parking provision to comply with Local plan standards and be of sufficient geometry for example a width of 3.0m if hard up against a boundary to aid vehicle manoeuvring.
- swept path analysis to cater for a 12.0m long refuse vehicle.
- drainage to SUDS principles
- the attenuation/balancing pond should be integrated with the landscaping and houses using existing ditches and green areas to dissipate water, to increase resilience and reduce the size of the balancing features
- the Indicative layout is considered to be rather poor, dominated in part by roads, vehicles and hard surfacing and with generally a lack of space for meaningful landscaping and green space. Although development is shown to be outward facing and shows a potential strip of open space along the southern edge. This is too narrow and along this southern boundary and the western boundary structural/screen landscaping is necessary to mitigate impact and protect/enhance the settlement edge.

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.