

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**5<sup>th</sup> July 2018**

<b>Application No:</b>	SMD/2018/0045	
<b>Location</b>	Tearne Quarry Main Road Hollington	
<b>Proposal</b>	Demolition of existing offices and workshop buildings and redevelopment for nine dwellings	
<b>Applicant</b>	Mr R Oldham	
<b>Agent</b>	G J Perry Planning Consultant	
<b>Parish/ward</b>	Checkley	<b>Date registered</b> 20/2/18
<b>If you have a question about this report please contact:</b> Jane Curley tel: 01538 395400 ex 4124 Jane.curley@staffsmoorlands.gov.uk		

**REFERRAL**

The previous application was considered by the Planning Applications Committee

**1. SUMMARY OF RECOMMENDATION**

<b>REFUSE</b>
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**2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 This brownfield site is part of a larger site known as Tearne Quarry. There are two buildings, an office and workshop on the application site which are to be demolished. Directly to the north of the site is the Village Hall. To the south the site abuts the operational quarry which sits on significantly lower ground. To the west the site adjoins residential properties, Highlands and Weavers Down and to the east the site abuts open countryside. There are two access points onto Hollington Road. The applicant says that the application site is no longer required for the quarry operation which he says is now centered on a site on the edge of the village at Ground Hollow.

**3. DESCRIPTION OF THE PROPOSAL**

3.1 Nine dwellings are proposed consisting of 4 pairs of semi detached units and one detached as follows:-

- Plots 1-4 and 7/8 - 2 bedroom units
- Plots 5 and 6 - 3 bedroom units (bedroom three is in the roof space at second floor level)

- Plot 9 - 4 bedroom unit with double garage

3.2 Each plot is provided with car parking spaces for 2/3 vehicles. A new access to the quarry is shown to the west of the site, passing the side of Plot 1. It is approx. 3.5m in width. An acoustic bund is shown along the southern boundary of the site, where it abuts the quarry. It includes a 2m high acoustic fence on top of a 2m high bund. This is discussed in more detail below.

3.3 The application is accompanied by a Planning Design and Access Statement, Noise Assessment, Arboricultural Report and Bat survey. Members are advised to consider these documents ahead of the meeting

3.4 This application seeks to address the reasons for refusal in the previous application as follows:-

1. Conflict with the spatial strategy of the Core Strategy and poor accessibility Policies SS1 and H1
2. Insufficient information to demonstrate that the proposal would not constrain quarry operations (mineral safeguarding) or lead to loss of amenity for future residents as a result of noise/disturbance from quarry operations
3. Insufficient information to assess the impact on existing trees and hedgerows

#### **4. RELEVANT PLANNING HISTORY**

SMD/2016/0214 Proposed demolition of existing of existing offices and workshop buildings and redevelopment for 7 open market dwellings. Refused

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

5.1 The Development Plan comprises of:

- Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998).
- Core Strategy Development Plan Document (adopted March 2014)

##### Staffordshire Moorlands Local Plan (1998)

5.2 Development boundaries within the 1998 Adopted Local Plan are still in force until such time as they are reviewed and adopted through the site allocations process. Following consultation last year a Preferred Options Site Allocation DPD is currently out for consultation.

##### Adopted Staffordshire Moorlands Core Strategy DPD (26<sup>th</sup> March 2014)

5.3 The following Core Strategy policies are relevant to the application:-

- SS1 Development Principles

- SS1a Presumption in Favour of Sustainable Development
- SD1 Sustainable Use of Resources
- SD3 Carbon-saving Measures in Development
- SD4 Pollution and Flood Risk
- SS6C Rural area strategy
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- C1 Creating Sustainable Communities
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures

### National Planning Policy NPPF

### National Planning Policy Guidance

## **6. CONSULTATIONS CARRIED OUT**

6.1 A Site Notice has been displayed.

6.2 Three letters of support have been received raising the following main issues:-

- It will address affordable housing in Hollington
- It will rehabilitate a redundant site
- It will contribute to social and economic needs
- It will enhance the central area of the village
- It will solve the village hall parking problem

6.3 One letter received neither supporting nor objecting but requesting that drainage from the site is considered

6.4 A Letter of support from Hollington Residents Steering Group raising the following main issues:-

- support the use of this redundant industrial site rather than using greenfields for housing
- support the provision of affordable starter homes,
- the proposal will solve the Village Halls car parking problems,
- Hollington needs some development to prevent stagnation

### Checkley Parish Council- Support

Trees and Woodland Officer – amendments needed to the scheme to protect existing trees and hedgerows and provide sufficient space within the development for an appropriate landscaping scheme, particularly to the south where acoustic bunding is proposed to help assimilate the development into this rural location

Ecology Officer – No objection subject to conditions

Environmental Health Officer – No objection subject to removal of Unit 1 or provision of 3m acoustic fencing around this plot to and conditions

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

The proposal for development of 9 new homes at Tearne Quarry, Hollington 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 9 units this is calculated at £84,492 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 2 direct jobs and 1 indirect jobs.
- The development will also generate approximately £1,654 council tax for the area per annum

Local Highway Authority – No objection subject to conditions

Staffordshire CC Mineral Authority - No objection

Police Architectural Liaison Officer No objection

Local Lead Flood Authority No comments. Advise that the site is not affected by any flood zone or flow route.

Environment Agency Object due insufficient information to assess impact on controlled waters

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

### **Policy Context**

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

7.2 Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' in line with the National Planning Policy (herein referred to as the NPPF) where: (1) planning applications that accord with

policies within the Core Strategy will be approved without delay and (2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:-

- I. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or,
- II. Specific policies in within the NPPF indicate that development should be restricted.

## **Principle**

7.3 One of the reasons for refusal in the previous application related to conflict with the spatial strategy of the Core Strategy, primarily Policy SS6b. This is an existing employment site, a brownfield site (excluded from the restoration element of the quarry) and situated in the village of Hollington which is identified as a Small village in the Core Strategy. There is no settlement boundary around the village. In such locations and in line with the settlement hierarchy on which the spatial strategy of the Core Strategy is based, Policy SS6b seeks to restrict new housing development to that which meets a local need or enhances community vitality. This is because the smaller villages have a poor range of services and facilities; they are not sustainable locations. The proposal is for open market housing and as such would not meet a specific local need but there is an argument to say that it would help to sustain the few facilities which the village does possess. The supporting text to the Policy refers to the intention to define an Infill Development Boundary within which this limited housing development will be allowed. Clearly therefore some limited new development was envisaged in such villages. In the Submission Version of the Local Plan, the concept of development boundaries for the smaller villages has not been carried through. Rather than having a defined settlement boundary these smaller villages will be subject to an infill policy. Given however the early stage of this plan very limited weight can be attached to it at this stage. Policy H1 gives further policy advice on indicative thresholds for development on windfall sites within the infill boundaries of smaller villages; it refers to a maximum of 5 dwellings. There is, on the face of it conflict therefore with Policies SS6b and H1. Having said this, the Council can not currently demonstrate a 5 year supply of deliverable housing sites. The tilted balance of paragraph 14 therefore comes into play which says that in these circumstances planning permission should be granted unless any harmful impacts are significant and demonstrable and outweigh the benefits. This matter is returned to in the planning balance below.

7.4 Policy E2 seeks to protect suitable employment areas/premises. In this case the site is not considered to be well located to the main road or public transport network. No marketing information has been submitted with the application so it is difficult to conclude if the site would be viable in continued employment use. However the applicant says that the redevelopment of the site will not reduce the number of people employed in the quarry business as

they have been transferred to the applicant's sister quarry in the village which lies a short distance to the west. The supporting information also says that the application site (land and buildings) are no longer required for the quarry operation which is now focused at the sister site, Ground Hollow. It further says that the release of the application site will not affect the ability to gain stone from the quarry – see further noise discussion below. Advice in the NPPF (para51) is that LPA's should not resist the changes from commercial to residential where there is an identified need for additional housing in the area, provided that there are not strong economic reasons why such development would be inappropriate. There is of course a significant need for housing in the District and in the absence of any strong economic reasons why development would be inappropriate, the conclusion is that the loss of this employment site is justified and as such there is no conflict with Policy E2.

7.5 Having regard to the above, the conclusion is that there has been no material change in policy since the previous refusal and the emerging plan has not advanced sufficiently to be able to give it weight. The proposal for 9 dwellings would be in conflict with the Smaller Villages Area Strategy, Policies SS6b and H1 in the same way that the previous proposal for 7 dwellings was in conflict. There is an objection in principle as in the previous application. This reason for refusal remains. However it is however returned to in the planning balance below. Other main issues considered include affordable housing and developer contributions, highways, mineral safeguarding, accessibility, design, biodiversity, drainage and contamination. These are discussed under the various sub headings below.

### **Affordable housing and Developer Contributions**

7.6 The developer is not proposing any affordable housing and seeks to rely on the Ministerial Statement of 28<sup>th</sup> November 2014 (given legal effect by the Court of Appeal 13<sup>th</sup> May 2016) which states that contributions, including affordable housing, should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1000square metres (gross internal area). The applicant has provided a schedule which shows that the gross internal floorspace from the 9 dwellings is 925.79 sq m, therefore avoiding the need to provide any affordable housing or other contributions. In the event that planning permission is granted, a condition is advised to remove permitted development rights for extensions etc to keep the development within this threshold.

### **Highways**

7.7 Access is proposed via the existing main quarry access which is to be re formed. As it enters the site the access will be a joint access serving both the quarry and the houses. A new length of internal roadway to serve the quarry is proposed. It follows the western boundary. The impact of this on existing trees is considered elsewhere. The Local Highway Authority (LHA) has raised no objection to the application subject to conditions, one of which seeks a reduction in the width of the main access.

7.8 The plans show that the eastern most access is to be opened up and used as an ingress only route. Details as to how that is to be secured would need to be conditioned (internal signage etc.) Due to poor visibility here, exiting the site at this point would not be acceptable to the LHA. The internal road serving the dwellings has been reduced in width from previous schemes to the minimum necessary. Its surfacing is discussed elsewhere.

7.9 With the imposition of conditions, the access is considered to be acceptable and there is compliance with DC1 and T1 of the Core Strategy.

### **Mineral safeguarding, Residential amenity and Noise**

7.10 The lack of evidence provided to demonstrate that the proposal would not constrain quarrying operations and concern about the level of amenity future occupants would enjoy led to the second reason for refusal of SMD/2016/0214.

7.11 The Minerals Authority confirm that this site is part of a larger site which is subject to a mineral permission, SM 14/05/117 M which remains extant and is for the extraction and working of stone. Condition 2 of the permission refers to the use ceasing and restoration being completed by 21<sup>st</sup> February 2042. In other words it has many years left to run. Condition 6 allows for the production of stone at a rate of up to 20,000 tpa. Policy 3.2 of the Minerals Local Plan and advice in the NPPF (para 143 in particular) requires LPA's to protect Mineral Safeguarding Areas such as this, by not permitting other development proposals that might constrain potential future authorised quarry operations.

7.12 Two Noise Assessments are submitted with the application. Both come to the same conclusion that the matter of noise is not an insurmountable problem. However both recommend different attenuation schemes to protect rear outside living areas, one being for a 4m high acoustic bund/fence and one a 2m acoustic barrier. The Mineral Authority say that it is for the Councils Environmental Health Office to advise if this mitigation is sufficient such that no greater restriction is placed on future quarry operations permitted under the extant permission. They raise no objection to the application subject to the Council being satisfied therefore that the proposed noise barrier is an effective and acceptable mitigation measure and would ensure that no greater restriction is placed on existing quarry operations.

7.13 The EHO has considered the reports and raises no objection to the application subject to conditions. He advises that an acoustic barrier of 4 metres in height (bundling and/or fencing) should be constructed/erected along the rear boundary to protect the dwellings from adverse noise and in turn protect continuing quarry operations. He also recommends that a 3m acoustic fence be erected around the front/side of Plot 1 to protect the amenity of this property. Ideally he would like to see this plot removed altogether. This matter was put to the applicant. He agrees with Officers that a 3m acoustic fence around this dwelling would be incongruous and suggested a compromise scheme which incorporates a mixture of 1m and 2m acoustic fencing which he says will provide the added protection to Plot

1. However Officers view is that the matter of amenity should not be a compromise in this case. There is significant concern about the likely amenity that future occupiers of Plot 1 would enjoy. This plot is directly in line of sight of the access into the site and then has a proposed 3.5m approx access serving a quarry immediately adjacent to its side and rear garden boundary. Although the Agent persistently argues that the quarry is currently little used and says that it only operates 9.30am to 4pm that is the wrong base on which to assess because as advised above there is an extant permission on the site for the extraction and working of stone up to 2042. There has been no offer by the applicant to rescind this permission as far as the Council is aware or to vary any of the conditions.

7.14 There is also the issue of access to the quarry. The newly defined access to the quarry shown on the submitted plans is shown to be approx. 3.5m in width. There is concern that this is narrow for a commercial quarry operation. It would not allow two vehicles to pass thus potentially leading to manoeuvring of vehicles close to residential properties. The applicant was asked to clarify this width. He has responded, '*....the only vehicle capable of using the quarry is a tractor and trailer and this will not change*'. Not only was this not the experience of Officers on recent visit to the site, it also fails to take into account the point that the quarry has an extant permission and circumstances could indeed change. This is an important material consideration which must be given considerable weight. Officers are of the view that insufficient evidence has been provided to clearly demonstrate that a 3.5m access road, which would not allow 2 vehicles to pass, is appropriate and acceptable for the quarry operation and this also weighs against the application.

7.15 It is for all of the above reasons that the conclusion is that it has not been demonstrated that the proposed houses will not restrict quarry operations/mineral extraction. Nor is it considered that the amenity, particularly that of future occupants of Plot 1, can be satisfactorily protected. This reason for refusal has not been addressed. The application does not comply with Policy 3.2 of the Minerals Local Plan or Policies DC1, SD4 of the Core Strategy or the NPPF which seeks to limit pollution and protect residential amenity.

### **Accessibility**

7.16 Hollington is a small settlement. It contains a Church, Village hall and two public houses. There are no other local services or community facilities of note and there is very limited public transport provision. Whilst it is understood that basic provisions are available at one of the public houses, larger settlements would cater for the everyday needs of future occupiers of the development and these are some distance away and are reached via narrow country lanes. These lanes are unlit with no pavements and are unlikely to be attractive as walking or cycling routes. The majority of trips from the development would be car borne. As a result, the proposal would run counter to one of the Government's core planning principles which is to actively manage patterns of growth to make the fullest possible use of public

transport, walking and cycling (NPPF para 17). There would also be conflict with Policy T1 and SS1 which (amongst other things) expects new development to provide easy access to jobs, shops and transport services; reducing the reliance on the private car for travel journeys and to contribute towards a reduction in carbon emissions. Members also need to be aware of and give due weight to two recent appeal decisions in Hollington, one for 2 detached dwellings on land at The Star and one for three dwellings on Main Road, both relatively close to the application site. Although neither were brownfield sites, the Inspectors concluded very decisively that the appeal sites and Hollington generally was poorly accessible to services and facilities; it was not a sustainable location. This is a material consideration of significant weight in the determination of this application. For these reasons the proposal as in the previous application would conflict with Policy SS1 and T1. It is not an accessible location.

### **Design and Layout**

7.17 This small development has the potential to create a high quality rural development. Its success will very much depend upon the execution of the scheme encompassing good detailing and materials. The layout shows a linear development which is reflective of the pattern of development in Hollington. The Council's Space standards are met and the amenity of dwellings adjoining the site will not be compromised. Staffordshire Police have no objection to the scheme. They say that the outwards facing nature of the scheme provides good natural surveillance and should create the impression of a development under the ownership and control of the residents, thus discouraging negative interaction with it. The fact that the new houses will provide some overlooking of the village hall is an additional benefit in terms of crime prevention. They also welcome the provision of in-curtilage parking.

7.18 The overall design is generally traditional. Some amendments have been secured during the processing of the application including the removal of the parapets to reduce height and altered positioning and size of some of the windows. The application forms confirm that walls will be faced in natural stone under Staffordshire blue clay tiles roofs. Windows have vertical proportions and stone surrounds. This traditional approach and use of good quality natural materials is very appropriate here and raises no issues in itself. The application form proposes dark brown uPVC. Whilst it may be difficult to resist uPVC here if a good reveal is achieved, a white/cream window would possibly be more in keeping with the locality.

7.19 The height of the dwellings are on the high side at 8.5m with resultant wide gables of almost 10m. This is presumably to achieve the required accommodation including bedrooms in the roof space. Having regard to the mix of dwellings nearby and the fact that the side gables will not be prominent in any public view, are broken up with windows and provided high quality materials and detailing as discussed above are secured, no objection is raised to the scale of the dwellings

7.20 Boundary treatment will also be crucial to the success of the scheme. The plans show front shared boundaries to be 1m high timber feather edged fencing with 2m high fencing around the village hall. It is considered that not only should the plots be defined along the frontage as well as the shared stretch to provide appropriate enclosure and definition but that a better quality boundary treatment to the dwellings should be secured. A 2m high fence around the village hall would also be a most unfortunate response in this prominent part of the site. Notwithstanding the plans therefore a materials/boundary treatment condition is suggested to achieve an appropriate finish to the development. This is considered critical to the successful integration of the scheme.

7.21 The internal road and driveways are shown to be tarmac which is an unduly harsh material for this rural site. Again a more appropriate surfacing material should be sought, for example tegular block paving. This should also be conditioned in the event of an approval.

7.22 Subject therefore to the imposition of conditions as suggested above to mitigate harm and make the development acceptable in planning terms, the proposal is considered to comply with DC1 and the NPPF.

#### Trees/Landscape and Visual Impact

7.23 The third reason for refusal relating to the complete lack of information to assess the impact on existing and important landscape features. Although the current application is accompanied by a BS 5837 Arboricultural Report, the Trees and Woodland Officer points to several shortcomings with it including the fact that it appears not to have been used directly to inform/influence the proposed scheme. It is not acknowledged or transposed on the development layout. Notwithstanding the weaknesses, the information that is provided together with Officers site visits has enabled a reasonable assessment to be made. It is noted that the mature Sycamore trees near the eastern boundary which previously were of concern in relation to Plot 9 (formerly plot 11) have subsequently been removed (they were not protected) so this specific detail is no longer relevant.

7.24 The main central area of the application site is open with an absence of trees or tree constraint influences, and therefore the proposed dwellings themselves and their main front/rear outlooks would have no impact on trees nor would they lead to subsequent proximity problems with trees. The rear gardens are also of very generous length, and this would avoid any significant problems relating to shading or overbearing effect of retained trees or new planting beyond the southern edge of the application site.

7.25 Any alterations to the existing main site access at the western end of the road frontage would have no impact on trees. The secondary access at the eastern end of the frontage is lined by existing trees, but is shown retained in its existing narrow form to be used as an ingress only route and does not require significant alterations which would be likely to lead to harm to nearby trees.

7.26 In terms of Plot 9 concerns were brought to the applicant's attention about the impact of the private drive past the eastern elevation of Plot 9 which as originally submitted would have required the removal of the majority of the mature hedgerow, which would not have been acceptable. It was not clear either how the change in ground level would be dealt with or the eastern edge of the drive supported. The detached garage to Plot 9 was similarly considered too close to the boundary hedgerow. The applicant was invited to address these concerns. Whilst Revised plans have been submitted they are still not clear about how the slope/levels along the eastern boundary would be handled; the edge of Plot 9 drive still appears less than 2m from fenceline within the hedge at bottom of bank which the Trees and Woodland Officer advises would be insufficient to retain/avoid harm to the hedge which is an important landscape feature. Furthermore the detached garage to Plot 9 has been moved, but still only 2.5m from the fenceline/boundary at bottom of slope. The Trees and Woodland Officer advises that more clearance to the hedge should be sought

7.27 The Revised plans also seek to address concern that the previously indicated (but undetailed) quarry access road would be constructed at/near the site's western boundary where there is a significant group of trees including 2 mature Oak trees which the Arboricultural Report appropriately classes as retention categories A and B. This is one area where the Root Protection Area (RPA) constraints should have been taken into account, but evidently have not. The trees are situated on a bank up to the site boundary and construction of the quarry access road over this area would inevitably cause substantial damage to roots. The Revised plans have taken on board Officer advice. The road is suitably away from the mature trees. However if the access were to be widened from its currently shown width of 3.5m (see discussions on this elsewhere) then encroachment into this area is likely. This is unlikely to be acceptable.

7.28 The Trees and Woodland Officer advises that existing trees beyond but close to the southern boundaries of the proposed plots are mainly Willows (in fact Goat Willows rather than the Crack Willows stated in the Arboricultural Report data tables) and are generally over-mature and in poor/declining condition, having multiple stems with decaying bases and weak/failing basal unions. Whilst the proposed development would have little if any direct impact on these trees, their continued presence is unlikely to continue for long due to anticipated progressive decline and collapse. It may well be prudent to reduce or even pollard those closest to garden boundaries (if development proceeds) in the interests of safety. However as he says, their reduction or removal would further expose the development boundary and the development itself to views from open countryside to the south beyond the working quarry, albeit at some distance and seen in the wider context of fragmented linear development of Hollington. The proposed 4m high combined bund and sound attenuation fence would be a visually hard and abrupt boundary between residential development and open countryside (with the worked quarry ultimately to be restored). The applicant was asked to consider and address this. Revised plans show the bund with a single line of indicative tree planting

on the inside of the fence s(see drawing A2561-002J). The bund as shown would have 1 in 1 slopes which as the Trees and Woodland Officers says seems unrealistic in terms of stability and with the flat top to accommodate an acoustic fence would lead to even steeper slopes. Furthermore he advises that 2m is required outside of the bund to establish a scrubby/hedge type screening incorporating some trees which he says could easily achieve 4m in height in a few years to screen/soften the fence and bund combination. As proposed however there is no 2m clearance available. The proposal is far from acceptable as it is. Not only are there concerns as to whether the bund as shown is actually achievable in engineering terms but insufficient space is shown to accommodate the substantial supplementary planting which is necessary to make this aspect of the development acceptable. One possible solution would be to move the bunding northwards and increase its width to achieve gentler slopes with required space either side. However this then potentially impacts on the outlook from the rear of the proposed dwellings. A fence/bund combination of at least 4m in height could appear unduly dominant particularly in the plots with shorter length gardens.

7.29 As noted above the site does benefit from some good mature boundary screening and it is important that this is retained and reinforced to successfully assimilate the development into the landscape, particularly to the key southern and eastern boundaries as described above. Whilst the information provided with this application and the scheme overall is improved in terms of trees/landscape impact, for the reasons outlined above it is still not acceptable. The advice offered has been partially acknowledged. The conclusion therefore is that this reason for refusal has not been fully addressed and there is conflict with Policy DC3 and the NPPF.

### **Economic benefits**

7.30\_The Regeneration Officer has considered the application and advises that it 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 9 units this is calculated at £84,492 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 2 direct jobs and 1 indirect jobs.
- The development will also generate approximately £1,654 council tax for the area per annum

### **Biodiversity**

7.31 A Bat survey and report (Wardell Armstrong Ltd May 2015) accompanied the application and further Activity surveys dated May 2018 were requested

and received during the processing of the application. These reports indicate that the main areas of ecological interest are the potential presence of badgers and the presence of Japanese knotweed. The further bat surveys confirm that a bat roost is unlikely to be present on site. The Ecology Officer has considered the Reports and surveys and raises no objection to the application subject to conditions to protect bats if found and badgers, to contain, control and remove Japanese knotweed on site and to secure biodiversity enhancements within the development.

7.32 Subject therefore to conditions to mitigate any potential impact and ensure no net loss of biodiversity there is compliance with Policy NE1 and the NPPF.

### **Drainage**

7.33 The application forms indicate that foul waters will be directed to the main sewer and that surface water will be drained by a sustainable drainage system.

### **Contamination**

7.34 The Environment Agency (EA) has submitted a late objection to the application on the grounds that insufficient information is provided to demonstrate that the risk of pollution to controlled waters is acceptable. They advise that the site is located on Bromsgrove Sandstone which is designated as a Principal Aquifer and may support water supply and/or river base flow on a strategic scale. They say that the site also sits within a Source Protection Zone 3 of a groundwater abstraction borehole. The applicant is seeking to address this and Members will be updated at the meeting but in the meantime the EA's objection has to be given due weight. The EA advice is that the applicant should provide information to satisfactorily demonstrate to the LPA that the risk to 'Controlled Waters' has been fully understood and can be addressed through appropriate measures. This information should include a preliminary risk assessment. Without this there is conflict with Policy SD4 and the NPPF.

7.35 From the perspective of human health as opposed to controlled waters, it is considered unlikely that the level of any potential contamination would be so significant such as to compromise the viability of the development, and because of this the Environmental Health Officer advises that a contamination risk assessment should be undertaken prior to development to ensure any potential risks are correctly mitigated and that this can reasonably be conditioned.

### **Donation of land to the village hall**

7.36 The village hall and land surrounding it was initially included within the application site. This has subsequently been removed. Reference to the land adjacent to the village hall being donated to the Parish Council is included in the Design and Access Statement. The advice to Members is that this is not

relevant to the determination of this application and no weight should be attached to it in the decision making process. Not only are there no firm plans for the land transfer as confirmed by the application, it is not necessary to make the proposed development acceptable in planning terms nor is it directly related to the development. It would not meet the statutory tests set out in the CIL Regulations 2010.

### **Roman Road**

7.37 A Roman road is said to pass through the quarry. The application refers to this and says that the proposed buildings '...will be a minimum of 10m from the perceived line of the Roman Road'. The County Archaeologist's comments are awaited.

### **Planning balance**

7.38 The Framework sets out a presumption in favour of sustainable development. Paragraphs 18 to 219 taken as a whole constitute what this means in practice. In addition, paragraph 7 identifies three dimensions to sustainable development i.e. economic, social and environmental. The Framework makes it clear that these roles should not be undertaken in isolation.

7.39 As set out above there is conflict with a number of Development Plan policies; the proposal does not accord with the Development Plan. However given that this Council can not demonstrate a 5 year deliverable supply of housing land, in accordance with paragraph 49 of the NPPF policies in the Core Strategy relating to the supply of housing are out of date. Paragraph 14 is therefore triggered in this case. Paragraph 14 says that planning permission should in these circumstances 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.

7.40 The proposed development would provide some short-term economic benefits, principally through the construction of the dwellings to which moderate weight is attached. There would be social benefits arising from the provision of 9 houses in circumstances where there is a substantial shortfall in the District, to which significant weight is attached. Weighing against the proposal is the conflict with the spatial strategy and linked to this the sites poor accessibility to services and facilities thus conflict with Policies SS1, SS6b, H1 and the NPPF. Insufficient information has been submitted to clearly demonstrate that housing on this site would not compromise the extant quarry permission and therefore not protect this designated Mineral Safeguarding Area or lead to a very poor level of amenity for future residents as a result of quarrying particularly to plot 1 contrary to Policies DC1, SD4 and Minerals Policy 3.2 This represents both environmental and economic harm. There are also outstanding concerns in terms of the retention of existing and important landscape features and provision of sufficient new landscaping within the scheme which are key to the successful integration of the

development into this rural landscape and compliance with Policy DC3 and the NPPF. Finally there is an outstanding objection from the Environment Agency owing to the lack of assessment of potential pollution of controlled waters to demonstrate that the risk of pollution to controlled waters is acceptable.

7.41. The judgement is that these adverse impacts taken together are significant and demonstrable and outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. A recommendation of refusal is therefore made.

## **8. RECOMMENDATION**

### **A. REFUSE for the following reasons**

- 1. Hollington is identified as a Small village in the adopted Staffordshire Moorlands Core Strategy DPD. There is no settlement boundary around the village. In such locations Policy SS6b of the Core Strategy seeks to restrict new housing development to that which meets a local need or enhances community vitality. This is because of the poor range of services and facilities. Hollington contains a Church, Village hall and two public houses. There are no other local services or community facilities of note and there is very limited public transport provision. The supporting text to the Policy says that in order to guide development an Infill Development Boundary will be defined within which appropriate development will be allowed. Although an Infill boundary has yet to be defined, Policy H1 gives further policy advice on indicative thresholds for development on windfall sites within the infill boundaries of smaller villages; it refers to a maximum of 5 dwellings. Furthermore Policy SS1 (amongst other things) expects new development to provide easy access to jobs, shops and transport services and to contribute towards a reduction in carbon emissions. The majority of trips from the development would be car borne. As a result, the proposal would conflict with the Policy SS6b which forms part of the spatial strategy for the District and which underpins the Core Strategy and conflict with Policy SS1 and one of the Government's core planning principles which is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling (NPPF para 17).**
  
- 2. It has not been demonstrated that the proposal would not constrain any future quarrying under the extant permission or lead to loss of amenity for future occupants of the proposed dwellings and in particular plot 1. As such there is conflict with Policy 3.2 of the Minerals Local Plan, Policies DC1 and SD4 and advice in the NPPF which seeks to protect Mineral Safeguarding Areas and the amenity of future occupiers of buildings.**

- 3. It has not been demonstrated that the risk of pollution to controlled waters is understood or acceptable. As such the proposal is contrary to Policy SD4 of the Core Strategy and the NPPF.**
  - 4. Insufficient information has been submitted to demonstrate that the proposal would have an acceptable impact on and relationship with existing trees and hedgerows. As such the layout fails to respond to existing landscape features, the setting of the settlement and the character and appearance of the area. As such there is conflict with Policy DC3 and the NPPF and the proposal is considered to be environmentally unsustainable.**
  - 5. Whilst it is acknowledged that the Council cannot demonstrate a 5 year supply of housing, in accordance with paragraph 14 of the National Planning Policy Framework, it is concluded that the adverse impacts of granting planning permission in this case would significantly and demonstrably outweigh the benefit that the provision of 9 dwellings would bring when assessed against the policies in the Framework taken as a whole.**
- B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Operations Manager - Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

### **Informatives**

**1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Despite advice it has not been possible to negotiate a solution to overcome the environmental, social and economic harm identified above.**



1990