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SPECIALIST PLANNING & DEVELOPMENT CONSULTANTS

Former Knypersely Garden Centre, Biddulph

**Staffordshire Moorlands Local Plan
Examination - Response to the
Inspector's Matters, Issues
and Questions**

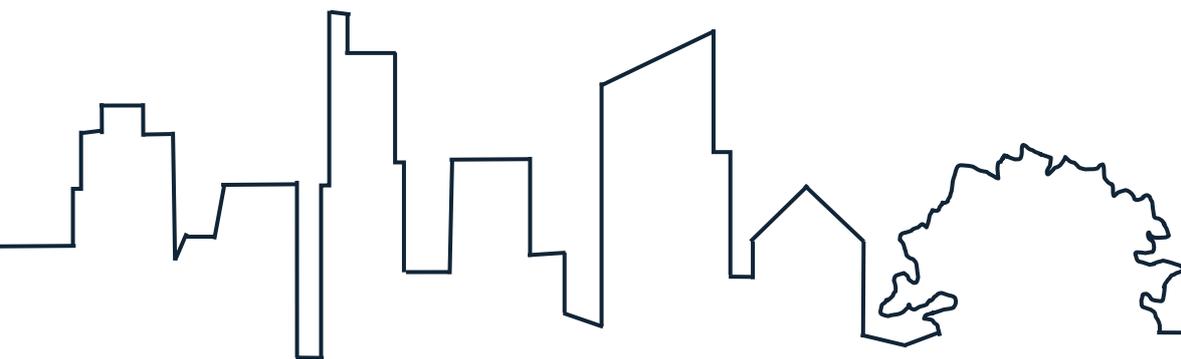
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I INTRODUCTION

- I.1 Walsingham Planning are appointed to act on behalf of Mr Weaver the owner of the former Knypersely Garden Centre, Biddulph. Appendix I contains a plan identifying the site.
- I.2 By way of context, Walsingham Planning submitted representations to the Council in respect of the Staffordshire Moorlands Submission Version Local Plan (February 2018 – representations submitted 10 April 2018) (Appendix 2).
- I.3 Representations were also made directly by Mr Weaver himself to the Staffordshire Moorlands Preferred Options Local Plan (September 2017) (Appendix 3); the Preferred Options Sites and Boundaries Local Plan (June 2016) (Appendix 4) and the Options Local Plan (Appendix 5).
- I.4 This Statement outlines our response to the Inspector’s Matters, Issues and Questions. It should be read in conjunction with the representations referred to above, made in respect of the aforementioned site.

2 Matter 2 - Strategy and Strategic Policies

The Spatial Distribution of Development

Is the level of growth at Biddulph reflective of its role as one of the main towns in the District?

- 2.1 It is our view that the level of housing growth proposed in Biddulph is not reflective of its role as one of the main towns in the District and that growth should be more comparable with that envisaged for Leek and Cheadle.
- 2.2 The Council's approach to identifying sites to deliver new housing in Biddulph is flawed and unsound. From publication of the Preferred Options version of the Plan the Council have become entirely focused upon housing growth in Biddulph being accommodated predominantly upon one single strategic site at Wharf Road, supplemented by only three other much smaller sites. Indeed, the Council envisage that 66% of all housing growth in Biddulph and 21% of total housing growth from allocated sites across the District will come from this one strategic site.
- 2.3 The effect of this approach has been that the Council have (1) become blinkered to the opportunities that may exist elsewhere on small sites including those on the edge of the urban area which could contribute positively to housing growth in Biddulph and (2) they have unwittingly failed to properly and robustly consider and take account of new information that has come to light as part of further work to support the Plan's evidence base, which shows that there are other sites that could deliver additional housing to Biddulph. The result is that there are small sites like the Knypersely Garden Centre site that could be allocated for housing that have been ignored and disregarded and their housing potential wasted.
- 2.4 Looking specifically at the Knypersely Garden Centre site, in both the Option and Preferred Options Sites and Boundaries version of the Local Plan, it was proposed that the site be allocated for housing (30 dwellings). However, in the Preferred Options Version Local Plan the proposed allocation was deleted. This is on the basis that the redevelopment of the site would be likely to cause substantial adverse effects to the setting of adjacent listed buildings, which would impact on its overall significance.
- 2.5 Walsingham Planning disagreed with this conclusion, having regard to the contents of a Heritage Impact Assessment prepared in respect of the site by the landowner. Representations were made to the Submission Version of the Local Plan seeking reinstatement of the allocation. Indeed, it should be noted that the only reason the proposed allocation was deleted from the Plan was due to the perceived negative impact redevelopment of the site for housing will have on character and setting of adjacent listed buildings.
- 2.6 In response to Walsingham Planning's representations, the Council commissioned consultants Wardell Armstrong to undertake a detailed site visit and assessment of the suitability of the site for housing taking account of adjacent heritage assets. Wardell Armstrong conclude that

“on consideration of the enhanced mitigation measures put forward by Richard K Morris and Associates (2017), conclusions could be drawn that this harm could be reduced to a lower degree in the range of less than substantial harm, if the number of dwellings were significantly reduced”. Attention is drawn to Section 2 of the ‘Landscape, Local Green Space and Heritage Impact Study: Review of Representations’ Report contained at Appendix 6 for the full assessment.

- 2.7 To conclude, we consider that the Local Plan should be planning for a greater level of housing growth in Biddulph given its status in the settlement hierarchy as a town and main settlement. What is more, we are of the view that realistic opportunities exist to achieve a higher level of housing growth and that there are other suitable, available and viable sites in Biddulph that could be allocated for housing, particularly small sites such as the Knypersely Garden Centre site.
- 2.8 Simply disregarding these smaller sites because they are subject to constraints and will not deliver large number of units, and taking the easy option of allocating a single very large strategic site to meet the majority of the town’s housing requirement, does not in our view represent good strategic planning and grossly underestimates Biddulph’s housing growth potential.

3 Matter 8 Allocations Biddulph

Identification of sites

Is the approach in the Strategic Housing Land Availability Assessment to assessing and screening sites in Biddulph robust?

- 3.1 The approach to assessing and screening sites in the SHLAA is not in our view robust. There are a number of reasons for this, which are considered below:
 - (a) Detailed review of sites in the Green Belt
- 3.2 SHLAA sites that are in the Green Belt have not been subject to detailed site-specific assessment to determine whether exceptional circumstances exist which justify them being removed from the Green Belt.
- 3.3 Whilst a Green Belt Review has been carried out to inform changes to the Green Belt boundary in order to achieve the Local Plan housing requirement, the review only examined large parcels of land of a significant / strategic scale. Incorrectly in our view, following the review of large/ strategic sized parcels of land, the review did not then go on to assess various smaller parcels of land on the edge of the urban area and specifically, sites submitted through the SHLAA and Local Plan process. In particular, no detailed assessment was undertaken of those sites that fell within a larger parcel of land which was identified in the Green Belt Review as functioning poorly in terms of the five purposes of including land in the Green Belt and which was identified for potential release.
- 3.4 The result is that there are parcels of land, such as the Knypersely Garden Centre site, which currently fall within the Green Belt and which have the potential to contribute positively to the District's housing requirement, but which have not been subject to a detailed review to establish whether exceptional circumstances exist to justify removing them from the Green Belt. In not undertaking this important exercise, sites that could make a positive contribution to delivering housing growth (either as an allocation or windfall) are being retained in the Green Belt and thereby sterilized and prevented from contributing to housing supply.
- 3.5 In the Green Belt Review, the former Knypersely Garden Centre site falls within land parcel N17. The review states that this strategic parcel of land makes a 'limited contribution' in terms of three of the purposes of including land in the Green Belt (safeguarding the countryside from encroachment, preserving the setting and special character of historic towns and assisting urban regeneration). With regard to the two other purposes (checking the unrestricted sprawl of the urban area and preventing neighboring towns from merging), it makes only a 'contribution' (See extract Appendix 7). It is on this basis, that the review concludes that the land has potential for release without significant damage to the function of the Green Belt.

- 3.6 Had a detailed site-specific assessment of the contribution that the former Knypersely Garden Centre makes to the Green Belt been carried out as part of the SHLAA assessment and screening of sites, it is our view that the conclusion that would have been reached is that the land should be removed from the Green Belt. This is on the basis that the land makes a very limited, if any contribution, to any of the five purposes of including land in the Green Belt. As detailed in representations to the Local Plan, this is due to the location of the site on the edge of the built-up area of Biddulph; its context and the fact it is contained by built development; the historic use of the site as a Garden Centre and its strong and clearly defined boundaries.
- 3.7 Paragraph 136 of the NPPF states that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of Plans. The fact that a parcel of land makes little, and arguably no contribution, to the five purposes of including land in the Green Belt is in itself an exceptional circumstance that justifies land being released from the Green Belt. It is on this basis that we consider that land comprising Knypersely Garden Centre should be removed from the Green Belt as part of the new Plan.
- 3.8 Aside from this fact, it is important to note that at Table 5.1 of the Green Belt Review the site (Ref. BD69- land off Orme Road) is identified, alongside a number of other sites, as suitable for release from the Green Belt on grounds that their release would not damage the purposes of including the land in the Green Belt.
- 3.9 Notwithstanding the comments above, we are of the view that there are two other exceptional circumstances that apply in the case of the Knypersely Garden Centre site, which justify the land being removed from the Green Belt as part of a review of the Local Plan:

(a) Without redevelopment and the site being put back to an active use, which is currently being severely restricted and hampered by virtue of the site falling within the Green Belt, the land will unquestionably fall into further decline and disrepair. The site currently has a detrimental / negative impact on the the character and setting of adjacent listed buildings and as the site falls further into decline the impact is only likely to worsening further with time. The character and setting of non-designated heritage assets on the site are also being adversely affected and will also continue to deteriorate.

Redevelopment of the site would however offer a means by which the impact of the site on the character and setting of adjacent listed buildings and non-designated assets could be significantly improved. It would also offer a means by which the character and setting of non-designated heritage assets on the site could also be protected. It is our view therefore that this amount to further exceptional circumstances which justify the land being removed from the Green Belt.

(b) With careful consideration and a sensitive design, the site offers an opportunity to contribute to housing growth in Biddulph. We are of the view that the Plan proposes insufficient housing growth in Biddulph and that overreliance is placed on a single large strategic site to meet the town's housing need. Allocation of the Knypersely Garden Centre

site would assist in ensuring that the Plan makes provision for a range of housing sites of varying sizes in order to ensure housing need for the Plan period is met.

- 3.10 Having regard to the conclusions of the Council's Green Belt Review and the information set out above, together with representations made by both Walsingham Planning and the site owner Mr Weaver to the Local Plan, we respectfully request that it is recommended that the former Knypersely Garden Centre site be removed from the Green Belt and amendments as necessary be made to the Local Plan Proposals Map.

(b) Conclusions for SHLAA not revisited in light of new evidence

- 3.11 As has been set out in the previous section of this Statement, it is our view that the Council have failed to properly reconsider SHLAA sites in light of new evidence that has come to light through the process. This has resulted in an overreliance on a single strategic site to meet the Local Plan housing requirement for Biddulph.
- 3.12 The former Knypersely Garden Centre site, was allocated for housing in both the Options and Preferred Options Sites and Boundaries version of the Local Plan, but was deleted at the Preferred Options stage. It is relevant that the only reason the proposed allocation was removed was due to concerns about the impact redevelopment of the site for housing would have on adjacent heritage assets.
- 3.13 The site has however since been subject to a detailed assessment by consultant's Wardell Armstrong who have concluded that it is entirely possible to redevelopment the site for housing with appropriate mitigation in a manner which would result in development having less than substantial harm to the character and setting of the adjacent listed buildings and non-designated heritage assets on the site.
- 3.14 With this in mind, and in order to ensure the Plan makes provision for a range of housing sites of varying scales, we are of the view that the site's allocation for housing should have been reintroduced in the Submission Version of the Local Plan.

Do the Green Belt assessments support the allocations in Biddulph?

- 3.15 Not all the proposed allocations in Biddulph are supported by the Green Belt Review. The Plan currently proposes that land to the west of Wharf Road (BDNEW) be removed from the Green Belt and allocated for housing. Having regard to the Green Belt Review (land parcels N9 and N10), it is clear that this area of Green Belt is much more important than a number of other areas of Green Belt where proposed housing allocations have been rejected/ deleted.
- 3.16 Parcels N9 and N10 makes a 'contribution' to four of the five purposes of including land within the Green Belt and a 'limited contribution' to only one of the five purposes (Appendix 8).
- 3.17 By comparison, land parcel N17, which contains two housing allocations which have not be carried through to the Submission version of the Local Plan, (including the Knypersely Garden Centre site), makes a 'contribution' to only two of the five purposes of including land in the

Green Belt and a 'limited contribution' to three of the five purposes (See extract Appendix 7).

- 3.18 Similarly, in the Site Options version of the Plan, housing allocations were proposed to the northeast of Biddulph in land parcel N11. The Green Belt Review assesses this area of the Green Belt around Biddulph as making a 'limited contribution' to two of the five purposes of including land in the Green Belt and a 'contribution' to three of the five purposes (see extract Appendix 9).
- 3.19 Having regard to this information, it is our view that housing allocation BDNEW should be revisited, particularly as there are other parcels of land around Biddulph, such as the Knypersely Garden Centre site, which whilst currently in the Green Belt, make only a limited contribution to the five purposes of including land in the Green Belt and thus would be more appropriately removed from the Green Belt and developed for housing.

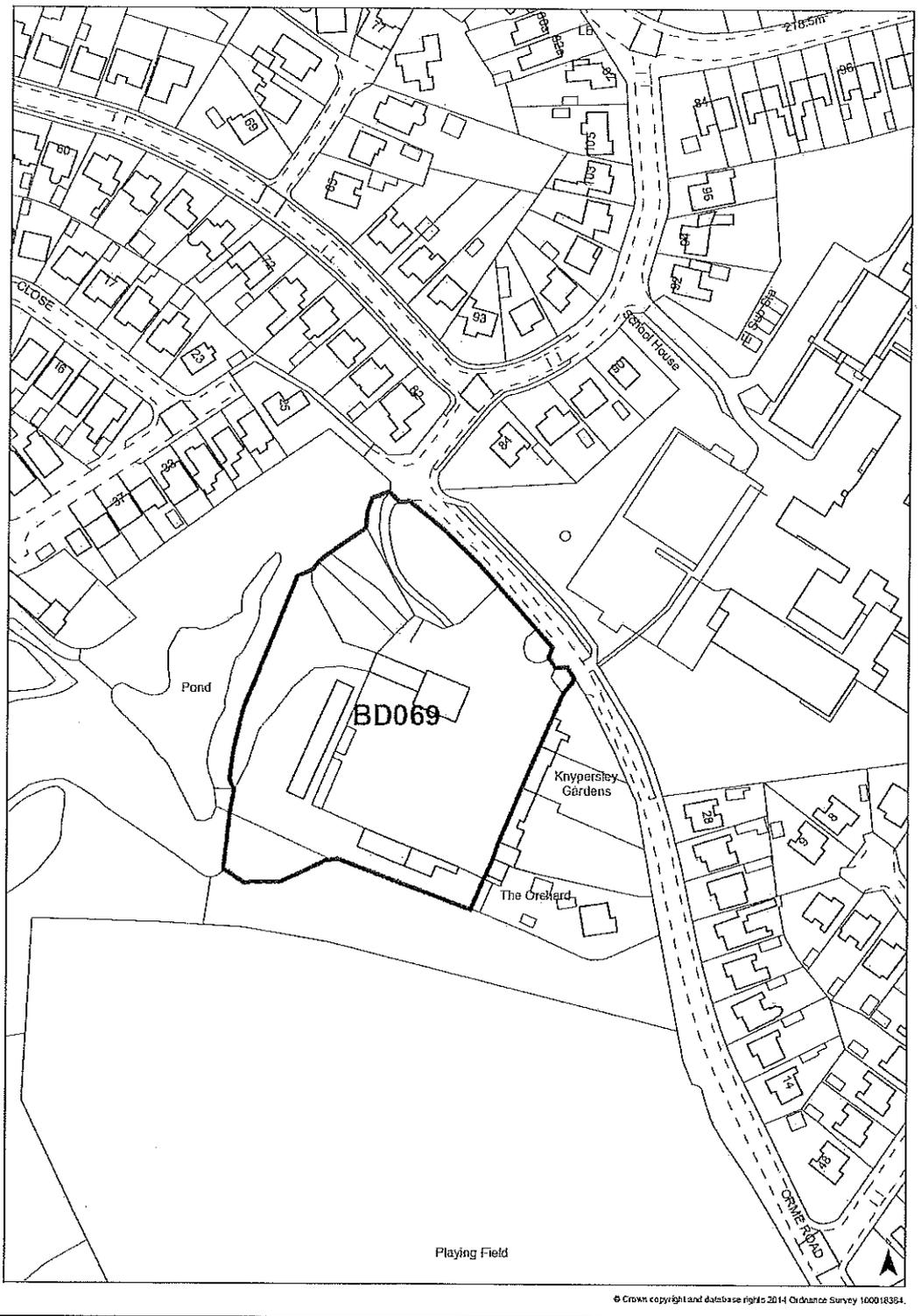
Does the LP provide for a range of sites of different sizes in Biddulph?

- 3.20 The Plan does not provide for a range of sites of different sizes in Biddulph and there is an over reliance upon one large strategic site which it is intended will provide 81% of housing from allocations in Biddulph and 63% of the total housing requirement for the town. We consider this approach to be unsound particularly, as the strategic site is subject to significant constraints and is technically challenging. There is therefore a high risk that the site will not come forward within the Plan period or that it will deliver significantly less units than is intended.
- 3.21 Notwithstanding this fact, it is good practice to plan for a range of different sizes of housing sites. This is confirmed by paragraph 67 of the NPPF which requires planning policies to identify a sufficient supply and mix of sites. Further advice and clarification are provided at paragraph 68 of the NPPF which requires that Plans should identify land to accommodate at least 10% of the housing requirement on sites not larger than one hectare.
- 3.22 The Knypersely Garden Centre site is 1 hectare in size. Allocation of the site for housing, alongside a selection of other smaller sites, would thus ensure the NPPF requirement set out above is complied with.

APPENDIX I

Biddulph

BD069 Former nursery adjoining Knypersley Hall



APPENDIX 2

Our Ref: HB/KN2012/18

10 April 2018

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Dear Sir / Madam

**Staffordshire Moorlands Local Plan – Submission Version February 2018
Representations On behalf of Mr N weaver, Mrs B D Eastwood, Mr R Weaver and Mr P
Weaver**

Land at Former Knypersley Garden Centre – Site Reference BD069

We are instructed by the owners of the former Knypersley Garden Centre to make representations on their behalf in respect of the site. These representations should be read in conjunction with representations made to earlier versions of the Plan which were made directly by my clients.

Introduction

The Staffordshire Moorlands Core Strategy was adopted in March 2014. The Core Strategy identified housing requirements of 300 homes per year over the period 2011 to 2026. The Core Strategy also established the appropriate distribution of development across the District, with particular emphasis on delivery in the Market Towns of Leek, Biddulph and Cheadle.

At the time of the Council being directed to move towards the single Local Plan covering a longer time-period, the former Knypersley Garden Centre site was being proposed by the Site Allocations DPD as a Preferred Option Site for release from the Green Belt and housing allocation.

The proposed Staffordshire Moorlands Local Plan is now at Submission stage, with Examination proposed for September of this year.

Having reviewed the Submission document, both in itself and in the context of our previous representations to the emerging Plan, we seek to make further representations; principally in regard to the proposed housing strategy suggested and regarding the former Knypersley Garden Centre. It remains our firm and considered view that the site should beneficially be removed from its Green Belt designation and be allocated for housing to assist the Council meeting its housing targets. The following representations further explain our position.



Housing Delivery

Paragraph 47 of the NPPF is categorical in stating that housing supply should be boosted significantly. To achieve this, Local Planning Authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in their Housing Market Area as far as is consistent with the policy set out in the NPPF, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.

The NPPF also requires plans to be positively prepared and include sufficient flexibility.

The adopted Core Strategy was based on a Strategic Housing Market Assessment (SHMA) prepared in 2014. This was updated in 2017 to reflect the updated 2014 household projections and new employment projections.

The 2017 SHMA update concluded that the housing needs of the District lie within the range of 235 – 330 additional homes per year up to 2031. Paragraph 720 of the Submission Draft Local Plan confirms that the top of the range of housing projection relates to the level of housing growth required to support potential employment growth, whilst the bottom reflects household projections.

The lesser figure would lead to a decline in the number of jobs in the District due to a decline in the working age population. The submission Local Plan confirms that the Council is proposing to adopt a housing requirement of 320 dwellings per year (6080 dwellings in total) for the period 2012 – 2031, this is 10 dwellings per year less than the upper figure identified in the SHMA update of 2017.

Within the Submission Draft Local Plan, the Council suggest that the proposed housing target is 'aspirational but realistic' as required by the NPPF, however, it is not clear why the Council is proposing to adopt a housing requirement which is below the upper figure identified within the SHMA, particularly when the Council's historic under delivery of housing allocations and permissions is taken into account.

Accordingly, we maintain concerns as to whether the housing requirements and draft Policy SS3 can be considered to be positively prepared (i.e. based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including un-met requirements from neighbouring authorities).

We are also concerned with whether the Local Plan will be effective and deliver the level of housing required in the Housing Market Area and if the housing requirement is justified (i.e. the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence).

To summarise, we remain concerned that the housing requirement identified fails to satisfy the tests of soundness in the NPPF and the Duty to Cooperate, established by the Localism Act of 2011. As a minimum, the Local Plan should adopt the upper figure of 330 dwellings per year over the plan period which is identified in the latest SHMA. Appropriate consideration should also be given to whether the Plan appropriately takes into account the housing requirements of the adjacent authorities.



Proposed Housing Supply

In order to provide flexibility, plans should identify sufficient deliverable and developable sites to ensure the fully objectively assessed housing needs are met within the current plan period in the event that sites are delayed or are not delivered as expected.

Draft Policy SS4 states that the housing requirement identified in the Local Plan will be met from completions since 2012, current commitments, site allocations and a windfall allowance.

It also confirms that the Peak District National Park Authority has agreed to provide a hundred dwellings towards the needs of Staffordshire Moorlands. The Council, therefore, identify a net housing requirement of 3859 dwellings, once completions (2012 – 2017) commitments and an allowance for 100 dwellings in the Peak District National Park are taken into account.

Against this requirement, the Council proposes, via the Submission Plan, to allocate sites to deliver a total of 2847 dwellings, with a total windfall allowance of 1070 dwellings during the plan period. The windfall allowance will make up approximately 27% (i.e. a significant proportion) of the total proposed housing supply. In total, this would equate to a supply of 3917 dwellings. Therefore, the strategy advocated in Policy SS4 would result in the delivery of only 58 dwellings more than the identified minimum requirement for the planned period (if all of the proposed allocations and windfall sites were to come forward). This would equate to an extremely small buffer of just 1.5%.

The Core Strategy identified a slippage allowance of 10% of the housing requirement for each area to allow flexibility and supply. This was based on an assumption that 10% of sites would not come forward as anticipated. This allowance is no longer incorporated into the housing calculations as it is said to be considered that the proposed approach to monitoring and housing supply as set out in the Local Plan provides a greater degree of flexibility than the Core Strategy.

Furthermore, in the Council's view, in Biddulph and the rural areas, the slippage allowance places greater pressure on the need to release land from the Green Belt. It is our view that the level of flexibility proposed is insufficient to ensure that the housing requirement identified by the Council (assuming this is found to be accurate and sound) would be met in the plan period. Therefore, the current strategy (set out by draft Policy SS3 and SS4) does not identify sufficient sites to deliver housing for it to be considered "positively prepared" and sufficiently "flexible" in accordance with the Framework. This raises concern regarding the ability of the plan to meet the tests of soundness established by paragraph 182 of the Framework.

Guidance, including that prepared by the Local Plan's Expert Group (LPEG) recommends that a 20% buffer in housing targets is appropriate to ensure housing delivery and to account for any slippage in deliverable sites or targets. As per our recommendations to previous consultation exercises, we recommend that this level of buffer should be incorporated in the Staffordshire Moorlands Local Plan.

In order to provide the 20% buffer recommended by LPEG the Local Plan should allocate a sufficient land to accommodate 772 dwellings in excess of the minimum requirement identified by the LPA of 3859 (i.e. a total of 4631 dwellings). Therefore, additional sites should be allocated to provide at least 714 additional dwellings in the District. This level of flexibility is required to provide certainty regarding the delivery of the minimum housing requirement in the plan period.



The Council has also not, to our knowledge, provided a comprehensive list of the sites with planning permission which form part of its supply or any evidence to support the significant proportion of the housing requirement that is proposed to be met by windfall sites.

The NPPF states that LPA's may make an allowance for windfall sites if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. The submission Local Plan does not, in our view, provide compelling evidence to support the proposed windfall allowance. Accordingly, additional allocations should be provided to boost the plan's soundness and surety with regards to delivery.

As we will go on to explain, we feel, fundamentally, that the deliverability and soundness of the Plan with regards to housing deliverability would be enhanced by the residential allocation of the former Knypersley Garden Centre site, which we anticipate could add in the region of 30 deliverable dwellings to the housing target.

Biddulph Need and Supply

The draft Local Plan identifies a residual minimum requirement of 890 dwellings in Biddulph, once existing completions and commitments are taken into account. The minimum requirement has been reduced (from 1196 dwellings, by 205 completions and 106 commitments since 2012).

The Council has not, to our knowledge, provided a comprehensive list of sites with planning permission (i.e. commitments) which form part of their supply. There is, in our view some risk that sites with planning permission i.e. commitments, in particular, may not be delivered in the timescale or for the number anticipated and could effectively fall out of the Council's supply such that the minimum requirement may not be met. Therefore, as outlined above, the LPA should allow for a slippage rate as per that adopted in the Core Strategy.

Moreover, the Council should identify additional housing sites to provide the level of flexibility required to ensure the minimum requirements for Biddulph are met in accordance with the requirements of the NPPF. The Council proposes that 730 dwellings should be provided in Biddulph through new site allocations in the Local Plan, with 160 (18% being delivered through large and small windfall sites).

As set out above, the NPPF states that LPA's may make an allowance for windfall sites if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. We are not convinced, at this stage, that the LPA has provided compelling evidence to support these windfall allowances.

We are therefore concerned that Policy SS4 and Policy H2 would fail to provide the flexibility required to ensure the delivery of the minimum housing requirement for Biddulph. This raises concern regarding the ability of the Plan to meet the test of soundness established by paragraph 182 of the NPPF.



Strategy for Housing Delivery in Biddulph

Biddulph is contained wholly by the Green Belt. A district wide Green Belt Review has been undertaken by the Council and this recommends areas around Biddulph which could be considered for release in exceptional circumstances. The adopted Core Strategy identified that a review of the Green Belt was necessary in order for Biddulph to identify development requirements for the Town. Therefore, it is accepted that there is a need and exceptional circumstance for Green Belt land to be released in order to meet the developmental requirements for Biddulph during the plan period.

The strategy for Biddulph established by draft Policy H2 and Policy SS6, focuses on two large mixed-use allocation sites, one which is particularly large, to meet the housing requirement for the Town along with the regeneration of specified brownfield sites.

This represents a significant shift in strategy from the emerging Site Allocations DPD, which proposed to release a number of small sites around the edge of the town, including the former Knypersley Garden Centre site (BD069) for housing. From our review of the evidence available there is no clear justification provided for this change in strategy therefore, we are concerned whether the proposed strategy and emerging Local Plan is justified (i.e. is the most appropriate strategy when considered against a reasonable alternative, based on proportionate evidence) and is sound.

The first of the mixed-use sites identified in Biddulph is the Wharf Road Strategic Development Area (Policy DSB 1) for housing, (approximately 588 dwellings), retail and employment. Much of this area was previously identified as a “broad area” in the Core Strategy for mixed use development. However, it has now been extended to include an additional area of land alongside the bypass and to the west of the Biddulph Valley Way. This would require the release of a large parcel of Green Belt land for housing.

588 dwellings represent 80% of the total proposed residential allocation for Biddulph across the planned period and 66% of the total proposed provision, when windfall sites are included.

We hold concerns regarding deliverability of this site. In particular, we understand that the sites may be in multiple ownerships and there are a range of possible constraints to development including noise, air quality, ecology and ground conditions due to the historic use of the land for mining and potential landfill. Therefore, we are concerned that this allocation may not be effective (i.e. deliverable).

We are also concerned whether the proposed Green Belt released to the west of the Biddulph Valley Way is justified and the most appropriate strategy when considered against all reasonable alternatives. In particular, we note that the Council’s Green Belt Assessment for Additional Sites (2017) assessed the site as having a greater contribution to the five purposes of the Green Belt than a number of reasonable alternative sites in the town including the former Knypersley Garden Centre site.

The site is identified as having weak boundaries to the south and west which are not defensible and could fail to prevent further urban sprawl. This would be in conflict with Paragraph 85 of the NPPF, which states that LPA’s should define boundaries clearly, using physical features that are recognisable and likely to be permanent.



We also note that the Council's SHLAA (2016) concluded that the development of the land west of the Biddulph Valley Way would not be suitable as the Biddulph Valley Way provides a strong boundary to the settlement and its development would result in an intrusion into the open countryside. We, therefore, have concerns whether the Wharf Road Strategic Development Area (Policy DSB 1) and the further release of greenfield land to the west of the Biddulph Valley Way from the Green Belt, in particular, would satisfy the tests of soundness at paragraph 182 of the NPPF.

These concerns are further compounded with reference to the strategy for Biddulph overall, when the Wharf Road site represents 80% of the total allocation proposed for Biddulph and 66% of the overall housing total. Given our concerns about the sites deliverability, focusing so much on Biddulph's future housing growth in this location is considered unwise and unsound and would be better addressed via the proposed allocation of various smaller additional sites, including that in our ownership.

The second mixed-use site is the Tunstall Road Strategic Development Area (Policy DSB 3), opposite Victoria Business Park for housing, (approximately 85 dwellings) and employment. The site is also currently in the Green Belt and would require the Green Belt boundary to be amended. This site appears to be located in a predominately rural area, further from facilities and services in the centre of Biddulph than site BD069. According to the Council's Green Belt assessment, this site also appears to perform a greater contribution to the purposes of Green Belt than our site. Therefore, again, we query whether the proposed allocation of this site over and above site BD069 is justified.

The Council also supports the regeneration of two mills in the Town (Policy DSB 2) for housing (approximately 57 dwellings). The sites have a combined area of approximately 0.38 hectares. In order to deliver a total of 57 dwellings this would require the site to be developed at a density of approximately 150 dwellings per hectare.

Whilst the site is brownfield and considered to occupy a sustainable location in the Town Centre, a density of 150 dwellings per hectare would be extremely high when compared to the character of the Town. We are, therefore, concerned whether the site could be developed for the level of housing identified in the emerging Local Plan and may not be effective in accordance with paragraph 182 of the NPPF.

For the reasons set out above we are concerned whether the housing strategy for Biddulph would satisfy the tests of soundness of paragraph 182 of the NPPF, therefore, the Council should propose to allocate additional sites including site BD069 for housing in the emerging Local Plan, to ensure that the Local Plan is effective.

As we will further demonstrate in the following sections of our representations, site BD069 is suitable, available and achievable, therefore, it is deliverable in the short term. It is also justified and would, in our view, represent the most appropriate strategy when considered against the reasonable alternatives based on proportionate evidence.



Site Specific Assessment/Promotion – Former Knypersley Garden Centre – BD069

The remaining sections of our Representations, drawing on matters explained already within our submissions, focus on the promotion of the above site with regards to the emerging Local Plan.

It is our view, supported by inputs and advice from technical specialists, that the former Knypersley Garden Centre site should be removed from the Green Belt, noting that it serves little or no function in relation to the tests/purposes for including land within the Green Belt outlined at Paragraph 80 of the NPPF.

Alongside and subsequent to the proposed removal of the site from the Green Belt, we consider that the site should be allocated for residential purposes, as was suggested previously via the Site Allocations DPD. The allocation of the site for around 30 dwellings would assist the Council's housing delivery requirements and would be wholly logical and beneficial.

We outline our case relevant to the above chronology as follows:

Green Belt Release of Site BD069

The Council has previously appointed a Consultant to prepare a Landscape Local Green Space and Heritage Impact Study (2016), to assess the landscape sensitivity of essential heritage impacts of the proposed allocations.

In respect of landscape sensitivity, the assessment noted that the former Knypersley Garden Centre Site is overgrown and sensitive redevelopment of the site could improve local landscape character through the removal of derelict buildings, the existing metal fencing and scrub.

The Assessment noted that the edge of the site was defined and visually very well contained by the existing trees and soft landscaping which are located along its boundaries. The site is summarised as a pocket of brownfield land that is visually isolated. The Assessment further states that the site is currently bounded by security fencing due to the issues surrounding vandalism and arson. This gives the site an industrial appearance and the development of the site would clearly, therefore provide an opportunity to improve the security of the site for residents living nearby.

The land to the south of the site is not in agricultural use and is the Mill Hayes Playing Fields which are used by Biddulph High School. It is considered that the northern boundary of the Playing Fields would provide a more appropriate, clear, and defensible boundary for the Green Belt along a physical feature or use which is readily recognisable and likely to remain permanent in line with paragraph 85 of the NPPF.

With reference to the five purposes or functions of Green Belt established in Paragraph 80 of the NPPF, we summarise the site's credentials for appropriate removal from the Green Belt in reference to these tests as follows:



- *To Check the Unrestricted Sprawl of Built-up Areas*

The removal of this portion of land from the Green Belt would not encourage or lead to the unrestricted sprawl of any built-up areas. It would see a brownfield site included within the Settlement Boundary, beyond which, by virtue of Mill Hayes Playing Fields is a more suitable and robust delineating boundary to the Settlement.

- *To Prevent Neighbouring Towns Merging into one and other*

Removing this site from the Green Belt and including it within the Settlement Boundary would in no way lead to the merging of any towns or settlement areas. It would simply see a brownfield element included within the Settlement Boundary beyond which there is a more appropriate start to the Green Belt area, that being the Mill Hayes Playing Fields.

- *To assist in safeguarding the Countryside for Encroachment*

Again, we consider the inclusion of this brownfield site within the Settlement Boundary would have no impact or encroachment further into the countryside, noting that the site is already developed. The perceived character and delineation of the countryside would remain as per existing, regardless of the assessment site being removed from the Green Belt.

- *To Preserve the Setting and Special Character of Historic Towns*

The inclusion of this site within the Green Belt, or otherwise, will have no impact on the setting or special character of this Historic Town. It would merely see a brownfield element of the townscape including the Settlement Boundary, as opposed to it erroneously being included as Green Belt land.

The Heritage Impact Assessment prepared by Richard K Morriss Associates outlines the heritage value of this site and how this would be impacted were the site to be subsequently developed for housing. Overall, with reference to this Green Belt test we do not consider that the setting or special character of Biddulph, as a historic town, is impacted by the proposed removal of the assessment site from the Green Belt.

- *To Assist in Urban Regeneration, by encouraging the Recycling of Derelict and other Urban Land*

Clearly, the site has been previously developed and used. It is not undeveloped countryside land, as is the case regarding elements of the Wharf Road and Tunstall Road Strategic Development Areas. The removal of this site from the Green Belt and subsequent development will assist in urban regeneration, in that this is a brownfield site, and will see the recycling of derelict land which is urban in character given its previous use. Accordingly, it is demonstrated that the removal of this area from the Green Belt would directly assist in reference to this purpose of the Green Belt.

The Council's own Green Belt assessment (2016) concluded that the site makes a limited contribution to the five purposes of Green Belt which are set out at paragraph 80 of the NPPF and are summarised above. The Council's assessment also recommended the site be considered for release from the Green Belt and concluded that the site comprises previously developed land with strong defensible boundaries that would provide a logical extension to the settlement.



Accordingly, based on our assessments and that undertaken by the Council in 2016, we consider there is a strong and robust case for the site's removal from the Green Belt and inclusion within the Settlement Boundary, given that it represents previously developed land adjoining the existing Settlement Boundary.

We respectfully request that the Inspector consider this proposal, with reference to our reasoned justification and that outlined within the Council's own Green Belt assessment.

Proposed residential Allocation of Former Knypersley Garden Centre

As we have outlined in the introductory sections of our representations, we hold concerns as to the housing numbers and allocations relevant to the future growth of Biddulph, principally noting that we consider the housing number proposed to be insufficient as are the proposed residential allocations, both in terms of their scale and deliverability and suitability.

Accordingly, as a partial remedy to this situation we consider that the housing strategy for Biddulph should be enhanced via the delivery of additional smaller sites, as was recommended previously by the Site Allocations DPD, including the allocation of the former Knypersley Garden Centre, for housing purposes.

To assist the Inspector, we outline the suitability and merits of the site in accordance with guidance outlined within the NPPF. This is undertaken under the following subheadings.

Deliverability

Footnote 11 of paragraph 47 of the Framework establishes that in order to be deliverable:

- Sites should be available now;
- Offer a suitable location for development now; and
- Be achievable with a realistic prospect that housing will be delivered on the site within 5 years and in particular the development of the site is viable.

In reference to the above considerations, we note that the site is indeed available now and confirm this in the context of being the site's full owners.

The site offers the suitable location for development, given that it represents brownfield land located in close proximity to Biddulph's key strategic and local facilities. Presently, the site adjoins the Settlement Boundary and is located within the Green Belt. We, however, have outlined our views that the site's Green Belt location should be considered inappropriate and the site should be included within Biddulph's Settlement Boundary.

As we will further explain in our representations, we consider that the site is wholly achievable and has a realistic prospect of being delivered for housing purposes within in a period of less than 5 years. Noting the attractive setting of the site, we are in no doubt that the residential development of the site would be viable and would be attractive to the market and prospective purchasers.



Availability

The entire site has been in the ownership of our clients since 2003, however it has been in their family's ownership since the 1940's. Our clients have been actively promoting the site for residential development for several years. The site is therefore immediately available for residential redevelopment.

There is no legal ownership or other technical impediments to the site's development. Accordingly, it is available now in NPPF terms.

The site is approximately one hectare in area. It is anticipated that it could be developed at a density of around 30 dwellings per hectare, which would reflect and respond to the density of nearby residential areas. This results in an indicative site capacity of 30 dwellings. This was reflected in the Council's previous Preferred Options Site Allocation document and SHLAA (2016) which indicated that the Council agreed that the site is capable of delivering within the region of 30 dwellings.

Suitability

Our clients have confirmed that varied investigations of the site, supported by appropriate technical consultants as required, have identified no significant technical constraints or issues that might prevent the development of the site for housing or make the development unviable or undeliverable.

Given the former use of the site as a Garden Centre it is not anticipated that there would be any issue or constraint to development in terms of ground condition or contamination. It is also understood, that given the full use of the site and its location contiguous with the Settlement Boundary and nearby residential development, the site could easily be linked to mains services. The site is also fairly flat and has no obvious natural constraints.

According to the Environment Agency's Flood Map the site is located entirely inside Flood Zone 1. This position is confirmed via the Council's Strategic Flood Risk Assessment (2015).

There are a number of trees located on the site, however the majority are located towards the site boundaries. Therefore, it is considered that the majority of the quality existing trees could be effectively incorporated into the design and layout of the site at a later stage.

A Heritage Consultant has been appointed to undertake a detailed assessment of the site to assess the potential impact of the residential development of the site on nearby heritage assets. A copy of their report is appended with this letter.

The Heritage Impact Assessment, prepared by Richard K Morriss Associates, confirms that the present impact on the setting of Knypersley Hall, its outbuildings and the remains of the walled garden is at best neutral, due to the absence of clear reciprocal views, the incomplete state of the original enclosure of the garden and the derelict condition of the buildings on the site.

The assessment concludes that the redevelopment within the walled garden will have a relatively minor visual impact on the setting of the Hall or outbuildings because of the limited reciprocal views and the distances involved.



Richard K Morriss Associates has identified clear potential to enhance the perceived historical setting of the Hall and its outbuildings through a considered development of the site. Overall, Richard K Morriss Associates conclude that with good design and well considered layout, the residential development of the site would result in a minor degree of change to the setting of the Hall and its outbuildings but that such change could result in an enhancement of the setting through the renovation of a derelict site and the restoration of much of its basic historical character within the surviving elements of the landscape.

Therefore, the previous negative score of the site in the Council's Sustainability Appraisal and in the conclusions of the Landscape Local Green Space and Heritage Impact Study (2016) are inappropriate and should be amended to reflect the conclusions reached by Richard K Morriss Associates. We firmly believe, supported by advice from our Heritage Consultant, that the site should be afforded a much better score than indicated in the Sustainability Appraisal (2017).

Achievability

There is a clear and realistic prospect of housing being delivered on the site within the next 5 years. The site is available and unconstrained. It could be brought to market rapidly. There have been expressions of interest from potential developers already.

There are no significant constraints that might make the development unviable or undeliverable. Therefore, the development site is viable and can be delivered within the next 5 years.

Evidently, for the reasons outlined above this site (Ref BD069) is available, suitable and achievable and is therefore deliverable.

Benefits

A wide range of benefits would arise from the allocation and subsequent development of the site. These benefits would include:

- A contribution towards the need for market housing in the town, including a provision of a mix of house types (e.g. small, starter homes and larger family homes);
- A contribution towards the need for affordable housing;
- The provision a high-quality development;
- The improvement of a derelict site;
- Potential enhancements to the setting of heritage assets;
- The retention of natural and historic features;
- The creation of open spaces;
- The creation of jobs during the construction phase of development; and
- Other financial contributions (e.g. improvements to local services and infrastructure).

We bring to the Inspector's attention that a total of 16 letters were received in relation to the site during the Preferred Options consultation on the emerging Allocations DPD. Of these, a total of 11 were in support of the sites residential development. Therefore, the redevelopment of the site for housing is also subject to support from members of the local community.



Summary

As we have noted in these representations, reflecting comments that have previously been made by our clients during the evolution of the Staffordshire Moorlands Local Plan, we query and question the Council's approach to housing delivery, noting that it appears to adopt a housing trajectory which would deliver less housing than that advocated within the SHMA.

There is a significant reliance on windfall sites coming forward to meet the area's housing needs including those arising in Biddulph. Limited justification is provided in regards to this approach and there is insufficient flexibility overall in the housing strategy to cope with the likelihood of not all allocations or windfalls coming forward in a timely manner.

Within Biddulph, there is an over reliance on large strategic sites coming forward to meet the area's housing needs. We consider that these needs would be better met at a more varied range of sites, including smaller sites such as the former Knypersley Garden Centre.

We consider that the Knypersley Garden Centre site was incorrectly removed from the previous Site Allocations process, principally regarding heritage grounds which were in our view and that of our appointed Heritage Consultant, overstated.

The Heritage Impact Assessment prepared by Richard K Morriss Associates demonstrates that the development of the subject site for housing would have a minimal heritage impact, at worst.

Our representations demonstrate that the former Knypersley Garden Centre site does not perform well in relation to any of the reasons for including land within the Green Belt, accordingly, it is our case that the site should be beneficially removed from the Green Belt and included within Biddulph's Settlement Boundary.

We have also demonstrated why the site should be allocated as a housing site, with a potential to deliver in the region of 30 new dwellings in Biddulph. There are no technical or associated constraints to prevent the site's housing allocation and subsequent delivery. It occupies a sustainable location which is desirable to potential purchasers or developers.

We trust that these comments will be brought to the Inspector's attention, and we look forward to participating further in the Local Plan process, including to the forthcoming Examination. Should Officers or the Programme Officer wish further clarity on any of the matters outlined we would happily provide further details or supporting evidence as required.

Yours faithfully

Helen Binns BA(Hons), MTPL, MRTPI
Principal Consultant

Enc – Heritage Impact Assessment prepared by Richard K Morriss and Associates



**Knypersley Hall Walled Garden
Knypersley
Biddulph
Staffordshire
NGR: SJ 885 563**

**A
Heritage Impact Assessment**

Text
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Assistant
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Salt

June 2017
Mercian Heritage Series 1116

**Knypersley Hall Walled Garden
Knypersley
Biddulph
Staffordshire
NGR: SJ 885 563**

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Knypersley Hall Walled Garden
Knypersley
Biddulph
Staffordshire
NGR: SJ 885 563

Summary

The remains of the walled garden of Knypersley Hall, in north-west Staffordshire, are derelict and overgrown – except for two houses formed out of buildings built against the east wall. The rest of the site was a garden centre until fairly recently and contains several mid- late 20th century glasshouses and other buildings in very poor condition. The site has been identified as a preferred option for residential development in the local authority's Site Allocation Document. This report is an assessment of the potential impact of proposed housing development on designated and non-designated heritage assets within and adjacent to the study area under the guidelines of the NPPF; it is also part of the remit to make recommendations as to the type of development that would be best suited to the site and the setting of the adjacent Knypersley Hall, a Grade II listed building.. It is not concerned with other planning matters. It concludes that with good design the proposals will have a fairly minor impact on the surviving character, setting and significance on any designated or non-designated heritage assets within or adjacent to the proposed development site and has the potential to enhance the setting of such heritage assets through the renovation of existing elements of the walled garden and the re-introduction of elements that are presently missing – especially the sense of an inclosed walled and separate space within the remains of the once extensive grounds of the Hall.*

1. Introduction

The site is the derelict former walled garden of Knypersley Hall, a much altered Grade II* listed building just to the south of Biddulph, in the uplands of north-western Staffordshire. The site is an emerging allocation for residential development in Staffordshire Moorlands Council's emerging Site Allocation Document.

This Consultancy was commissioned to assess the potential heritage impact of the proposals on both designated and non-designated heritage assets within and adjacent to the study area and to offer recommendations as to the scale and type of such development. The remit does not extend to any other planning matters. This work was undertaken in the late early summer of 2017 and observations were made entirely on and from the site and from the public domain.

1.1 Report Format

The report format is quite simple. After this brief introduction, there are short sections on the requirements of NPPF (Section 2) and Heritage Impact Assessments (Section 3). These are followed by an outline of the setting and history of the site (Section 4), a description of it (Section 5) and a Heritage Statement (Section 6). The proposals are outlined in Section 7 and the Heritage Impact Assessment is in Section 8; Section 9 is the Suggested Development Strategy, Section 10 is a short conclusion and Section 11 a list of the references used for this report.

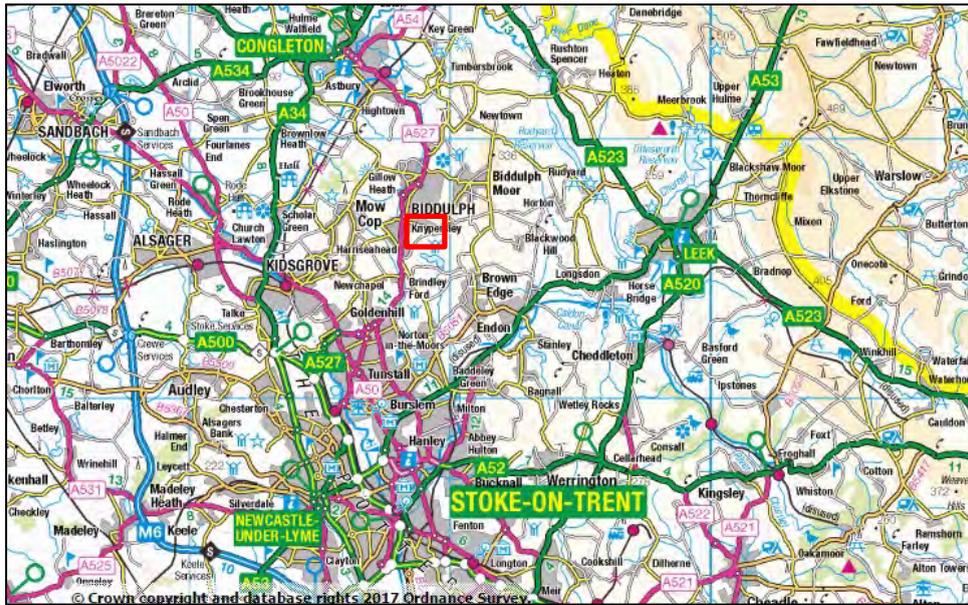


Fig.1: Location plan
(Ordnance Survey Open Data).

2. National Planning Policy Framework Guidelines

2.1 The National Planning Policy Framework

Planning law relating to listed buildings and conservation areas is set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 of the Act deals with the responsibilities of local planning authorities – the decision makers - when dealing with planning applications that could impact on heritage assets and states that:

*‘In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’.*¹

Government guidelines regarding the listed buildings and conservation areas legislation in the 1990 Planning Act changed twice in two years. In March 2010 the long-lasting *Planning Policy Guidelines Nos.15 and 16* (PPG15 and PPG16) – relating to archaeology and buildings – were amalgamated into a new set of guidelines - *Planning Policy Statement No.5* (PPS5).²

This introduced a new term in planning legislation – the ‘heritage asset’. Parts of PPS5, much condensed, were incorporated and regurgitated into a new *précis* of planning guidance published in March 2012 – the *National Planning Policy Framework* (NPPF) – which replaced all other separate Planning Policy Guidelines and Planning Policy Statements.³ The glossary of the NPPF described ‘heritage assets’ in the same way as PPS5:

‘A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).’

The main relevant paragraph in the NPPF (largely based on policies HE6-HE8 of PPS5) states that local planning authorities should require applicants *‘...to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposals on their significance’.*⁴

¹ Planning (Listed Buildings and Conservation Areas) Act 1990 c.9 section 66 (1), 41

² Department for Communities & Local Government, 2010, *Planning Policy Statement No.5: Planning for the Historic Environment*

³ Department for Communities & Local Government, 2012, *National Planning Policy Framework*, para. 128.

⁴*Ibid.*

Generally, the *National Planning Policy Framework* recommends approval of development ‘where the development plan is absent, silent or relevant policies are out-of-date... unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits’.⁵

3. Heritage Impact Assessments

3.1 General Introduction

The purpose of a heritage impact assessment (HIA) is to meet the relevant guidance given in the NPPF. This outlines the need to inform the planning decisions when considering proposals that have the potential to have some impact on the character or setting of a heritage asset. It is not concerned with other planning issues.

The nature of the heritage assets and the potential impact upon them through development are both very varied. The heritage assets include both designated heritage assets – such as listed buildings, scheduled ancient monuments and conservation area – and non-designated heritage assets, a rather uncomfortable and sometimes subjective category that includes locally listed buildings, field systems, buried archaeological remains and views.

The degree of impact a proposed development could have on such assets is variable and can sometimes be positive rather than negative. The wide range of possible impacts can include loss of historic fabric, loss of historic character, damage to historic setting, and damage to significant views.

Under the requirements of the NPPF and of other useful relevant guidance, such as English Heritage’s *Conservation Principles* and *Informed Conservation*, and recent material from the newly formed Historic England, the process of heritage impact assessments can be summarised as involving three parts:

1. understanding the heritage values and significance of the designated and non-designated heritage assets involved and their settings;
2. understanding the nature and extent of the proposed developments;
3. making an objective judgement on the impact that the proposals outlined in Part 2 may have on the information outlined in Part 1.⁶

This report is designed, under the guidance of the NPPF, to assess whether or not the present proposals will have any impact on the character, setting or significance of the listed building or any other designated or non-designated heritage asset and, if so, the degree of such impact.

⁵NPPF, para. 14

⁶ English Heritage, 2008, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*; Clark, K, 2001, *Informed Conservation: Understanding Historic Buildings and Their Landscapes for Conservation*

3.2 Definition of Setting

Setting, as a concept, was clearly defined in PPS5 and was then restated in the NPPF which describe it as:

‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.’

The latest Historic England guidance on what constitutes setting is virtually identical to the English Heritage guidance it superseded in March 2015:

‘Setting is not a heritage asset, nor a heritage designation, though land within a setting may itself be designated (see Designed settings below). Its importance lies in what it contributes to the significance of the heritage asset. This depends on a wide range of physical elements within, as well as perceptual and associational attributes pertaining to, the heritage asset’s surroundings.’⁷

The new Historic England guidance also re-states the earlier guidance that setting is not confined entirely to visible elements and views but includes other aspects including environmental considerations and historical relationships between assets:

‘The contribution of setting to the significance of a heritage asset is often expressed by reference to views, a purely visual impression of an asset or place which can be static or dynamic, including a variety of views of, across, or including that asset, and views of the surroundings from or through the asset, and may intersect with, and incorporate the settings of numerous heritage assets’.⁸

3.3 Definition of Significance

The glossary of the *Planning Practice Guidance* (PPG) to the NPPF defines significance as:

‘The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting’.

⁷ Historic England, 2015, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning*: 3, para.4

⁸*Ibid.*, para.6

The PPG also states that:

*‘Local planning authorities may identify non-designated heritage assets. These are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets. In some areas, local authorities identify some non-designated heritage assets as ‘locally listed’.*⁹

but cautions that:

*‘A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage interest for their significance to be a material consideration in the planning process’.*¹⁰

3.4 Definition of Harm

The NPPF and its accompanying PPG effectively distinguish between two degrees of harm to heritage assets – *substantial* and *less than substantial*. Substantial harm is considered to be a degree of harm so serious to the significance of the heritage asset, usually involving total or partial destruction of a listed building, for example, or radical changes to its setting.

As the term suggests, *less than substantial harm* is not as serious and varies in its impact – but it still is an important consideration in assessing planning applications. However, recent High Court rulings have emphasised the primacy of the 1990 Planning Act – and the fact that it is up to the decision makers in the planning system to *‘have special regard to the desirability of preserving the [listed] building or its setting’*.

Paragraph 134 of the NPPF states that *‘Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals’*.

⁹ Planning Practice Guidance, 2014, paragraph 39

¹⁰*Ibid.*

4. Setting & Outline History

Knypersley lies to the south of Biddulph in the hilly uplands of the north-western corner of Staffordshire, close to the Cheshire border. The name is probably of Viking origin, meaning 'rocky meadow'; at the time of the Domesday Survey it was an established township from which its chief tenants took their name.

The last heiress of that line, Katherine de Knypersley, married Thomas Bowyer in 1379 and the Bowyers held the estate, with others, until the last male heir died intestate in 1702 and their property was divided. Knypersley went to Dorothy, who had married a Gresley. According to one source, Knypersley Hall was:

*'an ancient mansion, but modernised with a brick casing, by Sir Nigel Gresley, Bart., about the year 1760; and which, with the Manor and large estate of Knypersley, was purchased from his executors in 1809, by James Bateman, Esq. (of Tolson Hall, Westmoreland, and of Salford....'*¹¹

James Batemen, the elder, was an industrialist, and never lived at Knypersley Hall, being more interested in the mineral riches of the land that came with it. The estate encompassed around 340 acres in 1840. His son, John, moved with his family to the Hall and it was there that their son, James Bateman (1811-1897) the younger, was brought up.

John, who inherited his father's vast riches in 1824, began on improvements to the house and the area, probably enjoying the kudos of becoming a local squire, and his son was sent to Oxford.

At the university he began to be interested in exotic plants and, in particular, orchids. It seems that it was James that began to work on the grounds of the new family home and also began to develop the walled gardens.¹²

By his late-teens James was writing to gardening magazines and by his early 20's was also funding plant-hunting expeditions. For example, in 1835, Loudon's *Gardening Magazine* reported the successful growing of a *Carambola* from Ceylon - modern Sri Lanka:

*'in the stove [i.e. heated glasshouse] of Mr. Bateman of Knypersley, near Congleton; a gentleman distinguished for his zeal, liberality, and success in introducing and cultivating tropical epiphytes. Mr. P. N. Don, the intelligent gardener at Knypersley, mentions that "during the last autumn (1834), the tree fruited in great abundance."*¹³

¹¹ Ward, J, 1843, *The Borough of Stoke-upon-Trent, in the Commencement of the Reign of Queen Victoria, etc....*, 178

¹² Daly, N, 2014, *The Lost Pre-Raphaelite: The Secret Life and Loves of Robert Bateman*

¹³ *Gardening Magazine*, 1835, 680



Fig.2: Buckler's view of Knypersley Hall from the south-east in 1847, just over ten years before it was radically reduced in size and remodeled.

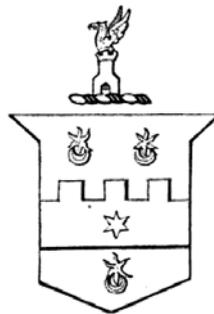


Fig.3: The Bateman coat of arms.

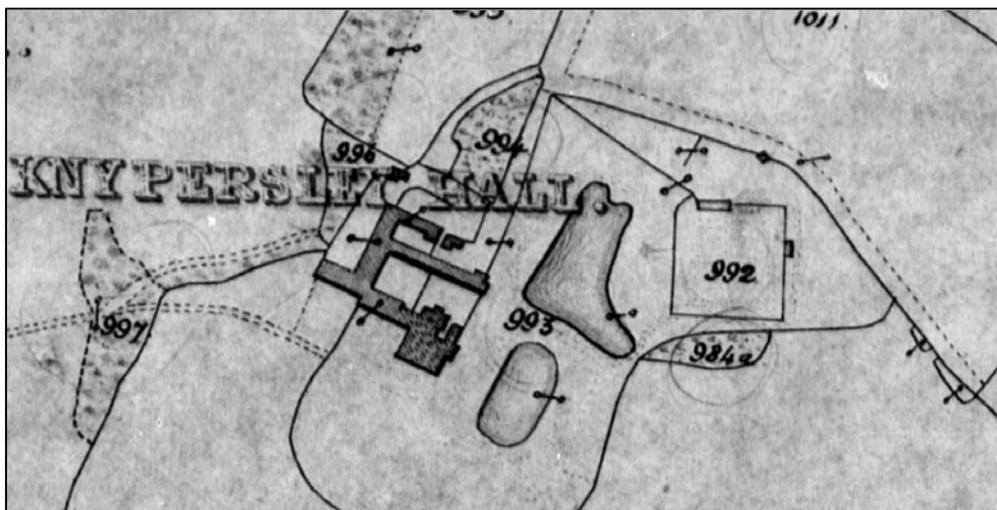


Fig.4: Extract from the tithe map of 1840; note the walled garden to the right.

It is clear that it was also James, rather than his father, who was responsible for the landscaping of the grounds of the Hall. A correspondent to the *Cottage Gardener and Country Gentleman's Companion* in 1855 noted that the gardens of Knypersley Hall had been landscaped and that:

'On the margin of this little lake....Mr. Bateman has created a vast amount of interest; rocks jutting out here, with their tree or bush accompaniments; then bays or recesses, with their heavy shadows, and even cavernous retreats....'

By that time James and his wife, also apparently a keen gardener, had moved from Knypersley to nearby Biddulph Grange in 1842 – a large new house built to replace a relatively modest rectory; here, with his friend, the seascape painter Edward William Cooke, he transformed the gardens into a Victorian fantasy of interlinked gardens in which to show off the plants he had collected from all over the world. The walled garden back at Knypersley Hall became the main production area for the plants needed.

John Bateman continued to live at Knypersley Hall in reasonable style and at the time of the 1851 census he and his wife were looked after by a butler, footman, housekeeper, lady's maid, housemaid, under-maid and kitchen-maid; presumably a cook lived nearby as well. John died in 1858, and shortly afterwards it seems that the house was reduced to its present size – with the demolition of most of the main front, part of the rear wings, and the removal of the second floor.¹⁴ There had been a fire at the property previously and it may be that much of it was in poor condition – especially if the core was, as suggested by Ward and others (*see above*). It eventually became a farmhouse.

However, James Bateman retained the walled gardens. A report in an 1865 edition of the *Journal of Horticulture and Practical Gardening* wrote of the walled garden at Knypersley being:

'where the visitor finds himself at once transported from the bleak district around into the wild luxuriance of a tropical world. In addition to the Orchids is the span-roofed vinery nearly 200 feet long and 20 wide, and there are many houses of smaller dimensions'.

And in the following year a note in the *Gardener's Monthly* noted that there was a dedicated 'Odontoglossum House'. James Bateman was still growing and showing exotic flower grown in the walled garden in 1867 – but by that time his lack of business acumen and general extravagance seems to have forced him to consider selling his Staffordshire estates – including Biddulph Grange and Knypersley Hall – and move to London in 1869. Worst was the follow, as his family ended up living in a semi-detached villa in Worthing.

The walled gardens were taken over by the former gardener at both Knypersely and Biddulph Grange, William Sherratt, who had taken over from Mr Don when still a young man. In 1872 his company Messrs. Sherratt & Company, was selling orchids from his glasshouses at Knypersley Hall.

¹⁴ Walton, C, & Porter, L, 2010, *Lost Houses of North Staffordshire*, 98



Fig.5: The interior of one of James Bateman's glass houses at Knypersley Hall, 1837.



Fig.6: Extract from the 2nd edition of the 1:2500 Ordnance Survey map, revised in 1900.

At the time of the 1901 census, Knypersley Hall was occupied by Arthur Leason, a farmer, and his family – wife, mother-in-law, four sons, and, in contrast to the household of John Bateman 50 years earlier, just one live-in 15 year-old domestic servant.

Ten years later the farmer was Charles Brough, who lived with his wife and three children; they also had just the one young servant p and a boarder. At that time, Thomas Dale, a 73-year-old gardener, lived in a cottage in the walled garden with his wife, a middle-aged daughter, and another lodger.

By the early-20th century the walled gardens had become redundant and almost certainly derelict. Whilst the 2nd edition of the 1:2500 Ordnance Survey map still shows glasshouses in position along the west and north sides of the gardens, they had all virtually disappeared by the 1925 revision.

In the 1940's the Weaver family took over the site and began to grow cress and other food crops in newly built glasshouses along the west side of the walled garden – and added more as the business expanded in the 1960's – especially as it opened to the public for retail sales at the end of the decade. Most of the remains of the north and west walls then seem to have been demolished and a new sales room was added.

More recently the remaining portions of the Knypersley Hall estate have been sold off in separate lots – the Hall and its outbuildings divided and converted into several apartments and the former garden cottages along the east side of the walled garden converted into two dwellings. The garden centre itself closed in about 2006, since when the site has again been empty and the buildings, being disused, have become derelict and dangerous.



Pl.1: General view westwards across the derelict walled garden.

5. Description

The study area lies to the east of the remnant of Knypersley Hall and on the opposite side of the ornamental lake. It includes the former walled garden and areas of open ground to the north and to the west – the latter facing towards Knypersley Hall. There is also a thin section of land to the south of the extant garden wall.

5.1 The Walled Garden

The former rectangular walled garden is a large and relatively flat area and quite overgrown. The south and east walls from the 1840 tithe map appear to have survived subsequent changes to the site – though the buildings incorporated in the latter have been much altered.

5.1.1 The Walls

The north wall appears to have been completely demolished. It is possible that parts of the lower courses of the west wall survive in the bases of the derelict glasshouses on this side of the garden but at present this cannot be verified.

5.1.1.01 The South Wall

The tall south wall is built of hand-made dark red brick laid to an irregular bond – with much of the outer face of English Garden Wall, though with looser stretcher rich bond used as well. It is capped by an overhanging simply moulded sandstone flat coping which appears to be original.

Roughly mid-way along the wall is a primary doorway. This has a segmental arched brick head, and internal rebate for the strap-hung plank door, and stone blocks for the pintles and the catch. The door is in line with the large central well or water cistern in the centre of the garden (*q.v.*).

Towards the western end the wall has partly collapsed and partly been rebuilt; at this point is the ruinous brick extension on the outer face of the wall which appears to have been some sort of boiler house – though examination at present was impossible because of the undergrowth and the condition of the structure.

Towards the eastern end of the wall a large opening has been cut through the wall, probably in the mid-20th century, and the resultant jambs have been ‘made good’ through applied cement. Just to the east of this inserted gateway, at the south-eastern corner, the wall returns northwards to form the east side of the original walled garden.

There are modern and quite ephemeral structures built against the south side of the wall in the narrow area between it and the site boundary.



Pl.2: View across the walled garden to the south wall, with the cistern in the centre.



Pl.3: The surviving doorway in the south wall.

5.1.1.02 The East Wall

As outlined above, the brickwork of the south and east walls bond in at the south-eastern corner of the walled garden and are clearly contemporary. The east wall is of identical brick and construction. Immediately to the north of the corner the east wall is slightly reduced in height – the change marked by a well-crafted ramping of the coping which suggests this was a primary feature of the design.

Built against most of the central section of the wall – and utilising it for their rear walls – is a brick-built two-storey range under gabled roofs; it is difficult to assess on the limited views possible at the time of the survey whether or not the building is contemporary with the wall. They are not in the same ownership as the rest of the walled garden; consequently they could only be assessed from within the walled garden.

They are of two storeys and built mainly of the same type of brick as the wall. The lower portions certainly are of the same date as the rest of the wall and the brick courses bond through. It is less clear if the upper portion of the building has been added onto the top of the original wall or not at a later date.

The building – which could have been designed for the accommodation of gardeners - has been converted into two private houses, with secluded gardens to the east. The evidence of the four evenly disposed stone ridge stacks – and the fact that the outer ones are on top of stone coped gables – shows the original design would have been symmetrical.

The clarity of the original design has been severely compromised by recent additions and accretions, including the rendering of the rear wall of the northern property and the insertion of quite randomly positioned window openings to the walled garden. One visible surviving feature of note is a large semi-circular brick arch in the wall of the southern property which seems to have been associated with a broad primary opening – and that could have been repeated further to the north.

The wall continues to the north of the houses and in this section seems to have been the back wall of a range within the walled garden backing against it – presumably part of one of the glasshouses shown on the 19th century mapping.

5.1.1.03 The West Wall

Because of the condition of the glass houses at the western end of the site and the thickness of the undergrowth it is difficult to assess if the low brick walls partly used as the base of the glasshouses has any relationship with the original west wall. The brickwork seems much older than the mid-20th century glasshouses so could be a cut down remnant of the wall.

5.1.1.04 The North Wall

Nothing seems to have survived of the north wall above ground level.



Pl.4: The inner face of the south-eastern corner of the walled garden.



Pl.5: The east wall of the walled garden and the present converted houses.

5.1.2 The Cistern

Roughly central to the parameters of the walled is a wide brick-lined circular cistern or well. It is overgrown and difficult to access safely but is a feature of some antiquity – and could even be primary. It would have provided much of the water supply needed within the garden.



Pl.6: The central cistern or well is, for obvious reasons, difficult to examine in detail.

5.1.3 The Glasshouses

There are several large glasshouses surviving on the site, though derelict, as well as traces of the footings of several more. The main surviving ones form two rows along the western boundary of the walled garden – with the western row wider than the eastern row. There is another wide glasshouse occupying the site of the western end of the north wall to the west of the 1960's sales block (*q.v.*).

Glasshouses are shown in these positions on the detailed Ordnance Survey mapping from the later-19th century – but these do not relate to them. The surviving glasshouses all date to the mid-20th century. None of the glasshouses, therefore, are of any great antiquity or heritage value.

The older, narrower, glasshouse range is built of thin timber cross-frames and low side panels and were built in the 1940's and 1950's as commercial growing on the site recommenced under the Weaver family.

The wider glasshouses have a mix of timber and RSJ stanchions and 'L-section' fish-plated steel trusses supporting the timber common rafters and the side frames. These were built once the decision was made to develop the site as a commercial retail nursery and were built in the 1960's.



Pl.7: View of the timber glasshouse range of *circa* 1950.



Pl.8: View of one of the composite glasshouses of *circa* 1970.

5.1.4 The Sales Room

The Sales Room mid-way along the northern side of the walled garden was built in the late-1960's or early-1970's after the site was opened as a retail garden centre. The best that can be said of the now derelict structure is that it was of its time.



Pl.9: The former sales centre.

5.2 The Stone Wall to the North West

By the side of the curving drive from the adjacent lane towards the north-western corner of the walled garden is a tall stone revetment wall with a deep recessed section. The date and purpose is unclear but it was probably part of the landscaping undertaken by James Bateman in the 1830's.

5.3 The Grotto

To the north-west of the walled garden and now quite overgrown is a man-made tunnel or grotto feature that must have been part of the landscaping of the grounds. It has distinct similarities with the work of James Bateman at Biddulph Grange and may have been part of an early experiment in this type of whimsical landscaping – presumably in the 1830's prior to his move to the Grange..



Pl.10: Rubblestone revetment wall on the drive to the north-west of the walled garden.



Pl.11: The south entrance to the man-made tunnel or 'grotto' north-west of the walled garden.

6. Heritage Statement

Within the study area are the remnants and basic outline plan of the walled garden of Knypersley Hall, as well as a miniature man-made cave or grotto and a section of well-built coursed rubblestone walling of unknown purpose. Additionally, there are several derelict mid-late 20th century glasshouses and other nursery structures.

The obvious remains of the walled garden include virtually all of the south and east walls – the latter incorporated into houses that are not in the same ownership as the rest of the site but which are clearly intimately linked to its historical development and its heritage values and significance. Additionally, it is possible that the base of the west wall could still survive, as does a small outbuilding to the south-west of the quadrangle and the large central cistern or well.

Dating the walled garden on the available evidence is difficult but it was clearly shown on the tithe map of 1840 (*see* Fig.4). On that map there are few details shown. Whilst it is just possible that the garden was built by the Batemans it seems more likely that it predated their arrival; a house of the size and status as the 18th century Knypersley Hall would be expected to have its walled kitchen garden, especially given the relative remoteness of its situation. It thus quite possible that the garden was built in the mid-late 18th century.

Whatever the precise date, the walled garden was an important element in the estate of the Hall and made a contribution to its setting. Subsequently the walled gardens were, for a relatively brief period, important elements in the career of James Bateman, one of the leading horticulturalists of exotic plants of the mid-19th century.

He was responsible for the addition of the large glasshouses on the north and south sides of the walled garden along with the ancillary buildings associated with them – including, possibly, the gardeners' cottages along the east side as well. During his ownership of the site, even after he moved to Biddulph Grange, the gardens and glasshouses at Knypersley appeared frequently in the horticultural press,

Subsequently, all of his glasshouses were swept away - but some of the brick bases could survive beneath later structures. In addition, most of the west and all of the north walls of the walled garden were demolished – severely compromising its architectural and historical integrity.

Whilst the glasshouses erected on the site from the late-1940's to the late-1960's are indeed glasshouses and thus in the spirit of the garden's history, they are not of high architectural quality, of little historical significance, and are derelict and dangerous.

Consequently, at present it is considered that the contribution to the setting of the remains of Knypersley Hall by the remains of its former walled garden is essentially neutral. It still exists in a fragmentary form and with understanding can be read as a walled garden within a semi-formal landscape of what had been a large country house; that is all positive – even if the reciprocal views between it and the country house are largely blocked by dense tree cover.

However, the absence of the north and west walls and changes to the east side severely erode the character of the garden by removing the sense of inclosure and separateness from the rest of the grounds it originally had. The condition of the modern glasshouses and the general air of dereliction and disuse of the site clearly harms the setting of the listed building instead. Nevertheless, it probably has sufficient heritage merit – mainly because of the Bateman connection – to be considered as a non-designated heritage asset.

Within the study area there is another quite separate structure that is also of sufficient interest to be considered a non-designated heritage asset in its own right, and that is the man-made cave or grotto – a clear precursor of the sort of feature laid out in the brief heyday of Biddulph Grange from 1842 onwards. Because it is so overgrown and difficult to see it makes little obvious contribution to the setting of the remains of the Hall but it is, nevertheless, a part of the landscaped grounds.

Its own setting – originally just outside the north-western corner of a walled garden – has been compromised significantly by the loss of the walls at that corner. Instead, the nearest structures are derelict modern glasshouses which clearly detract from its setting.



Pl.12: Another of the derelict and overgrown modern glasshouses.

7. Outline Proposals

The site has been identified by the Council as a preferred option for residential development in the emerging Site Allocations Document at a time when housing needs are becoming critical. There are no detailed schemes for the site at this stage, either in terms of the exact scale, layout and massing of the proposed development.

Part of the remit of this report is to make suggestions as to how the site could be developed for housing in such a way that the impact on the setting and significance of any heritage assets is minimised or, preferably, in a way that would enhance the setting and significance of such assets.

8. Potential Heritage Impact

There are two designated heritage assets adjacent to the study area, both on the opposite side of the ornamental lake to the west of the site. These are the remains of Knypersley Hall (Grade II*) and its outbuildings (Grade II).

8.1 Impact on Knypersley Hall

Knypersley Hall is, as outlined above, a fragment of a much larger building remodelled in its present form in 1858 and more recently converted into apartments. The few illustrations of the Hall before it was altered show it to have been a large but relatively plainly detailed house of three storeys with attics; it was built of brick with band course at each floor level and a low plain parapet hiding the feet of the roofs.

It had a seven-bay entrance front with the three middle bays breaking slightly forward-facing south-west. The south-east elevation, overlooking the lake, seems to have consisted two parts: an original four bay section, the outer bays with two-storey high canted bays and the middle bays with round-headed, rather than flat-headed, windows; and a right-hand three-bay section with a very tall ground floor and low first-floor above – perhaps an added ballroom.

Now only the two right-hand bays of the entrance front and the first four bays of the south-eastern elevation survive, and the second floor has been removed. Given how altered the building is, it is assumed that the reason it is Grade II* listed (placing it in the top 8% of all *listed* buildings) is not to do with the exterior, but because of a particularly fine mid-18th century ceiling and main stair.

The character of the close setting of the Hall has been altered considerably. The surviving outbuildings have been converted to residential use with associated changes to the hierarchies involved and the hard landscaping.

Immediately beyond its former service buildings, modern suburban housing is encroaching and has severely impacted on the character of the former parkland – both ancient and later landscaped – that once surrounded the Hall. To the north of the walled garden is a large modern school and to the east more suburban housing.



Pl.13: GoogleEarth © view of the site, showing the dense tree cover between the Hall and its outbuildings (left) and the remains of the former walled garden (centre right); this also shows the encroaching suburban housing.

Even though there are still open fields in the broad arc of views westwards, those to the north-west and to the south-east are now playing fields with little historic character, and also in the north-west the views are terminated by 19th and 20th century housing.

The present view from the Hall towards the study area is not direct but oblique, across the lake and largely blocked by a dense belt of mature trees. Any filtered views through the trees are now of an overgrown site dominated by the skeletal remains of two parallel rows of derelict mid-late 20th century glasshouses.

When, in the not too distant future, these glasshouses finally collapse or are taken down for health and safety reasons, the limited view through the trees will be of one vast open space terminated by the much-altered cottages at the eastern end of the garden but with no regular boundary on the north side. From the Hall, incidentally, it is difficult to appreciate the survival of the south wall of the walled garden.

At present, in its existing state and in the potential state it will have once the glasshouses collapse or are demolished, it is considered that the contribution on the setting of the Hall made by the walled garden is neutral.

What could improve the view and the setting of the Hall is the restoration of a sense of inclosure of the walled garden, restoring this element to the historic landscape. This is one of the issues addressed in the suggested design solutions.



Pl.14: View from the western end of the walled garden towards the Hall – which is hidden behind the trees to the left; the end of the outbuildings is just visible on the right.



Pl.15: View from the nearest part of the Hall's outbuildings to the study area across the lake. This view, or any like it, is not possible from the Hall.

8.2 Impact on the Outbuildings of Knypersley Hall

The former coach house and stables of the Hall are listed Grade II and other portions that are not covered in the listing are probably worthy of being considered as non-designated heritage assets. Their character and significance has been diluted by conversion to residential use – though such conversion was necessary to ensure their survival.

The relationship between the study area and these buildings is similar to that between it and the Hall – apart from the fact that the views of the walled garden area from most of the outbuildings is limited due to their layout. These buildings have also been encroached significantly by modern suburban house.

8.3 Other Adjacent Heritage Assets

No other heritage assets, designated or non-designated, are close enough to the study area to be significantly impacted by any developments within it.

8.4 Archaeological Issues

Knypersley Hall and its estate date back to the medieval period. However, the park has clearly been subjected to a degree of landscaping which will have impacted on buried archaeological deposits.

The walled garden area will have subjected to an even greater degree of landscaping in order to create the large fairly level area between its walls. It will also have been subjected subsequently to years of cultivation and to the erection and demolition of buildings ranging from solid brick structures to more ephemeral glasshouses.

Overall, because of these factors, it is considered that the archaeological potential of the study area is fairly low. However, any potential development of the site should be subject to an appropriate degree of archaeological investigation and/or watching brief following the advice of the local authority.

9. Suggested Development Strategy

As outlined above, the present impact on the setting of the Hall and its outbuildings by the remains of the walled garden is at best neutral, due in no small part to the absence of clear reciprocal views and the incomplete state of the original inclosure of the garden – and the general condition of the derelict buildings in the site.

Redevelopment within the walled garden will have a relatively minor visual impact on the setting of the Hall or outbuildings because of the limited reciprocal views and the distances involved.

There would, without proper consideration of plan form, detailing and scale, still be a degree of limited harm to the historical setting and the perception of such setting – though this would be ‘less than substantial harm’ under the relevant guidance and need to be balanced against public and other benefits. Such benefits, amongst others, could include:

- the provision of much needed housing on a previously developed site;
- the removal of unsightly derelict and dangerous buildings;
- the restoration of and improved access to the man-made cave or grotto;
- and the renovation of south section of the former garden wall.

There is a clear potential to enhance the perceived historical setting of the Hall and its outbuildings through a more considered development of the site. Such potential enhancements might include:

- the restoration of existing aspects of the walled garden area and key elements that are presently missing – e.g. the sense of a completely walled inclosure with perimeter structures and layout which respects the basic historical design and which could be re-created on the north and west sides by the layout, orientation and types (e.g. terraces) of the proposed dwellings to echo that former outline and its separateness within the landscape;
- a layout which is inward looking into the walled garden site rather than away from it with careful consideration of private and communal spaces and boundaries;
- limited new development immediately adjacent to the inner face of the south wall;
- the removal of modern structures against the outer face of the south wall, if possible;
- careful selection of the material palette (e.g. the use of dark reddish brown brick to echo the existing brickwork of the standing walls, along with tile, slate or potentially profiled steel sheeting to echo the glazed roofs of earlier glasshouses, etc.);

- sensitive consideration of storey heights and the use of maximum storey heights (e.g. up to 1.5 to 2 storeys) in certain parts of the site;
- potential retention and restoration of the central cistern or well as a focal point within the walled garden and future development, subject to feasibility and health and safety considerations;
- the creation of a communal open space in the west of the site which incorporates the restored man-made cave or grotto and which could potentially be further screened from the Hall and its outbuildings by more tree planting if necessary.

10. Conclusions

Overall, with good design and a well-considered layout, it is considered that the residential development of the site would result in a minor degree of change to the setting of the Hall and its outbuildings but that such change could result in an enhancement of that setting through the renovation of a derelict site and the restoration of much of its basic historical character within the surviving elements of the landscape.

As outlined above (in Section 2), generally, the *National Planning Policy Framework* recommends approval of development ‘... *unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*’.¹⁵

¹⁵*NPPF*, para. 14

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The Consultancy

Richard K Morriss founded this Consultancy in 1995 after previously working for English Heritage and the Ironbridge Institute of the University of Birmingham and spending eight years as Assistant Director of the Hereford Archaeology Unit. Although Shropshire-based the Consultancy works throughout the UK on a wide variety of historic buildings for clients that include the National Trust, the Landmark Trust, English Heritage, the Crown Estates, owners, architects, planning consultants and developers. It specialises in the archaeological and architectural analysis of historic buildings of all periods and planning advice related to them. It also undertakes broader area appraisals and Conservation Plans.

*Richard Morriss is a former Member of the Institute of Field Archaeologists, a Member of the Association of Diocesan and Cathedral Archaeologists, archaeological advisor to four cathedrals, occasional lecturer at Bristol and Birmingham universities, and author of many academic papers and of 20 books, mainly on architecture and archaeology, including *The Archaeology of Buildings* (Tempus 2000), *The Archaeology of Railways* (Tempus 1999); *Roads: Archaeology & Architecture* (Tempus 2006) and ten in the *Buildings of* series: *Bath, Chester, Ludlow, Salisbury, Shrewsbury, Stratford-upon-Avon, Warwick, Winchester, Windsor, Worcester* (Sutton 1993-1994). He was a member of the project team responsible for the restoration of Astley Castle, Warwickshire, winner of the 2013 RIBA Stirling Prize.*

APPENDIX 3

Planning Policy
Staffordshire Moorlands District Council
Moorlands House
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Staffordshire
ST13 6HQ

Mr T N Weaver

22 September 2017

Dear Sirs,

LOCAL PLAN PREFERRED OPTIONS CONSULTATION – SEPTEMBER 2017

SITE /BD069 – LAND AT FORMER KNYPERSLEY GARDEN CENTRE

We write in response to the consultation on the Preferred Options Local Plan Consultation, September 2017. We write as owners of the Former Knypersley Garden Centre site (Ref. BD069) since 2003. The site has been in our family since 1940s when our family moved to Biddulph.

Introduction

We have previously provided responses to consultations undertaken by the Council in respect of the emerging Site Allocations DPD which identified the Former Knypersley Garden Centre site (Ref. BD069) as a proposed 'preferred options' site to be released from the Green Belt for housing.

The Site Allocations DPD was being prepared to accord with the level of growth and strategy, for the period up to 2026, set out in the Core Strategy which was adopted in January 2014, prior to publication of the NPPF.

The Council has now decided to undertake a comprehensive review and prepare a single Local Plan which will provide a framework for delivering development from 2016 to 2031. It is currently consulting on its 'Preferred Options' Local Plan until 22 September 2017.

It is understood that the Council intends to consult on its 'Publication' draft Local Plan in February / March 2018 prior to submission to the Secretary of State for examination in June 2018.

These representations build upon submissions previously made to the Site Allocations DPD in respect of the former Garden Centre site and should be read alongside the appended Heritage Impact Assessment, prepared by Richard K Morriss & Associates.

In this letter we provide our comments on the 'Preferred Options' Local Plan and the soundness of the draft policies and proposals in the emerging Local Plan.

The remainder of this document is structured as follows:

- Housing Need and Supply.
- Strategy for Housing Delivery in Biddulph.
- Critique of the Council's Site Assessment.
- Merits of the Allocation of the site for residential development.
- Summary.

Housing Needs and Supply

Housing Need

The National Planning Policy Framework ("the Framework") requires Local Planning Authorities to plan to "boost significantly the supply of housing". It also requires Plans to be "positively prepared" in order to meet objectively assessed needs with "sufficient flexibility to adapt to rapid change". The NPPF requires that authorities meet the full, objectively assessed needs for market and affordable housing.

The adopted Core Strategy was based on a Strategic Housing Market Assessment (SHMA), prepared in 2014 and provided an assessment of the need for market and affordable housing.

This was updated in 2017 to take account of the updated 2014 Household Projections and new employment projections. The 2017 SHMA Update concludes that the housing needs of the District lie within the range of **235 to 330 additional homes per year up to 2031**. Over the plan period this would equate to and objectively assessed need (OAN) of: 3,525 – 4,950 new homes. The top of the range relates to the level of housing growth required to support potential employment growth, the bottom reflects the household projections only.

The 235-330 dpa figure relates only to part of the housing market area (HMA) that Staffordshire Moorlands sits within. The SHMA confirms that SMDC must through the Duty to Cooperate consider the housing needs of adjoining authorities, particularly Stoke on Trent, and assess whether any additional need is to be met.

The SHMA confirms that if the Council was to pursue an OAN figure significantly lower than 330 dpa whilst "planning for a level of annual job growth or even job stabilisation," it would need to justify how it would mitigate or avoid adverse housing, economic and other outcomes arising from a lower-growth approach. It also states that the Council would need to provide evidence of how the adverse impacts of meeting the housing need would 'significantly and demonstrably outweigh the benefits', in accordance with paragraph 14 of the NPPF, and make provision, through the duty-to-cooperate, for those needs to be met in full elsewhere within the wider HMA.

The Council is proposing to adopt a housing requirement of **320 dwellings per year** (i.e. 6,080 dwellings) for the period 2012-2031. This is 10 dwellings per year less than the upper figure identified in the SHMA Update 2017. The housing requirement is extended to cover the period 2012-2031 to take account of under delivery in previous years.

The Council expects the proposed level of provision to:

- fully meet demographic housing needs;
- help support an increase of over 800 full time equivalent (FTE) jobs across the plan period; and
- help address the affordable housing need.

The Council considers this requirement to be "aspirational but realistic" in accordance with the NPPF.

However, it is not clear why the Council is proposing to adopt a housing requirement which is below the upper figure identified in the SHMA.

This figure also does not appear to take account of the Duty to Co-operate. We are therefore concerned whether the housing requirement and Policy SS3 in the emerging Local Plan is "positively prepared" (i.e. based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities).

We are also concerned whether the Local Plan would be "effective" and would deliver the level of housing required in the HMA and if the housing requirement is "justified" (i.e. the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence).

Therefore, we are concerned that the housing requirement identified would fail to satisfy the tests of soundness in the NPPF and the Duty to Co-operate, established by the Localism Act 2011. As a minimum, the Local Plan should adopt the upper figure of 330 dwellings per year over the plan period which is identified in the SHMA and ensure that consideration is given to the housing needs of adjacent authorities.

Proposed Housing Supply

In order to provide flexibility Plans should identify sufficient deliverable and developable sites to ensure that the full objectively assessed housing needs are met within the current plan period in the event that sites are delayed or are not delivered as expected.

Draft Policy SS4 states that the housing requirement identified in the Local Plan will be met from completions since 2012, current commitments, site allocations and a windfall allowance. It also confirms that the Peak District National Park Authority has agreed to provide for 100 dwellings towards the needs of Staffordshire Moorlands.

The Council, therefore, identifies a net housing requirement of **3,859 dwellings** once completions (2012-2017), commitments and an allowance for 100 dwellings in the Peak District National Park are taken into account. Against this requirement the Council proposes to allocate sites to deliver a total of **2,807 dwellings with a total windfall allowance of 1070 dwellings**, during the plan period. The windfall allowance would make up approximately 28% of the total proposed housing supply.

In total, this would equate to a supply of **3,877 dwellings**. Therefore, Policy SS4 would result in the delivery of only **18 dwellings** more than the identified minimum requirement during the plan period. This would equate to a 'buffer' of **less than 1%**.

The Core Strategy incorporated a "*slippage allowance*" or 'lapse rate' of 10% of the housing requirement to allow flexibility in the supply. This was based on an assumption that 10% of sites would not come forward as anticipated. The LPA no longer proposes to incorporate this allowance or 'lapse rate' as it is considered that the proposed approach to monitoring and housing supply "*provide a greater degree of flexibility than the Core Strategy*". The justification provided is insufficient to support the removal of the slippage allowance particularly in the context of the very limited degree of flexibility proposed in the housing land supply and the past record of under delivery in the District.

However, this level of flexibility is in our view insufficient to ensure that the housing requirement identified by the LPA (assuming this is found sound) would be met in the plan period. Therefore, the current strategy (set by draft Policy SS3 and SS4) does not identify sufficient sites to deliver housing for it to be considered 'positively prepared' and sufficiently 'flexible' in accordance with the Framework. This raises concern regarding the ability of the Plan to meet the tests of soundness established by paragraph 182 of the Framework.

The Local Plans Expert Group (LPEG)¹ has recommended that to boost significantly the supply of housing, in accordance with the NPPF, and ensure that needs are met over the plan period, Local Plans should identify sufficient deliverable or developable sites to meet the housing requirement for the plan period plus an additional allowance for flexibility appropriate to local circumstances. It recommends that to provide extra flexibility developable sites should be identified for approximately 20% of the housing requirement.

The Local Plan should, therefore, make provision for the allocation of deliverable and developable sites with the capacity for 20% more dwellings than the adopted minimum requirement, in accordance with the LPEG recommendation.

In order to provide the 20% buffer recommended by LPEG the Local Plan should allocate sufficient land to accommodate **772 dwellings** in excess of the minimum requirement identified by the LPA of 3,859 (i.e. a total of **4,631 dwellings**). Therefore, additional sites should be allocated to provide at least **754 additional dwellings**. This level of flexibility is required to provide certainty regarding the delivery of the minimum housing requirement in the plan period.

The Council has also not, to our knowledge, provided a comprehensive list of the sites with planning permission which form part of their supply or any evidence to support the significant portion of the housing requirement that is proposed to be met by windfall sites.

The NPPF states that LPAs may make an allowance for windfall sites if they have "*compelling evidence*" that such sites have consistently become available in the local area and will continue to provide a reliable source of

¹ LPEG 'Report to the Communities Secretary and to the Minister of Housing and Planning', March 2016

supply. Therefore, we are not convinced, at this stage, that the LPA has provided compelling evidence to support the proposed windfall allowance.

Moreover, there is, in our view, some risk that sites with planning permission (i.e. commitments), in particular, may not be delivered in the timescales or for the numbers anticipated and could fall out of the Council's supply such that the minimum housing requirement may not be met. Therefore, the LPA should allow for a lapse rate or "slippage allowance" as per the adopted Core Strategy to minimise the risk that the housing requirement is not delivered, particularly when the authority's past record of under delivery of housing is considered. Additional sites should also be identified to provide further flexibility to ensure that needs are met during the plan period.

Allocating the former Knypersley Hall Garden Centre site (BD069) could add up to a further 30 dwellings to the total, thereby enhancing the flexibility and soundness of the Plan.

Housing Distribution

Draft Policy SS3 establishes the proposed housing distribution in the District in accordance with the hierarchy proposed by Draft Policy SS2. It proposes to direct the majority of housing (75%) to the main towns in the District (i.e. Leek, Biddulph and Cheadle) with the remaining 25% directed to the rural areas. Of the 75% the Council proposes to direct 20% of the new housing to Biddulph.

The distribution set out in the draft Policy is broadly consistent with the distribution in the adopted Core Strategy, albeit with some minor adjustments to Cheadle and the Rural Areas.

The proposed distribution of housing growth appears to reflect the settlement hierarchy set out in draft policy SS2 and the principles established by the NPPF in terms of directing housing to the most sustainable settlements in the District.

Biddulph Need and Supply

The draft Local Plan identifies a residual minimum requirement of 885 dwellings in Biddulph, once existing completions and commitments are taken into account. The minimum requirement has been reduced (from 1,196 dwellings) by 205 completions and 106 commitments since 2012.

The Council has not, to our knowledge, provided a comprehensive list of the sites with planning permission (i.e. commitments) which form part of their supply.

There is, in our view, some risk that sites with planning permission (i.e. commitments), in particular, may not be delivered in the timescales or for the numbers anticipated and could effectively fall out of the Council's supply such that the minimum requirement may not be met.

Therefore, as set out above, the LPA should allow for a lapse rate as per the adopted Core Strategy. Moreover, the Council should identify additional housing sites to provide the level of flexibility required to ensure that the minimum requirement for Biddulph is met in accordance with the requirements of the NPPF.

Therefore, the former Knypersley Hall Garden Centre should be allocated for housing in the current plan period. This would assist in ensuring that the minimum requirements for Biddulph, identified by the LPA are met.

The Council proposes that 725 dwellings would be provided in Biddulph through new site allocations in the Local Plan but 160 dwellings (18%) would be delivered through large and small windfall sites. As set out above, The NPPF states that LPA's may make an allowance for windfall sites if they have "compelling evidence" that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. We are not convinced, at this stage, that the LPA has provided compelling evidence to support the proposed windfall allowance

Therefore, we are concerned that Policy SS4 and Policy H2 would fail to provide the flexibility required to ensure the delivery of the minimum housing requirement for Biddulph. This raises concern regarding the ability of the Plan to meet the tests of soundness established by paragraph 182 of the NPPF.

Strategy for Housing Delivery in Biddulph

Biddulph is contained by the Green Belt. A District wide Green Belt Review has been undertaken by the Council and this recommends areas around Biddulph which could be considered for release in exceptional circumstances.

The adopted Core Strategy identified that a review of the Green Belt was necessary in order for Biddulph to accommodate the identified development requirements for the town. Therefore, it is accepted that there is a need and "exceptional circumstances" for Green Belt land to be released in order to meet the development requirements for Biddulph during the plan period.

The Strategy for Biddulph, established by draft Policy H2 and Policy SS6, focuses on large two mixed-use allocation sites to meet the housing requirement for the town along with urban regeneration of brownfield sites.

This represents a significant shift in strategy from the emerging Site Allocations DPD, which proposed to release a number of smaller sites around the edge of the town, including the former Knypersley Hall Garden Centre site (BD069) for housing. From our review of the evidence available there is no clear justification provided for this change in strategy. Therefore, we are concerned whether the proposed strategy in the emerging Local Plan is "Justified" (i.e. is the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence) and is "sound".

The first of the mixed-use sites identified in Biddulph is the Wharf Road Strategic Development Area (Policy DSB1) for housing (approximately 588 dwellings), retail and employment. Much of this area was previously identified as a 'Broad Area' in the Core Strategy for mixed-use development. However, this has now been extended to include an additional area of land alongside the bypass and to the west of the Biddulph Valley Way. This would require the release of a large parcel of land from the Green Belt for housing.

We have some concerns regarding the deliverability of this site. In particular, we understand that the site may be in multiple ownerships and there are a range of possible constraints to development including noise, air quality, ecology and ground conditions due to the historic use of the land for mining and potential landfill. Therefore, we are concerned that this allocation may not be "effective" (i.e. deliverable).

We are also concerned whether the proposed Green Belt release to the west of the Biddulph Valley Way is "justified" and the most appropriate strategy when considered against all reasonable alternatives. In particular, we note that the Council's Green Belt Assessment of Additional Sites (2017) assesses the site as having a greater contribution to the five purposes of the Green Belt than a number of reasonable alternative sites in the town including BD069. The site is identified as having weak boundaries to the south and west which are not defensible and could fail to prevent further urban sprawl. This would be in conflict with paragraph 85 of the NPPF which states that LPAs should "define boundaries clearly, using physical features that are readily recognisable and likely to be permanent".

We also note that the Council's SHLAA (2016) concluded that the development of the land to the west of the BVW (Ref. BD116) would not be suitable as the BVW provides a strong boundary to settlement and its development would result in intrusion into the open countryside.

Therefore, we have some concerns whether the Wharf Road Strategic Development Area (Policy DSB1) and, the proposed release of greenfield land to the west of the BVW from the Green Belt, in particular, would satisfy the tests of soundness at paragraph 182 of the NPPF.

The second mixed-use site is the Tunstall Road Strategic Development Area (Policy DSB3) opposite Victoria Business Park for housing (approximately 80 dwellings) and employment. This site is also currently in the Green Belt and would require the Green Belt boundary to be amended. This site appears to be located in a predominantly employment area, further from facilities and services in the centre of Biddulph than site BD069. According to the Council's Green Belt Assessment this site also appears to perform a greater contribution to the purposes of the Green Belt than site BD069. Therefore, again we query whether the proposed allocation of this site over and above site BD069 is "justified".

The Council also supports the regeneration of two mills in the town (Policy DSB2) for housing (approximately 57 dwellings). The sites have a combined area of approximately 0.38 hectares. In order to deliver a total of 57 dwellings this would require the site to be developed at a density of approximately 150 dwellings per hectare.

Whilst the site is a brownfield site in a sustainable location in the town centre a density of 150 dph would be extremely high when compared to the character of the town. We are, therefore, concerned whether the site could be developed for the level of housing identified in the emerging Local Plan and may not be "effective" in accordance with paragraph 182 of the NPPF.

For the reasons set out above we are concerned whether the housing strategy for Biddulph would satisfy the tests of soundness at paragraph 182 of the NPPF. Therefore, the Council should propose to allocate additional sites including site BD069 for housing in the emerging Local Plan, to ensure that the Local Plan is effective. Site BD069 is suitable, available and achievable, therefore, deliverable in the short term. It is also 'justified' and would, in our view, represent the "most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence".

Site Specific Assessment – BD069

The Council has appointed a consultant to prepare a Landscape Local Green Space and Heritage Impact Study (2016) to assess the landscape sensitivity and potential heritage impacts of the proposed allocations.

In respect of landscape sensitivity the assessment notes that the site is overgrown and sensitive redevelopment of the site could improve local landscape character through the removal of derelict buildings, the existing metal fencing and scrub.

We note that the edge of the site is well defined and visually very well contained by the existing trees and soft landscaping which are located along its boundaries. The site is a pocket of brownfield land that is visually isolated. It is currently bounded by security fencing due to the issues surrounding vandalism and arson. This gives the site an industrial appearance and the development of the site would clearly, therefore, provide an opportunity to improve the appearance and security of the site for residents living nearby.

In terms of heritage impact the assessment states that there is one Grade II* and one Grade II Listed Building within close proximity to the site and that the site "contributes greatly to the setting of the Grade II* as a walled garden to the hall, which in turn, contributes to the overall significance of the asset." and that development of the site would be "highly likely" to cause substantial adverse effects to the setting of the Grade II* Listed Building.

This conclusion is carried forward into the Council's draft Local Plan Sustainability Appraisal (2017) and is identified as negative impact of the site.

We have concerns regarding the robustness of this high level assessment of the potential heritage impact of the site and the highly precautionary conclusions reached by it. Indeed this assessment does not appear to take any account of the current state of the site which has been vacant for a number of years and contains a number of dilapidated buildings that have fallen into a state of disrepair and been subject to vandalism and arson. It also does not appear to have regard to the physical and visual separation of the site from the Grade II* Listed Knypersely Hall by the adjacent lake and a significant number of trees and dense landscaping. It also does not appear to take account of the potential benefits and positive impacts that could be achieved through the high quality residential redevelopment of this derelict brownfield site.

 We have, therefore, appointed an independent Heritage Consultant to undertake a more detailed assessment of the site to assess the potential impact of the residential development of the site on nearby heritage assets. A copy of their report is appended with this letter.

The Heritage Impact Assessment prepared by Richard K Morriss Associates confirms that the present impact on the setting of the Hall and its outbuildings by the remains of the walled garden is at best neutral, due to the absence of clear reciprocal views, the incomplete state of the original inclosure of the garden and the derelict condition of the buildings on the site.

The Assessment concludes that the redevelopment within the walled garden will have a relatively minor visual impact on the setting of the Hall or outbuildings because of the limited reciprocal views and the distances involved.

Richard K Morriss Associates has identified clear potential to enhance the perceived historical setting of the Hall and its outbuildings through a considered development of the site.

Overall, Richard K Morriss Associates concludes that with good design and a well-considered layout, the residential development of the site would result in a minor degree of change to the setting of the Hall and its outbuildings but that such change could result in an enhancement of that setting through the renovation of a derelict site and the restoration of much of its basic historical character within the surviving elements of the landscape.

Therefore, the negative score in the Sustainability Appraisal and conclusions of the Landscape Local Green Space and Heritage Impact Study (2016) are inappropriate and should be amended to reflect the conclusions reached by Richard K Morriss Associates. The site should be afforded a better score than indicated in the Sustainability Appraisal (2017).

Merits of Site BD069

Deliverability

Footnote 11 of Paragraph 47 of the Framework establishes that, in order to be deliverable, sites should be:

- available now;
- offer a suitable location for development now; and
- be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.

The Planning Practice Guidance (PPG) states that deliverable sites could include *"those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5 years."*

It states that sites can be considered deliverable if there are *"no significant constraints (eg infrastructure) to overcome ... can be considered capable of being delivered within a 5-year timeframe."*

The PPG also recognises that site size is an important factor and plan makers will need to consider *"the time it will take to commence development on site and build out rates to ensure a robust 5-year housing supply."*

Availability

The PPG states that a site is:

"considered available for development, when, on the best information available...there is confidence that there are no legal or ownership problems... land is controlled by a developer or landowner who has expressed an intention to develop, or ... to sell..."

We own the entire site and have owned it since 2003 but it has been in our family ownership since 1940s. We have been actively promoting the site for residential development for several years and our intention is to sell the site for development in due course once the necessary planning approvals have been secured. The site is immediately available for residential development.

There is no legal ownership or other technical impediments to the development of the site. Accordingly, it is available now in NPPF terms.

The site is approximately 1 hectare in area. It is anticipated that it could be developed at a density of approximately 30 dwellings per hectare, which would reflect and respond to the density of nearby residential areas. This results in an indicative site capacity of 30 dwellings. This was reflected in the Council's previous Preferred Options Site Allocations document and SHLAA (2016) which indicated that the Council agreed that the site is capable of delivering circa. 30 dwellings.

Suitability

The PPG confirms that assessing the suitability of sites for development should be guided by:

- *"the development plan, emerging plan policy and national policy;*
- *market and industry requirements in that housing market or functional economic market area."*

As set out in detail in our letter to the Council dated 13 June 2016, the site is in a sustainable, accessible location on the edge of Biddulph which is a focus for housing growth in the District. There are no significant technical constraints or issues that might prevent the development of the site for housing or make the development unviable or undeliverable. For these reasons, it is considered that the site is available, suitable, and achievable and is, therefore, deliverable.

It is understood that a suitable access to the site could be provided from Orme Road. Indeed there has been no objection to the residential development of the site been raised by the Local Highway Authority or District Council.

Given the former use of the site as a garden centre it is not anticipated that there would be any issue or constraints to development in terms of ground conditions or contamination. It is also understood that, given the former use of the site, and its location contiguous with the settlement boundary and nearby residential development, the site could be easily linked to mains services. The site is also fairly flat and there are no evident constraints.

According to the Environment Agency's Flood Risk Map the site is located entirely within Flood Zone 1 (i.e. at low risk of flooding with less than 1 in 1,000 annual probability of river or sea flooding). According to the National Planning Practice Guidance (NPPG) residential development is a "more vulnerable" use to flooding. The NPPG confirms that residential development would be considered an appropriate use in Flood Zone 1. The Council's Strategic Flood Risk Assessment (2015) also confirms that the site is in Flood Zone 1 at low risk of flooding.

There are number of trees located within the site. However, the majority are located towards the site boundaries. Therefore, it is considered that the majority of the quality existing trees on the site could be effectively incorporated in to the design and layout of the site at a later stage. Moreover, the site is not subject to any designations relating to the conservation of ecology or biodiversity.

The Council's own assessment has concluded that the development of the site could improve local landscape character through the removal of derelict buildings, the existing metal fencing and scrub.

The Government attaches great importance to Green Belts and that the fundamental objective of Green Belt policy, as established in the National Planning Policy Framework (NPPF), is to prevent urban sprawl. Paragraph 79 establishes that the essential characteristics of Green Belts are their "openness" and "permanence".

However, by virtue of the site's former use as a Garden Centre and the built structures on the site, including various garden centre buildings and green houses, it is considered that the brownfield site does not effectively serve or perform the five purposes or functions of the Green Belt established in paragraph 80 of the NPPF:

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

Moreover, the edge of the site is well defined and visually contained by the existing trees and soft landscaping which are located along its boundaries. The trees and change in levels at the site boundary sever the site from the green belt to the south, in physical and visual terms. This results in the site becoming a pocket of brownfield land that is visually isolated from the main area of green belt to the south. Therefore, development of the garden centre site would result in no visual impact on the openness of the Green Belt.

Furthermore, paragraph 89 of the NPPF states that the partial or complete redevelopment of brownfield land, such as the garden centre site, which would have no greater impact on the openness of the Green Belt and the purpose of including land within it would not be considered inappropriate development in the Green Belt. By virtue of the visual containment of the site it is considered that the redevelopment of this brownfield site for housing would not have any greater impact on the openness of the Green Belt or its function and would not constitute inappropriate development in the Green Belt.

The land to the south of the site is not in agricultural use and is the Mill Hayes Playing Fields, which are used by Biddulph High School. It is considered that the northern boundary of the playing fields would provide a more appropriate, clear, defensible boundary for the green belt along a physical feature or use which is readily recognisable and likely to remain permanent in line with paragraph 85 of the NPPF.

Development of the site as a whole would represent sensible rounding of the settlement boundary and would avoid unrestricted sprawl into the open countryside. It is not necessary to keep this site 'open' to prevent neighbouring towns from merging. The development of the site poses no threat to coalescence, either actual or perceived. The site serves no purpose in preserving the setting and special character of a historic town.

The Council's Green Belt Assessment (2016) concludes that the site makes a limited contribution to the five purposes of the Green Belt which are set out at paragraph 80 of the NPPF. The Council's Assessment also recommended that the site be considered for release from the Green Belt and concluded that the site comprises previously developed land with strong defensible boundaries that would provide a logical extension to the settlement.

We are not therefore aware of any technical constraints that would prevent development of the site for housing. However, should the Council require any further technical information to consider or support the suitability of the site for residential redevelopment and removal from the Green Belt we would be willing to investigate this further and provide any information where possible.

Achievability

Footnote 11, Paragraph 47 of the Framework states that in order for sites to be considered deliverable they must be "*achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable*". The PPG confirms that this requires a "*...judgement about the economic viability of a site*".

There is a realistic prospect of housing being delivered on the site within five years. The site is available and unconstrained. It could be brought to market rapidly. There have been expressions of interest from potential developers.

There are no significant constraints that might make the development unviable or undeliverable. Therefore, the development of the site is viable and it can deliver housing within the next 5 years.

For these reasons, site (Ref. BD069) is available, suitable, and achievable and is, therefore, deliverable.

Benefits

A wide range of benefits would arise from the development of the site. These benefits would include:

- a contribution towards the need for market housing in the town, including the provision of a mix of house types (e.g. smaller starter homes and larger family homes);
- a contribution towards the need for affordable housing;
- the provision of a high quality development;
- the improvement of a derelict site;
- potential enhancements to the setting of heritage assets;
- the retention of natural and historic features;
- the creation of open spaces;
- the creation of jobs during the construction phase of development;
- the generation of New Homes Bonus and Council Tax; and
- other financial contributions (e.g. to improvements to local services and infrastructure).

We note that a total of 16 letters were received in relation to the site to the 'Preferred Options' consultation on the emerging Site Allocations DPD. Of these responses a total of 11 were in support of the site. Therefore, the redevelopment of the site for housing is also subject to support from members of the local community.

Summary

In summary our comments on the emerging Local Plan are as follows:

- the need for the release of land from the Green Belt in Biddulph is established;
- we query whether the objectively assessed need and the identified housing requirement would satisfy the tests of soundness in the NPPF and the Duty to Co-operate, established by the Localism Act 2011;
- the broad distribution of housing is broadly supported and accords with the adopted Core Strategy and principles in the NPPF, however, it is considered that Policies SS3, SS4 and SS6 do not pass the tests of soundness established by paragraph 182 of the Framework;
- these policies are not "*positively prepared*" and provide insufficient flexibility to ensure that the housing requirement and any higher need which may arise from the wider Housing Market Area would be met in the plan period "*with sufficient flexibility to adapt to rapid change*" in accordance with Paragraph 14 of the Framework;
- there is a risk that the policies could prevent the "*effective*" delivery of the development requirements. As a result the policies are not "*consistent with national policy*" as the Local Plan would fail to sufficiently "*boost significantly the supply of housing*" in accordance with paragraph 47 of the Framework;
- it is not clear why the Council has significantly altered its housing deliver strategy for Biddulph and is proposing to release certain sites, for development, which perform a greater Green Belt function than other sites in the Green Belt which are not proposed for allocation but are suitable, available and achievable;
- the Council's evidence base also provides no clear justification why the former Knypersley Hall Garden Centre site (BD069) should not be allocated for housing in the plan period. Therefore, policies SS6 and DSB 1, 2 and 3 of the emerging Local Plan are not "*justified*";
- in order to make these policies 'sound' it is necessary for additional sites to be allocated for housing in the current plan period to 2031;
- site BD069 should be allocated for housing in the current Plan period. This would provide some additional flexibility and help to ensure that the minimum requirement is met;
- site BD069 is available, suitable and achievable and is, therefore, deliverable in accordance with the NPPF. Allocating the site would represent a positive response to the NPPF requirement to '*significantly boost*' the delivery of housing.
- therefore, there are clear reasons to allocate the former Knypersely Hall Garden Centre (Site BD069).

We trust that our responses are all clear; however, should Officers wish to discuss any of the above points in more detail or have any questions please do not hesitate to contact us on _____ or at the address at the top of this letter.

Yours faithfully,

Mr N Weaver, Mrs B D Eastwood, Mr R Weaver and Mr P Weaver

APPENDIX 4

Planning Policy
Staffordshire Moorlands District Council
Moorlands House
Stockwell Street
Leek
Staffordshire
ST13 6HQ

Mr T N Weaver

13 June 2016

Dear Sirs,

LOCAL PLAN SITE ALLOCATIONS - PREFERRED OPTIONS SITES AND BOUNDARIES

JUNE 2016 – QUESTIONS 15, 17 and 19

HOUSING LAND, BIDDULPH – REF: BD069 - FORMER KNYPERSLEY HALL GARDEN CENTRE

We write in support of the proposed allocation of the above brownfield, former garden centre site for residential development, inclusion within the town boundary for Biddulph and removal from the Green Belt. We write as owners of the site since 2003. The site has been in our family since 1940s when our family moved to Biddulph.

In writing this letter we have taken advice from town planning consultants and have reviewed the consultation documents available on the Council's website. The following sections of this letter establish our reasons for supporting the proposed allocation of this site for residential development, including within the town boundary and its removal from the green belt.

Please take this letter as a formal response to the Site Allocations Preferred Options consultation in respect of the site and Question 15, 17 and 19 in particular.

The Site and Surroundings

The site extends to approximately 1.02 hectares (2.5 acres). The land is shown on the plan attached at Appendix 1 (Ref. SF498873).

The site is approximately one kilometre to the southwest of Biddulph town centre, which contains a variety of shops and facilities including a library and leisure centre. The land is bounded, to the north, by Orme Road, beyond which is Biddulph High School. To the south of the site is the Mill Hays Playing Fields. To the east and west of the site are primarily residential areas. To the south west of the site is a Knypersley Hall which is a Grade II* listed building.

The site is a brownfield site which comprises of a former garden centre which was in operation from the late 1960s to 2003. The site is partly covered by greenhouses, other garden centre buildings (as shown on the enclosed photograph) and extensive areas of hard standing. The buildings on site have become dilapidated and have fallen into a state of disrepair following the closure of the Garden Centre in 2003. There are also a number of trees located along the site boundaries.

The Principle of Development

The Council's adopted Core Strategy (March 2014) identifies a need for 6,000 dwellings in the District between 2006 and 2026. The Core Strategy commits to undertaking an early review to cover the period 2016 – 2031 to ensure that future provision will continue to meet objectively assessed needs. It also states that the Council will seek to enhance the role of Biddulph as a significant service centre

and improve the local housing market by increasing the range of houses and allocating deliverable housing sites within the urban area and, on land adjacent to the urban area.

Policy SS5B of the Core Strategy states that sites identified adjacent to the urban area of Biddulph shall be in locations which relate well to the urban area, can be assimilated into the landscape and would help secure infrastructure improvements. The supporting text to Policy SS5B states that due to the extent of green belt around the town, opportunities for peripheral expansion are limited. Therefore, it establishes that in order to meet the longer-term needs of the town, some development will be required in the green belt. It states that up to 2026 there will be a need for a minimum of 813 dwellings in Biddulph, of which land for around 200 dwellings would need to be identified in the green belt.

Policy SS5B, therefore, states that the allocation of small urban extension sites will require a comprehensive review of the green belt boundary around Biddulph to accommodate the new dwellings through the preparation of the Site Allocations DPD and an early review of the Core Strategy.

We understand that the Council has recently reviewed the position in relation to local housing need accounting for the latest Government household projections, new population and employment data. The Council's updated Housing Need report, from January 2016, concludes that the housing need for the District is between 250 to 440 homes per year between 2012 and 2031. Therefore the Council's Preferred Options document proposes an annual housing requirement of 320 homes per year up to 2031. In relation to Biddulph it identifies a requirement for 1196 new dwellings (855 net) during the plan period to 2031.

Therefore, we support the general growth strategy for the District and the focus on the delivery of the majority of housing and employment in the main towns, including Biddulph. We also support the proposed allocation of the Knypersley Hall Garden Centre site, within the town boundary, for residential development to help contribute towards meeting the housing needs for Biddulph, for the following reasons.

We understand that the Government attaches great importance to Green Belts and that the fundamental objective of Green Belt policy, as established in the National Planning Policy Framework (NPPF), is to prevent urban sprawl. Paragraph 79 establishes that the essential characteristics of Green Belts are their "openness" and "permanence".

However, by virtue of the site's former use as a Garden Centre and the built structures on the site, including various garden centre buildings and green houses, it is considered that the brownfield site does not effectively serve or perform the five purposes or functions of the Green Belt established in paragraph 80 of the NPPF:

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

Moreover, the edge of the site is well defined and visually contained by the existing trees and soft landscaping which are located along its boundaries. The trees and change in levels at the site boundary sever the site from the green belt to the south, in physical and visual terms. This results in the site becoming a pocket of brownfield land that is visually isolated from the main area of green belt to the south. Therefore, development of the garden centre site would result in no visual impact on the openness of the Green Belt.

Furthermore, paragraph 89 of the NPPF states that the partial or complete redevelopment of brownfield land, such as the garden centre site, which would have no greater impact on the openness of the Green Belt and the purpose of including land within it would not be considered inappropriate development in the Green Belt. By virtue of the visual containment of the site it is considered that the redevelopment of this brownfield site for housing would not have any greater impact on the openness of the Green Belt or its function and would not constitute inappropriate development in the Green Belt.

The land to the south of the site is not in agricultural use and is the Mill Hayes Playing Fields, which are used by Biddulph High School. It is considered that the northern boundary of the playing fields would provide a more appropriate, clear, defensible boundary for the green belt along a physical feature or use which is readily recognisable and likely to remain permanent in line with paragraph 85 of the NPPF.

Moreover, we note that the Council's Green Belt Assessment, undertaken by Amec Foster Wheeler, in November 2015, confirms that the Knypersley Hall Garden Centre site makes a 'limited' contribution to the purposes and function of the green belt, is "*potentially suitable*" for removal from the green belt and comprises:

"Previously developed land with reasonably strong outer boundaries and which would create a logical extension to the current settlement envelope."

We also note that the Council recognises, in their Options Site Assessment document (which accompanies the Preferred Options Site Allocations document), that in order for Biddulph to accommodate new development, the Green Belt boundary will need to be adjusted as there are insufficient sites in the existing settlement boundary to accommodate Biddulph's housing requirement to 2031.

In proposing the site as a preferred option for removal from the Green Belt and residential development the Council clearly considers that the site is in a sustainable location that is contiguous with the neighbouring residential area that surrounds the site to the north, east and west.

The Council clearly agrees with our view that the site is in an accessible location with good levels of accessibility to range of facilities on foot and by public transport. This is confirmed by the Council's site assessment which states that the site is well related to the residential area and is close to Biddulph High School and other facilities. Moreover, there are several bus stops in close proximity to the site. These are located on Park Lane and Mayfields Road (less than 300 metres walking distance from the site). The bus stops are served by a number of bus routes which provide access to the various shops, facilities and employment in Biddulph Town Centre and further afield to areas including Congleton, Newcastle and Hanley.

As stated previously, the site is brownfield land and contains various garden centre buildings and greenhouses. Unfortunately, since the closure of the garden centre in 2003, these buildings have fallen into disrepair. The site has also been the target of both vandalism and arson. Therefore, it is considered that the removal of the site from the Green Belt and its allocation for residential development would enable a viable use for the site and provide the opportunity for the existing dilapidated structures on the site to be replaced by a viable, secure and efficient use of the land for residential development, which would contribute towards meeting the identified housing needs for Biddulph.

Given the sustainable location of the site and its accessibility to services and facilities in the town centre it is also anticipated that the site could make an appropriate contribution to meeting affordable housing needs in the district.

The site is currently contained by security fencing due to the issues surrounding vandalism and arson. This gives the site an industrial appearance to dwellings surrounding the site. It is considered that the development of the site would also, therefore, provide the opportunity to improve the appearance and security of the site for residents living nearby.

Technical Constraints

It is understood that a suitable access to the site could be provided from Orme Road. Moreover, the development of the site would offer the potential opportunity for associated improvements to the 'un-adopted' Orme Road by a potential developer.

Given the former use of the site as a garden centre it is not anticipated that there would be any issue or constraints to development in terms of ground conditions or contamination on the site. It is also understood that, given the former use of the site, and its location contiguous with the settlement boundary and nearby residential development, the site could be easily linked to mains services. The site is also fairly flat and there are no evident building constraints.

According to the Environment Agency's Flood Risk Map the site is located entirely within Flood Zone 1 (i.e. at low risk of flooding with less than 1 in 1,000 annual probability of river or sea flooding). According to the National Planning Practice Guidance (NPPG) residential development is a "more vulnerable" use to flooding. The NPPG confirms that residential development would be considered an appropriate use in Flood Zone 1. The Council's Strategic Flood Risk Assessment (2015) also confirms that the site is in Flood Zone 1 at low risk of flooding. However, we note that there appears to be a minor error in the Options Site Assessment document, which accompanies the Preferred Options Site Allocations document, which suggests that the site is located within a flood zone.

There are number of trees located within the site. However, the majority are located towards the site boundaries. Therefore, it is considered that the majority of the quality existing trees on the site could be effectively incorporated in to the design and layout of the site at a later stage. Moreover, the site is not subject to any designations relating to the conservation of ecology or biodiversity.

Although the site is located adjacent to Knypersley Hall, a Grade II* Listed Building, as stated in the Council's Site Assessment, the site is secluded and separated from Knypersely Hall by the adjacent lake and a significant number of trees and landscaping and falls outside the curtilage of the Listed Building. Therefore, it is considered that the development of the site for approximately 30 dwellings would not result in any significant impact on the designated heritage asset or its setting, subject to appropriate design. We understand that the Council is currently commissioning a heritage impact assessment, in conjunction with Heritage England, for all the sites selected as Preferred Options allocations and we look forward to reviewing the outcome of this in assessment in due course.

We are not aware of any technical constraints that would prevent development of the site for housing. However, should the Council require any further technical information to consider or support the suitability of the site for residential redevelopment and removal from the Green Belt we would be willing to investigate this further and provide any information where possible.

Capacity and Deliverability

The site is approximately 1 hectare in area. It is assumed that it could be developed at a density of approximately 30 dwellings per hectare, given its rural location. Therefore, giving an indicative site capacity of 30 dwellings. This is reflected in the Preferred Options document which indicates that the Council agrees that the site is capable of delivering circa. 30 dwellings.

The site is immediately available for residential development. Therefore, assuming that development of the site could commence within two years of the allocation of the site (in the Council's Site Allocations Document which is expected to be formally adopted in 2017), following the grant of planning permission, we anticipate that the total number of dwellings would be constructed and delivered within a further year.

Conclusions

We trust that our responses above provide sufficient confirmation of our support for the allocation of the site in the Council's Site Allocations Development Plan Document (DPD), its deliverability and its possible contribution to the Council's housing delivery in the short-term, given the identified shortage of housing in the District.

We look forward to being invited to engage in any further stages of consultation on the emerging DPD in the near future. However, in the meantime, should Officers wish to discuss any of the above points in more detail or have any questions please do not hesitate to contact us on [t](tel:01223353800) or at the address at the top of this letter.

Yours faithfully,

Mr N Weaver, Mrs B D Eastwood, Mr R Weaver and Mr P Weaver 13 June 2016

13 June 2016

APPENDIX 5

Planning Policy
Staffordshire Moorlands District Council
Moorlands House
Stockwell Street
Leek
Staffordshire
ST13 6HQ

Dear Sirs,

**LOCAL PLAN SITE OPTIONS CONSULTATIONS – QUESTION 2A, 8A, 8B
HOUSING LAND, BIDDULPH - Ref: BD069
FORMER KNYPERSLEY GARDEN CENTRE**

We write in support of the allocation of the above site for residential development and removal from the Green Belt. We write as owners of the site since 2003. The site has been in our family since 1940s when our family moved to Biddulph.

In writing this letter we have taken advice from independent town planning consultants. The following sections of this letter establish our reasons for supporting the allocation of this site for development and its removal from the green belt.

Please take this letter as a formal response to the Local Plan Site Options Consultation may 2016 in respect of the site.

The Site

The site extends to approximately 1.02 hectares (2.5 acres). The land and areas within it is shown on the plan attached at Appendix 1 (Title number sf498873).

The site is approximately one kilometre to the southwest of Biddulph town centre, which contains a variety of shops and facilities including a library and leisure centre. The land is bounded to the north by Orme Road, beyond which is Biddulph High School. To the south of the site is the Mill Hays Playing Fields. To the east and west of the site are primarily residential areas. To the south west of the site is a Knypersley Hall which is a Grade II* listed building.

The site comprises of a former garden centre which was in operation from the late 1960s to 2003. The site is partly covered by greenhouses, other garden centre buildings and extensive areas of hard standing. The buildings on site have become dilapidated and have fallen into a state of disrepair following the closure of the Garden Centre in 2003. There are also a number of trees located along the site boundaries.

Principle of Development

We support the allocation of the site for residential development for the following reasons. We understand that the Government attaches great importance to Green Belts and that the fundamental objective of Green Belt policy, as established in the National Planning Policy Framework (NPPF), is to prevent urban sprawl. Paragraph 79 establishes that the essential characteristics of Green Belts are their “openness” and “permanence”.

However, by virtue of the site's former use as a Garden Centre, and the built structures on the site, including various garden centre buildings and green houses, it is considered that the site does not effectively serve or perform any of the five purposes or functions of the Green Belt established in paragraph 80 of the NPPF:

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

Moreover, the edges of the site are well-defined and visually contained by the existing trees and soft landscaping which are located along its boundaries. The trees and change in levels at the site's southern boundary sever the site from the green belt to the south, in physical and visual terms. This results in the site becoming a pocket of land which is visually isolated from the main area of green belt to the south. Therefore, development of the site would result in no visual impact on the openness of the Green Belt.

The land to the south of the site is not in agricultural use and is the Mill Hayes Playing Fields, which are used by Biddulph High School. It is considered that the northern boundary of the playing fields would provide a more appropriate, clear, defensible boundary for the green belt along a physical feature or use which is readily recognisable and likely to remain permanent in line with paragraph 85 of the NPPF.

The site is in a sustainable location which is contiguous with the neighbouring residential area which surrounds the site to the north, east and west. The site is in an accessible location with good levels of accessibility to a range of facilities on foot and by public transport. This is confirmed by the Council's site assessment which states that the site is well related to the residential area and is close to Biddulph High School and other facilities. Moreover, there are several bus stops in close proximity to the site. These are located on Park Lane and Mayfields Road (less than 300 metres walking distance from the site). The bus stops are served by a number of bus routes which provide access to the various shops, facilities and employment in Biddulph Town Centre and further afield to areas including Congleton, Newcastle and Hanley.

The site is brownfield land and contains various garden centre buildings and greenhouses. Unfortunately, since the closure of the garden centre in 2003, these buildings have fallen into disrepair. The site has also been the target of both vandalism and arson. Therefore, it is considered that the removal of the site from the green belt and its allocation for residential development would enable a viable use for the site and provide the opportunity for the existing dilapidated structures on the site to be replaced by a viable and efficient use of the land for residential development, which would also help to contribute towards meeting the identified housing needs for Biddulph and Staffordshire Moorlands.

The site is currently contained by security fencing due to the vandalism and arson experienced on site in the past. This gives the site an industrial appearance to dwellings surrounding the site. It is considered that the development of the site would also, therefore, provide the opportunity to improve the visual appearance of the site and the amenity of nearby residents.

Technical Constraints

It is understood that a suitable access to the site could be provided from Orme Road. Moreover, the development of the site would offer the potential opportunity for associated improvements to the 'un-adopted' Orme Road.

Given the former use of the site as a garden centre it is not anticipated that there would be any constraint to development in terms of ground conditions or contamination on the site. It is also understood that, given the former use of the site, and its location contiguous with the settlement boundary and nearby residential development, the site could be easily linked to mains services.

According to the Environment Agency's Flood Risk Map the site is located entirely within Flood Zone 1 (i.e. at low risk of flooding with less than 1 in 1,000 annual probability of river or sea flooding). According to the National Planning Practice Guidance (NPPG) residential development is a "more vulnerable" use to flooding. The NPPG confirms that residential development would be considered an appropriate use in Flood Zone 1. The Council's Strategic Flood Risk Assessment (2008) confirms that the site is in Flood Zone 1 at low risk of flooding.

There are number of trees located within the site. However, the majority of the trees are located towards the site boundaries. Therefore, it is considered that the majority of the quality existing trees on the site could be effectively incorporated in to the design and layout of the site at a later stage.

Although the site is located adjacent to Knypersley Hall, a Grade II* Listed Building, as stated in the Council's site assessment, the site is secluded and separated from Knypersely Hall by the adjacent lake and a significant number of trees and areas of landscaping. Therefore, it is considered that the development of the site for housing would not result in any significant impact on the designated heritage asset.

We are not, therefore, aware of any other technical constraints that would prevent development of the site for housing.

Should the Council require any further technical information to consider or support the suitability of the site for development and its removal from the Green Belt we would be willing to investigate this further and provide any information where possible.

Site Capacity

The site has an area of approximately 1 hectare. We have assumed that it could be developed at a density of 30 dwellings per hectare, giving an indicative capacity of 30 dwellings.

The site is immediately available for residential development. Therefore, assuming that development of the site for the 30 dwellings could commence within two years of the allocation of the site, following the grant of planning permission, and adopting an assumed completion rate of 30 dwellings per annum we anticipate that the total number of dwellings would be constructed and delivered on site within a further year.

Conclusions

We trust that the responses above provide sufficient confirmation of our support for the allocation of the site, its suitability, deliverability and possible contribution to the Council's housing delivery in the short-term, given the identified housing shortage in the District. However, should Officers wish to discuss any of the above in more detail please do not hesitate to contact us at the above address or on

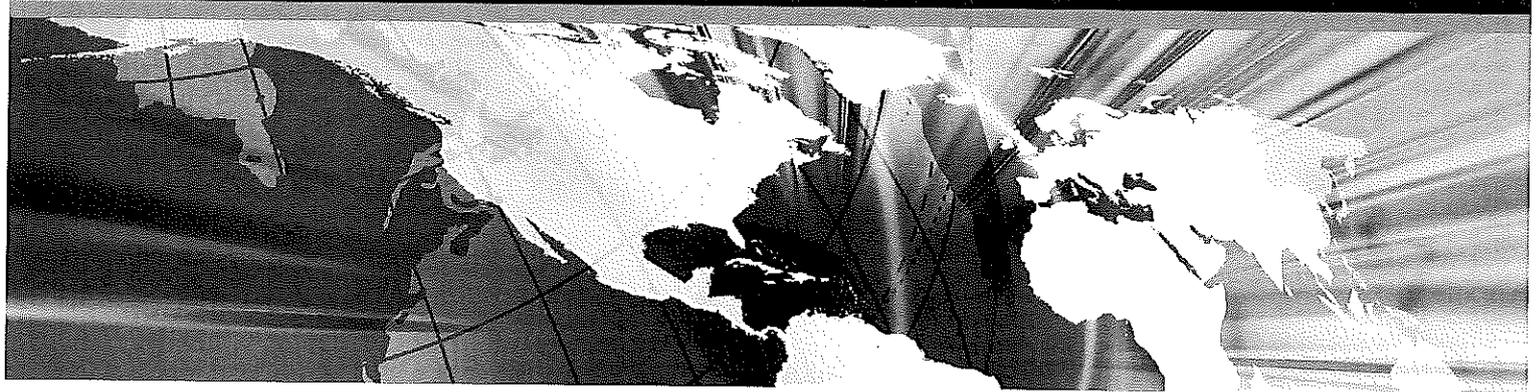
Yours faithfully,

Neil Weaver, Dawn Eastwood, Rhys Weaver and Peter Weaver.

APPENDIX 6

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STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

LANDSCAPE, LOCAL GREEN SPACE AND HERITAGE IMPACT STUDY: REVIEW OF REPRESENTATIONS

MAY 2018

your earth our world



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STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

LANDSCAPE, LOCAL GREEN SPACE AND HERITAGE IMPACT STUDY: REVIEW OF REPRESENTATIONS

MAY 2018

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ENERGY AND CLIMATE CHANGE
ENVIRONMENT AND SUSTAINABILITY
INFRASTRUCTURE AND UTILITIES
LAND AND PROPERTY
MINING AND MINERAL PROCESSING
MINERAL ESTATES
WASTE RESOURCE MANAGEMENT

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APPENDICES

Appendix A Photographs of Ox Pasture (West)

DRAWINGS

ST16901-005 BD069 Knypersley (Hall garden)

1 INTRODUCTION

1.1.1 Staffordshire Moorlands District Council (SMDC) is in the process of preparing a Local Plan to shape future development of the District up to 2031. The Preferred Options Local Plan for SMDC will identify site allocations to meet the District's objectively assessed housing need (OAHN). A number of studies are being undertaken to determine which allocations should be taken forward in the Submission Local Plan.

1.1.2 In 2016 Wardell Armstrong LLP were instructed by SMDC to undertake a study (hereafter referred to as the 2016 Study) assessing the Council's preferred options development sites in relation to their landscape and heritage impact. The 2016 Study also included a review of SMDC's Visual Open Space (VOS) designations.

1.1.3 This report has been prepared in response to representations submitted on SMDC's Submission Version Local Plan, and should be read in conjunction with the 2016 study which is available on SMDC's website¹.

1.1.4 The following representations have been addressed within this report:

- Representation submitted by Walsingham Planning: BD069 Knypersley (Hall garden);
- Representation submitted on behalf of Ipstones Development Ltd: Ox Pasture (west), Cheddleton; and
- Representation submitted on behalf of Fradley Estates: Land Off Tregaron Court and Langton Court, Werrington, Staffordshire.

¹ <https://www.staffsmoorlands.gov.uk/article/1367/Landscape-and-Green-Belt-studies>

2 REPRESENTATION SUBMITTED BY WALSINGHAM PLANNING: BD069 KNYPERSLEY (HALL GARDEN)

2.1.1 Representations by Walsingham Planning on behalf of Mr Weaver have been made for the inclusion of Site BD069 Knypersley (Hall garden) into the Submission Local Plan. As part of these representations a Heritage Impact Assessment was produced by Richard K Morriss & Associates in 2017.

2.2 Heritage Impact Assessment (Richard K Morriss & Associates 2017)

2.2.1 We are in broad agreement with several aspects of the report produced by Richard K Morriss and Associates. With regards to definitions of setting (Section 3.2) and definition of harm (Section 3.4), we agree with the following statements that:

“setting is not confined entirely to visible elements and views but includes other aspects including environmental considerations and historical relationships between assets” (Section 3.2)

and

“less than substantial harm is not as serious and varies in its impact – but it still is an important consideration in assess planning applications. However, recent High Court rulings have emphasised the primacy of the 1990 Planning Act – and the fact that it is up to the decision makers in the planning system to ‘have special regard to the desirability of preserving the (listed) building or its setting” (Section 3.4).

2.2.2 With regards to the importance of assets, the report correctly identifies the designated heritage assets associated with the site, comprising the Grade II* Knypersley Hall (NHLE Ref: 1074943) and Grade II outbuildings (NHLE Ref: 1360971) (see Drawing ST16901-005).

2.2.3 We also agree with the statement that *“the walled garden was an important element in the estate of the Hall and made a contribution to its setting” (Section 6).*

2.2.4 However, we would question a number of aspects of the report and suggest that the assessment of the importance of the walled garden is understated within the report.

2.2.5 With regards to the assessment, there is no demonstrable use of Historic England’s advice GPA3 “Setting of Heritage Assets” (Historic England 2015) which suggests a staged approach to assessing impacts on the significance of heritage assets with reference to settings. It should be noted that this guidance has since been revised in December 2017 however the staged approach included within the 2015 version of the

- guidance is replicated within the 2017 version and remains valid. There is also no impact assessment methodology which would present the levels and definitions of harm to the significance of the heritage assets.
- 2.2.6 We would argue that when identifying heritage assets (Step 1 of GPA3), Richard K Morriss and Associates undervalue the importance of the remaining features within the site which comprise the walled garden and the rock feature that includes the 'grotto' and their contribution to wider setting of the hall and its significance. For example, there is little recognition to the role of the walled garden in expressing the historical association with James Bateman.
- 2.2.7 The report states that the remaining walled garden and rock feature have "*sufficient*" heritage merit to be considered as non-designated heritage assets. We would agree that both are heritage assets being historic curtilage features clearly within and associated to the estate of a Grade II* listed building.
- 2.2.8 There is no assessment of the significance of the walled garden or the rock feature as non-designated heritage assets (Step 2 of GPA3). Whilst there is a brief description of the setting of the rock feature, the setting of the walled garden is not assessed, and in both cases, there is no assessment of the contribution of their settings to their overall significance.
- 2.2.9 The report does attempt to assess the contribution of the walled garden to the setting of Knypersley Hall (Step 2 of GPA3). However, this assessment appears to be based largely on the lack of "*reciprocal views*", despite Richard K Morriss and Associates previously stating that "*setting is not confined entirely to visible elements and views*" (Section 3.2). Clearly, the walled garden has historic associations with the hall and its previous occupiers, notably James Bateman, as well as contributing to the legibility and understanding of the hall's surrounding grounds.
- 2.2.10 With regards to the rock feature that includes the grotto, the report states that "*because it is so overgrown and difficult to see, it makes little obvious contribution to the setting of the (hall)*". We disagree with this statement. Whilst parts were hidden beneath vegetation, the historic association and design intention of the rock feature, which visibly extended to the north beyond the site boundary towards the south eastern bank of the fish pond, remain legible in the landscape.
- 2.2.11 As a result of the lack of detailed assessment of the individual significance of the remaining features (in accordance with HE GPA3) and their role in contributing to the understanding and experience of the grade II* listed Knypersley Hall, it is considered

that the conclusion that the contribution of the walled garden to the setting of the hall “*is at best neutral*” is underplaying its significance as a non-designated heritage asset and its contribution to the significance of the hall. We feel that the report understates the importance of the historic and aesthetic relationship between the hall and the features within the site, which remain perceptible today.

2.2.12 With regards to Section 8.4 Archaeological Issues, the report states that the archaeological potential is “*fairly low*” due to the landscaping impacting on medieval buried remains. However, the report ignores the potential for archaeological remains associated with the designed gardens, although the features are highlighted in other parts of the report. This includes the potential for buried original features, such as bases of glasshouses (which would also likely have underground heating systems in the base and walls if growing exotic plants). If present, these features would be considered important to understanding the significance of the remaining features within the site.

2.2.13 We would argue that the report’s reliance on the condition of the remaining features within the site to justify change is in contradiction to the NPPF, which states:

“Where there is evidence of deliberate neglect or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision” (NPPF 2012: paragraph 130).

2.2.14 In addition, the assumption that the encroachment of the modern housing to the north and east of the hall justifies further change to the setting of the hall is unacceptable, and we would argue further cumulative development would lead to further erosion of setting.

2.2.15 The Heritage Impact Assessment identified that with no mitigation, heritage impacts to the Grade II* Knypersley Hall would be of less than substantial harm. However, the scale of development is not stated which makes the degree of harm difficult to ascertain. Coupled with the absence of an accepted methodology, this precludes accurate quantification of this harm, even if it is in the less than substantial category.

2.2.16 However, it is noted that this harm may be reduced through mitigation measures as presented in Section 9 of the Richard Morriss and Associates. Whilst we are in agreement that indirect impacts from development of the site may be less than substantial harm with appropriate mitigation, the degree of harm in this range is not agreed upon. Notwithstanding this, the recent High Court decisions (including Barnwell, Forge Field and Mordue) have established that the finding of less than

substantial harm does not equate to a less than substantial planning consideration, especially in the case of a Grade II* listed building.

2.2.17 We would strongly re-assert that the level of change to the setting of the Grade II* listed Knypersley Hall would be considerable and would result in noticeable and irreversible change. It should also be noted that Staffordshire Moorlands Historic Environment Character Assessment states that development is not deemed appropriate in this Historic Landscape Character (HLC) zone (2010).

2.3 Walsingham Planning

2.3.1 The Walsingham Planning Statement (10th April 2018) states that they anticipate the site, if allocated “*could add in the region of 30 deliverable dwellings to the housing target*”. It is upon this figure that Wardell Armstrong initially assessed the site for allocation and we would argue that 30 dwellings would be totally inappropriate within the confines of the walled garden. We maintain that a development of such density would highly likely cause substantial adverse effects to the setting of a Grade II* listed building. However, it is noted that a significant reduction of the number of proposed dwellings as well as incorporating enhanced mitigation measures as put forward by Richard K Morris and Associates, could make this change more acceptable by mitigating harm.

2.4 Conclusion

2.4.1 This response has assessed the representations made by Walsingham Planning and the supporting Heritage Impact Statement produced by Richard K Morris and Associates for BD069 Knypersley (Hall garden).

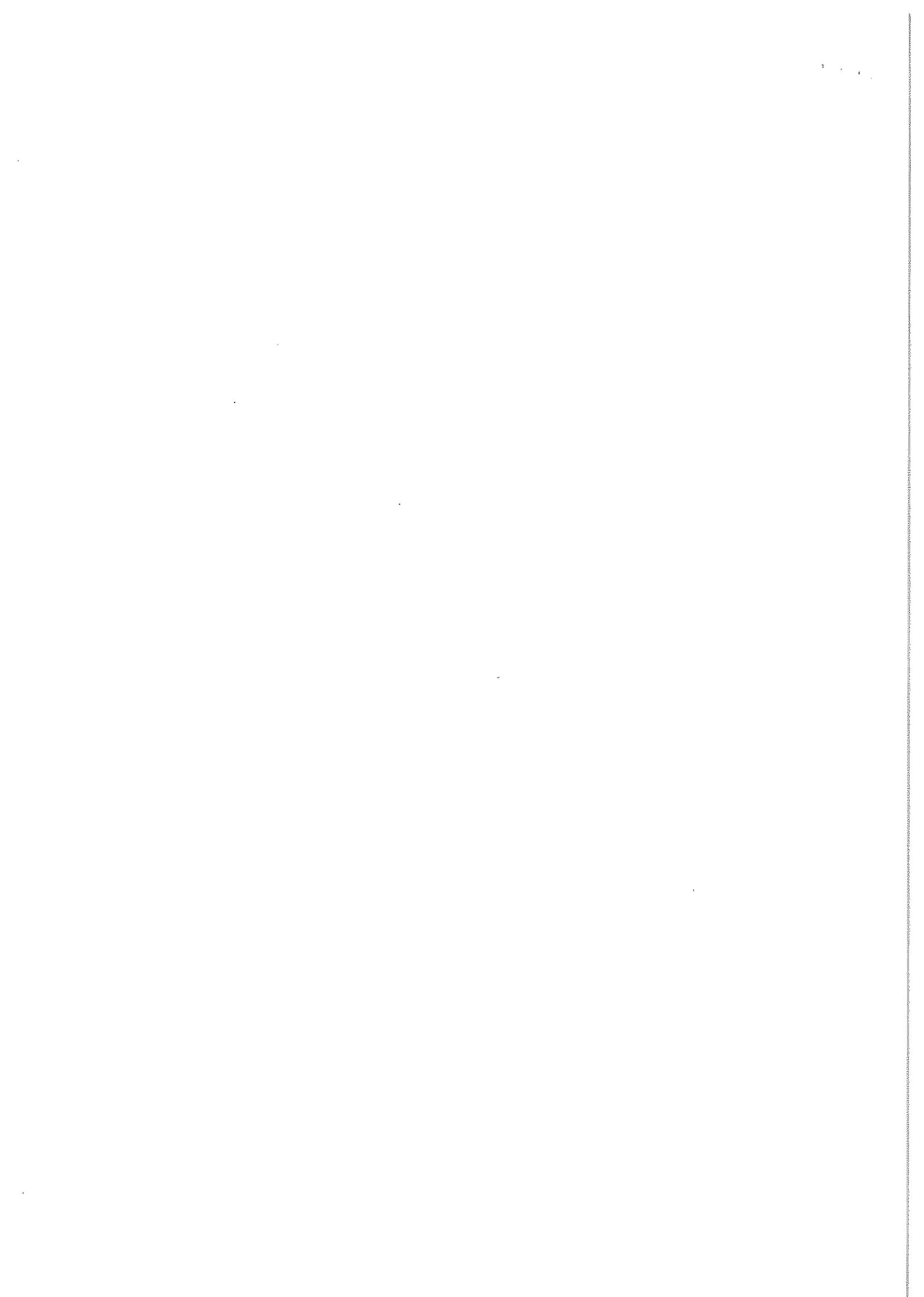
2.4.2 The Heritage Impact Assessment understates the significance of historic features in the site, which comprise the walled garden and rock feature including the grotto, and their contribution to the setting and significance of the Grade II* listed building Knypersley Hall.

2.4.3 The original conclusions presented in the 2016 Study that development on the site would highly likely cause substantial adverse effects to the setting remains valid. The intensive redevelopment of the site to accommodate 30 dwellings would significantly weaken the ability to understand the site as a walled garden that was intrinsic to the development of works and ideas by Bateman.

2.4.4 However, on the results of a detailed site visit and on consideration of the enhanced mitigation measures put forward by Richard K Morris and Associates (2017),

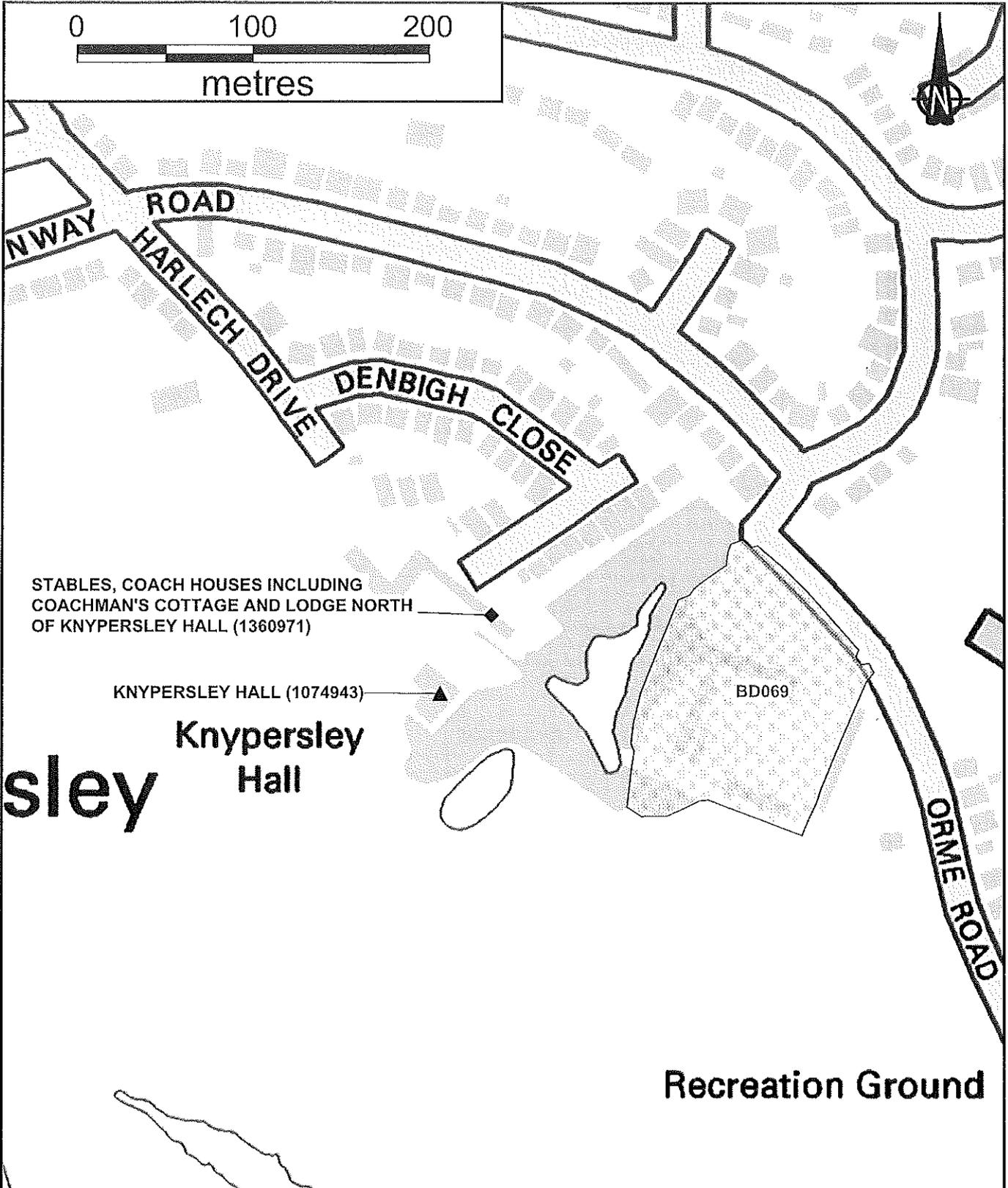
conclusions could be drawn that this harm could be reduced to a lower degree in the range of less than substantial harm, if the number of dwellings was significantly reduced.

- 2.4.5 Notwithstanding this, the finding of less than substantial harm does not equate to a less than substantial planning consideration. Section 66 of the Planning (Listed Building and Conservation Areas) Act (1990) requires the decision maker, when considering applications which affect the significance of a Listed Building, to have "*special regard*" for the preservation of that listed building or its setting. This is amplified in the NPPF, where "*great weight*" is required. Following the recent High Court decisions (Barnwell, Forge Field and Mordue), there is a strong presumption against planning permission being granted where harm to a listed building through impacts to its setting is found.
- 2.4.6 It remains that other sites highlighted for allocation within Biddulph were assessed as suitable for development in heritage terms. When compared to this site in heritage terms, they would be less constrained, and have a greater ability to meet housing figures.





DRAWINGS



Recreation Ground

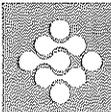
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CLIENT Staffordshire Moorlands District Council	DRG No ST16901-005	SCALE 1:2,500@A4	DATE May 2018
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PROJECT Landscape, Local Green Space and Heritage Impact Study: Additional Information	DRAWN BY ACH	CHECKED BY LG	APPROVED BY DFH
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DRAWING TITLE
BD069 Knypersley (Hall garden)



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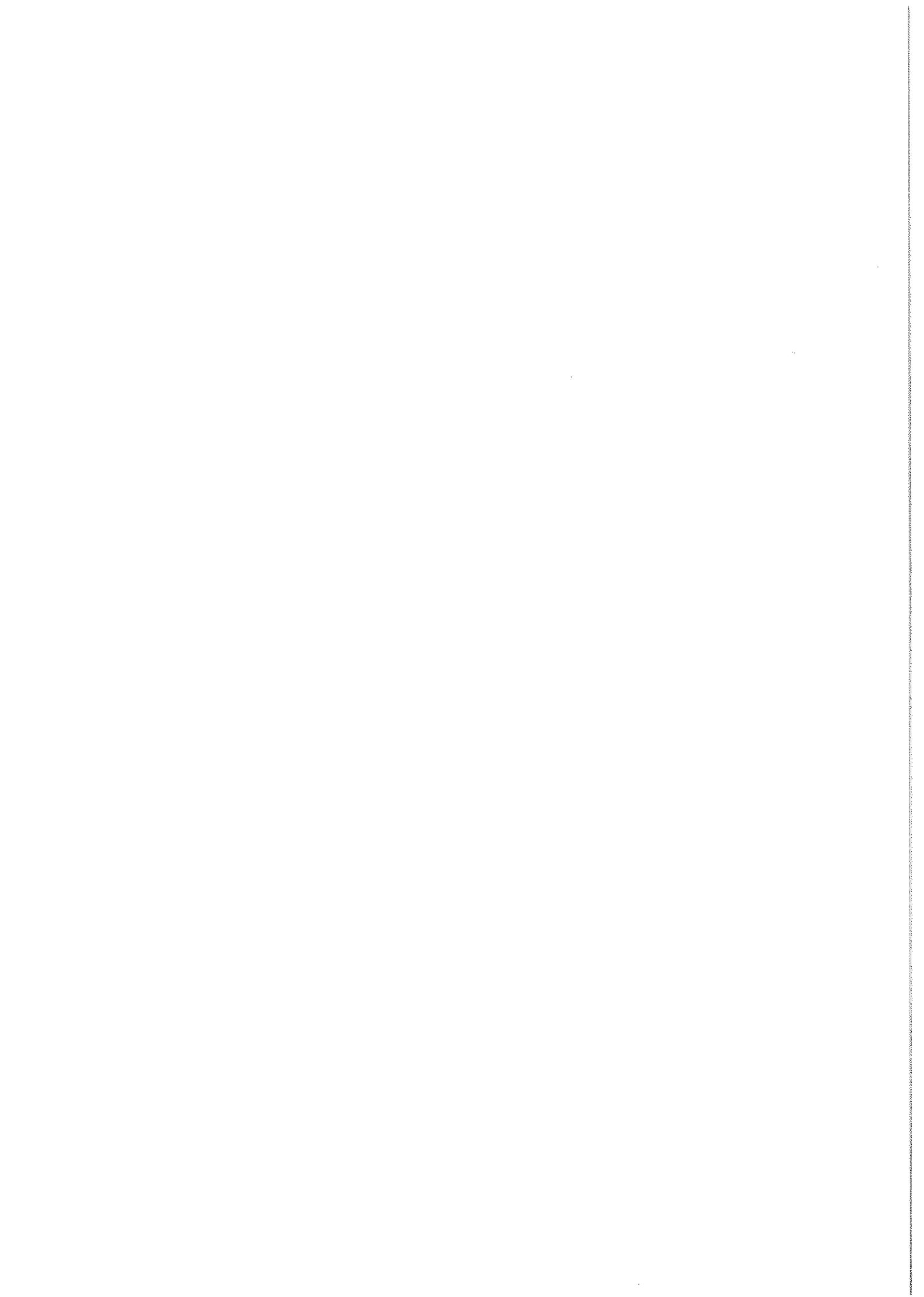
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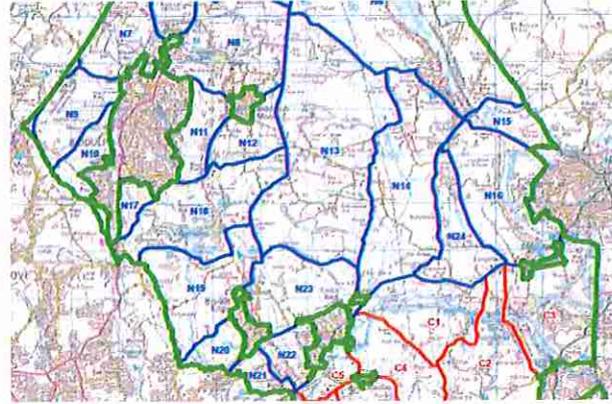
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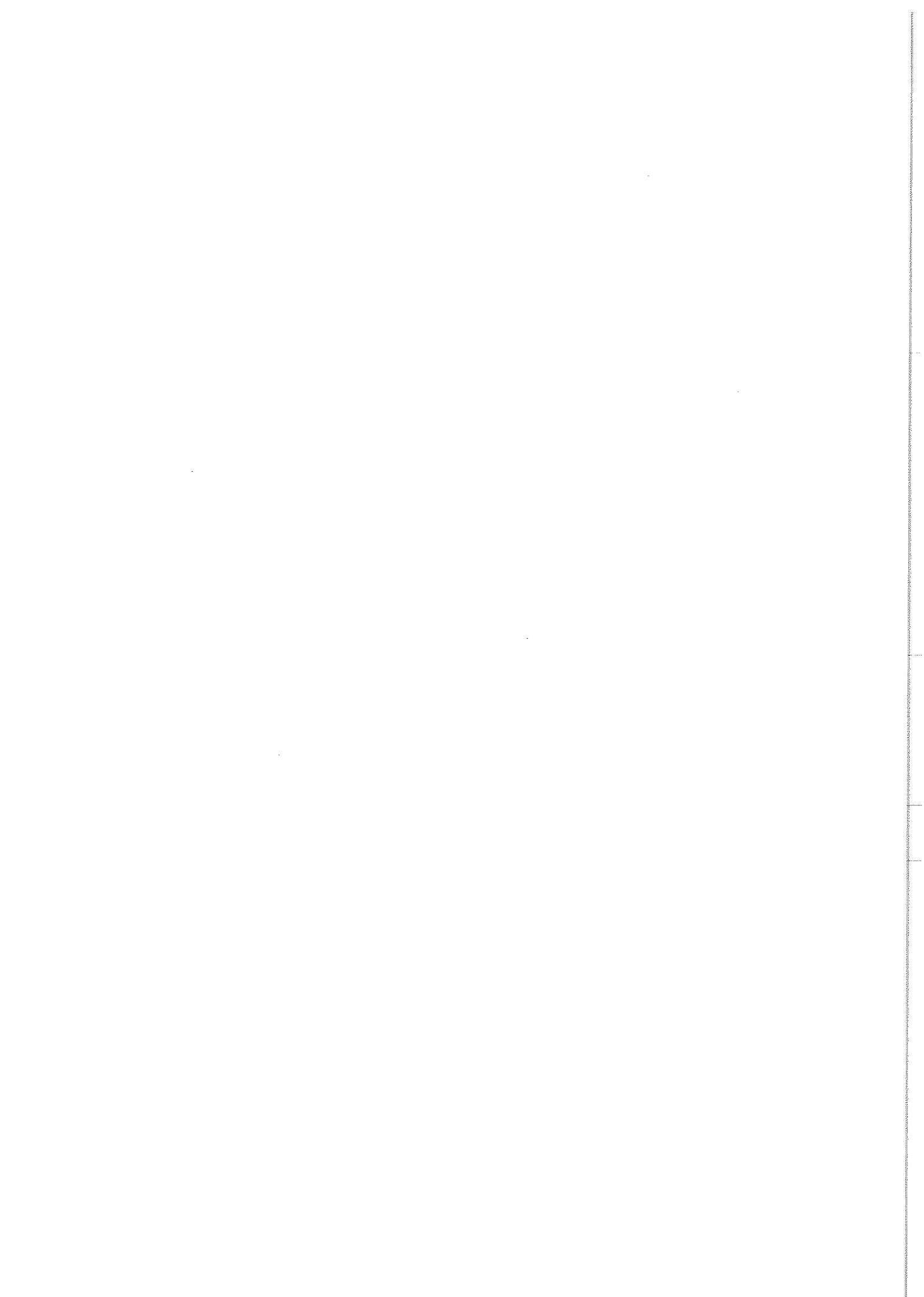


APPENDIX 7

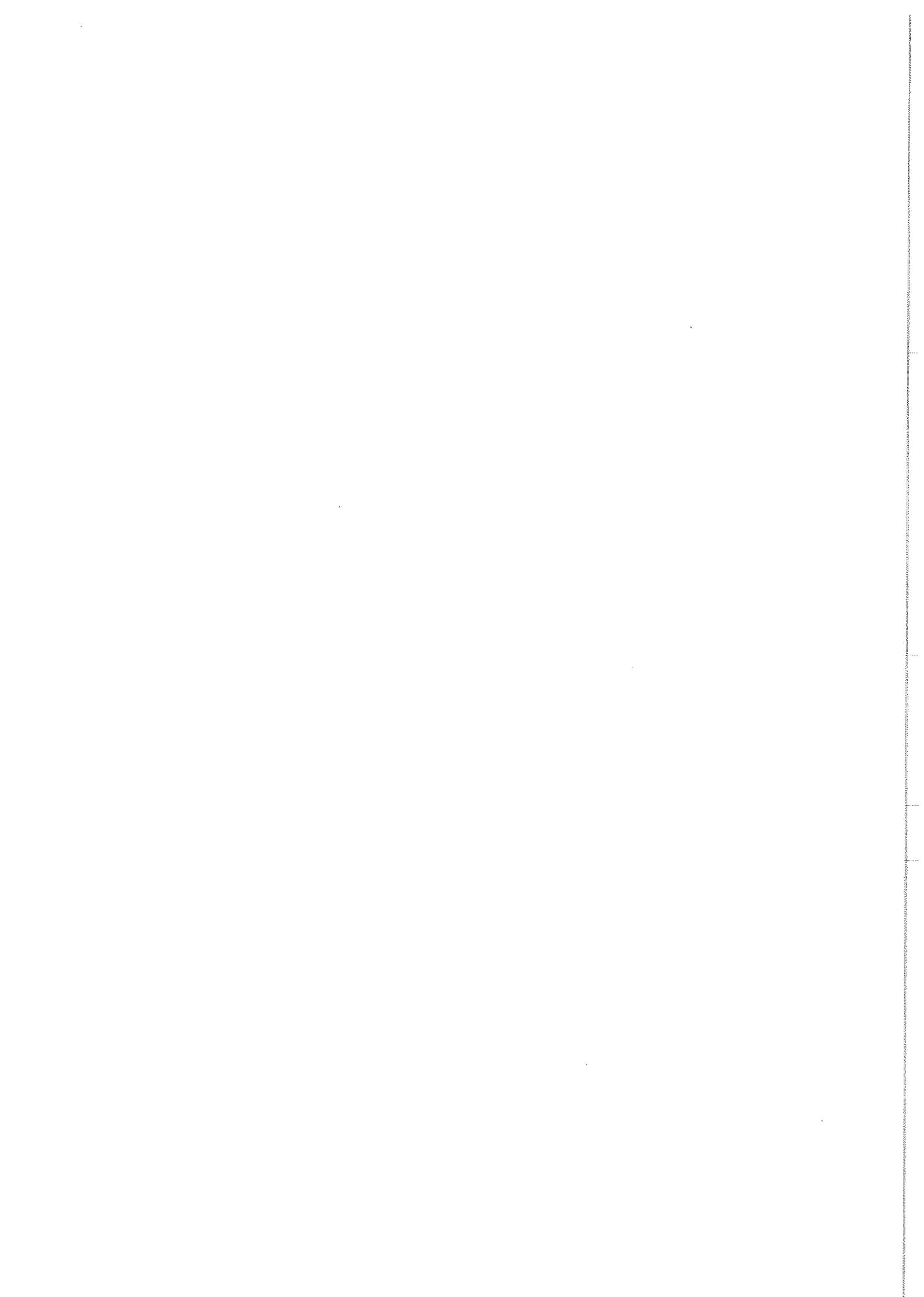
PARCEL N17: Land to the south of Biddulph



Criteria	Assessment
NPPF Purposes of the Green Belt	
To check the unrestricted sprawl of large built-up areas	A small parcel contained by the current urban edge of Biddulph and Mill Hayes Road. Plays a role in limiting the southward extension of Biddulph, although Mill Hayes Road forms a clear boundary between the urban fringe landscape of this parcel and the open countryside proper to the south east. CONTRIBUTION
To prevent neighbouring towns merging into one another	Potential role in maintaining the gap between Biddulph and Stoke (outskirts of Kidsgrove), although the topography and fragmented development associated with past land uses along the A537 at Brindley Ford means that there is no strong sense of separation. CONTRIBUTION
To assist in safeguarding the countryside from encroachment	A well-contained parcel (by the A523 to the west and built development to the north) which is characterised by a varying land uses, including sports and recreation and horseculture. LIMITED CONTRIBUTION
To preserve the setting and special character of historic towns	Part of southerly gateway to Biddulph although this is compromised by existing urbanisation particularly to the east. LIMITED CONTRIBUTION
To assist in urban regeneration by encouraging the recycling of derelict and other urban land	No clear role in helping to promote re-use of brownfield land in Stoke-on-Trent generally. LIMITED CONTRIBUTION
Permanence of Green Belt (NPPF paragraphs 83 & 85)	Permanent boundaries of the A523 and Mill Hayes Lane.
Sustainable patterns of development (NPPF paragraph 84)	In a relatively sustainable location plus a logical extension to the built form of Biddulph.
Local Role of the Green Belt	
Preserving the Character and setting of Villages	No
Defining Boundaries	Yes at Mill Hayes Lane.
Promoting Positive Use of the Green Belt	
Opportunities for Public Access or to provide access	Two ProW.
Opportunities for outdoor sport and recreation	Opportunities for enhancement and increased access.
Enhancing landscapes and visual amenity	No
Enhancing biodiversity	No
Improving derelict and damaged land	Possible PDL?

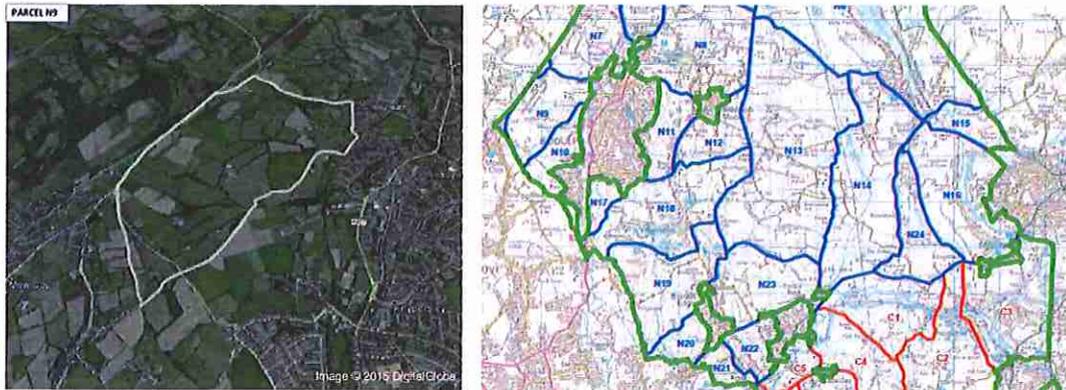


Green Belt Purpose	Check unrestricted sprawl	Prevent towns merging	Safeguarding from encroachment	Setting of towns	Assist regeneration	Overall	Commentary on overall strategic function
N14 Land to the south of Rudyard and north east of Endon	Limited Contribution	Contribution	Contribution	Limited Contribution	Limited Contribution	Contribution	One of a group of five parcels (N6, N13, N14, N23 & N24) which form a significant proportion of the northern part of the Green Belt. Despite being relatively remote rural areas, their open, sparsely settled character makes them particularly vulnerable to the effects of urbanisation.
N15 Land to the north west of Leek	Significant Contribution	Limited Contribution	Contribution	Significant Contribution	Limited Contribution	Contribution	Forming the northern gateway to Leek, this parcel is potentially vulnerable to urbanisation along the A523 with some evidence of this occurring.
N16 Land to the west of Leek	Contribution	Contribution	Contribution	Contribution	Limited Contribution	Contribution	Dominated by Deep Hayes Country Park, this parcel forms the western context of Leek and acts to prevent urbanisation of the countryside in this location.
N17 Land to the south of Biddulph	Contribution	Contribution	Limited Contribution	Limited Contribution	Contribution	Contribution	A well-contained parcel bounded by the A527, the urban edge of Biddulph and a minor road which is part of the transition between the urban area and open countryside to the south east. Reflecting high degree of containment, potential for release without significant damage to the function of the Green Belt in this location.
N18 Land to the south east of Biddulph	Contribution	Limited Contribution	Significant Contribution	Limited Contribution	Contribution	Contribution	Part of an arc of parcels (N8, N11, N12 & N18) which act to contain Biddulph, prevent its merger with Biddulph Moor to the east, maintaining the rural context for recreational assets to the north and south of Biddulph.
N19 Land to the north west of Brown Edge	Significant Contribution	Limited Contribution	Significant Contribution	Limited Contribution	Contribution	Contribution	Part of an arc of parcels (N19, N20, N21 & N22) which prevent the absorption of Brown Edge and Endon by the Stoke-on-Trent conurbation immediately to the south west.
N20 Land to the south west of Brown Edge	Significant Contribution	Limited Contribution	Significant Contribution	Limited Contribution	Contribution	Significant Contribution	Part of an arc of parcels (N19, N20, N21 & N22) which prevent the absorption of Brown Edge and Endon by the Stoke-on-Trent conurbation immediately to the south west.
N21 Land to the south of Brown Edge	Significant Contribution	Limited Contribution	Significant Contribution	Limited Contribution	Contribution	Significant Contribution	Part of an arc of parcels (N19, N20, N21 & N22) which prevent the absorption of Brown Edge and Endon by the Stoke-on-Trent conurbation immediately to the south west.



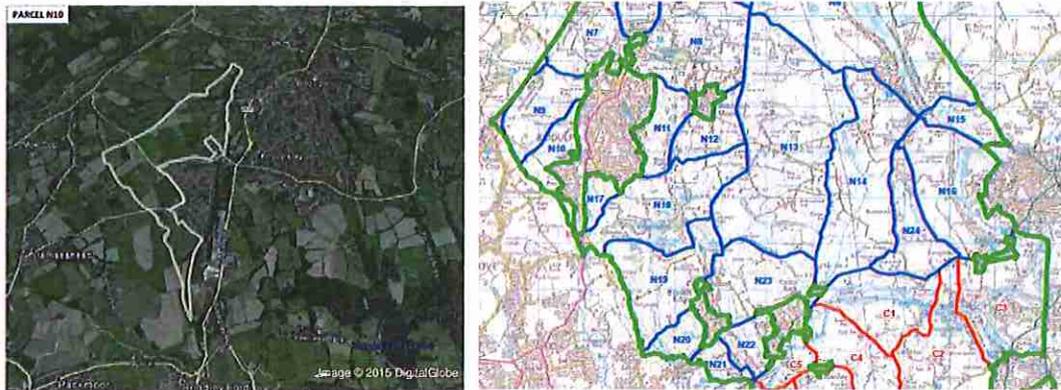
APPENDIX 8

PARCEL N9: Land to the west of Biddulph



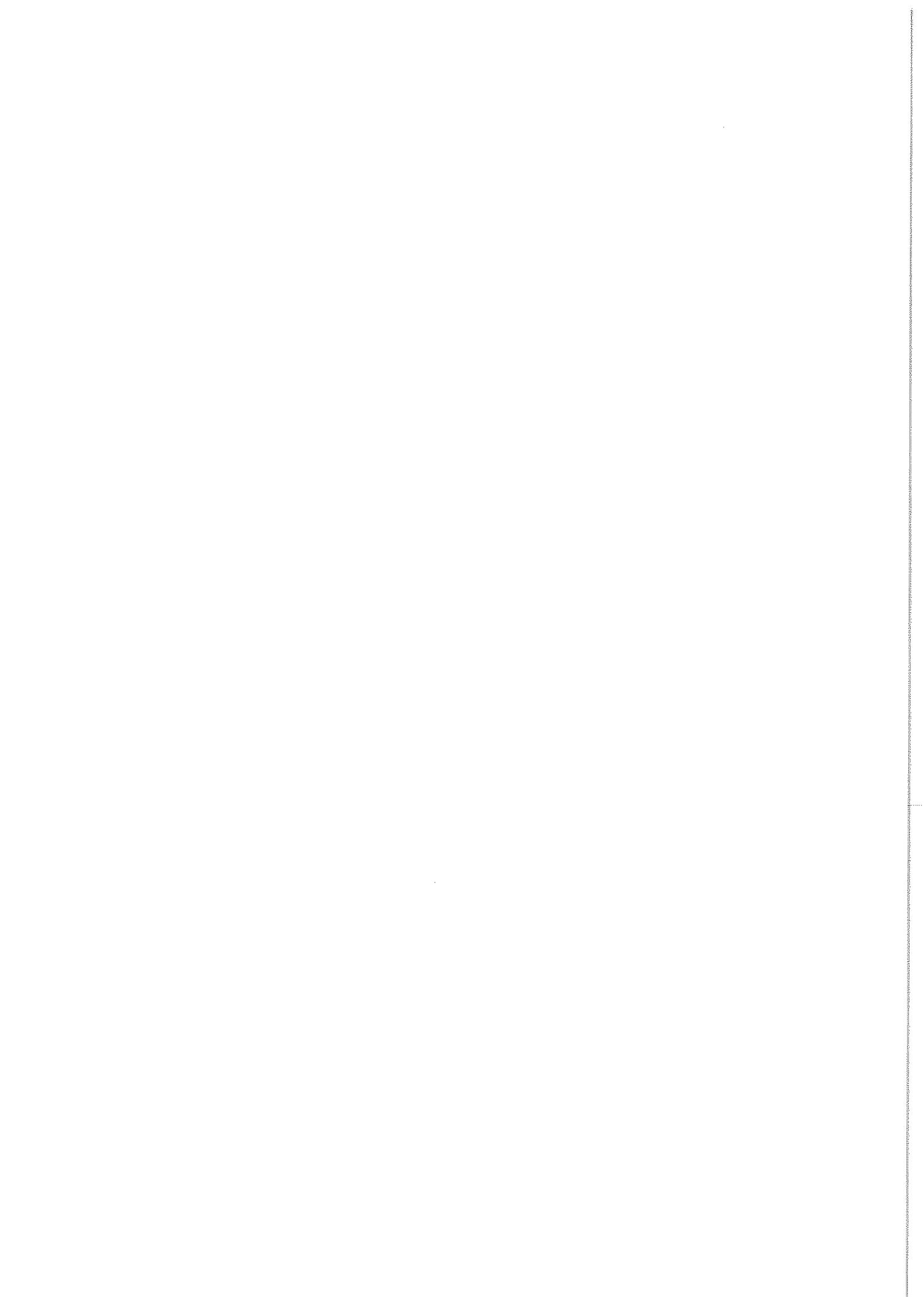
Criteria	Assessment
NPPF Purposes of the Green Belt	
To check the unrestricted sprawl of large built-up areas	Open farmland which forms part of the westerly edge of Biddulph, which in combination with adjacent parcels N7 and N10 helps to contain the western edge of Biddulph. CONTRIBUTION
To prevent neighbouring towns merging into one another	Part of the arc of Green Belt separating Biddulph and Congleton, and to a lesser extent Kidsgrove/ Mow Cop village and Biddulph. CONTRIBUTION
To assist in safeguarding the countryside from encroachment	Part of the arc of Green Belt containing the westerly edge of Biddulph and providing a rural backdrop to the town in land which rises sharply up onto the ridge of Mow Cop. Settlement is limited to a few isolated dwellings and the land is therefore vulnerable to encroachment. CONTRIBUTION
To preserve the setting and special character of historic towns	Part of the westerly setting of Biddulph. CONTRIBUTION
To assist in urban regeneration by encouraging the recycling of derelict and other urban land	No clear role. LIMITED CONTRIBUTION
Permanence of Green Belt (NPPF paragraphs 83 & 85)	Defined by clear inner and outer boundaries.
Sustainable patterns of development (NPPF paragraph 84)	Potentially – within reasonable distance of Biddulph town centre.
Local Role of the Green Belt	
Preserving the Character and setting of Villages	Part of the southerly setting of Biddulph (see Landscape & Settlement Character Assessment 2008).
Defining Boundaries	Yes
Promoting Positive Use of the Green Belt	
Opportunities for Public Access or to provide access	Minor roads and PRoW. Staffordshire Way/Gritstone Trail to the west.
Opportunities for outdoor sport and recreation	Potential for access enhancement?
Enhancing landscapes and visual amenity	No
Enhancing biodiversity	No
Improving derelict and damaged land	No

PARCEL N10: Land to the west and south west of Biddulph



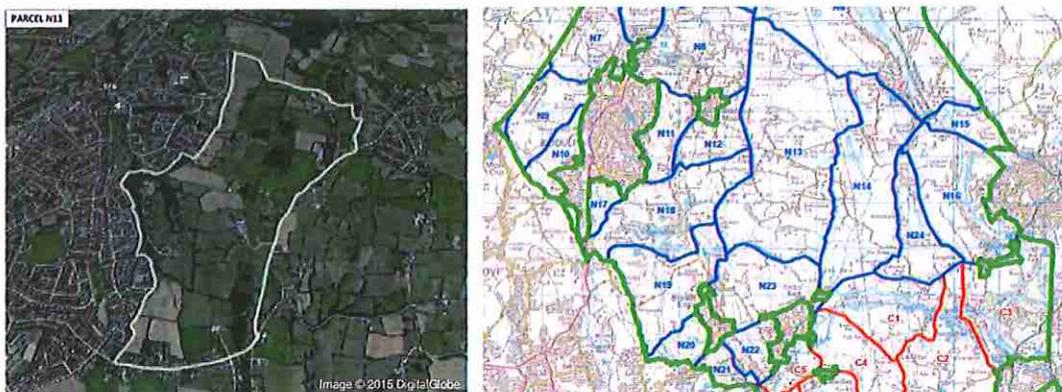
Criteria	Assessment
NPPF Purposes of the Green Belt	
To check the unrestricted sprawl of large built-up areas	In combination with N9 to the northwest, this Parcel contains the westerly and south westerly edge of Biddulph. CONTRIBUTION
To prevent neighbouring towns merging into one another	Along its south westerly extent, the parcel (in combination with the Green Belt within Stoke-on-Trent's jurisdiction) helps to maintain the separation between Stoke and Biddulph. CONTRIBUTION
To assist in safeguarding the countryside from encroachment	There is a reasonably clear division between the urban edge and open countryside in this location, although to the east of Akesmore Lane, the fragmented character of the land use blurs this transition. CONTRIBUTION
To preserve the setting and special character of historic towns	Part of the west and south westerly setting of Biddulph, particularly viewed from Tower Hill Road. CONTRIBUTION
To assist in urban regeneration by encouraging the recycling of derelict and other urban land	No clear role. LIMITED CONTRIBUTION
Permanence of Green Belt (NPPF paragraphs 83 & 85)	Current boundaries comprise the existing urban edge of Biddulph, Akesmore Lane and the District boundary shared with Newcastle-under-Lyne Council to the south west of Tower Hill Road. Whilst the authority boundary is a small brook, the Green Belt is contiguous across both authorities.
Sustainable patterns of development (NPPF paragraph 84)	Development on the northerly extent of the parcel (bounded by Akesmore Lane) could present opportunities for sustainable development, being in proximity to Biddulph town centre.
Local Role of the Green Belt	
Preserving the Character and setting of Villages	No
Defining Boundaries	Yes. However, rounding-off to Akesmore Lane would present a logical extension to Biddulph without causing significant damage to Green Belt purposes in this location.
Promoting Positive Use of the Green Belt	
Opportunities for Public Access or to provide access	Minor roads and ProW.
Opportunities for outdoor sport and recreation	No
Enhancing landscapes and visual amenity	No
Enhancing biodiversity	No
Improving derelict and damaged land	No

Green Belt Purpose	Check unrestricted sprawl	Prevent towns merging	Safeguarding from encroachment	Setting of towns	Assist regeneration	Overall	Commentary on overall strategic function
N7 Land to the north west of Biddulph	Contribution	Significant Contribution	Contribution	Contribution	Limited Contribution	Significant Contribution	One of two parcels (N4 & N7) which play a significant role in preventing the merger of Congleton and Biddulph, particularly along the A527, where the gap is less than 11km and there is a perception of the emergence of a continuous settlement.
N8 Land to the north east of Biddulph	Contribution	Limited Contribution	Contribution	Contribution	Limited Contribution	Contribution	Part of an arc of parcels (N8, N11, N12 & N18) which act to contain Biddulph, prevent its merger with Biddulph Moor to the east, maintaining the rural context for recreational assets to the north and south of Biddulph.
N9 Land to the west of Biddulph	Contribution	Contribution	Contribution	Contribution	Limited Contribution	Contribution	Parcels (N9 & N10) which form the western context for Biddulph and complement Green Belt within East Cheshire District which contains the Stoke-on-Trent conurbation to the south east.
N10 Land to the west and south west of Biddulph	Contribution	Contribution	Contribution	Contribution	Limited Contribution	Contribution	Parcels (N9 & N10) which form the western context for Biddulph and complement Green Belt within East Cheshire District which contains the Stoke-on-Trent conurbation to the south east. Reflecting local topography and containment, potential for release in part without significant damage to the function of the Green Belt in this location.
N11 Land to the east of Biddulph, west of Biddulph Moor	Contribution	Limited Contribution	Contribution	Contribution	Limited Contribution	Contribution	Part of an arc of parcels (N8, N11, N12 & N18) which act to contain Biddulph, prevent its merger with Biddulph Moor to the east, maintaining the rural context for recreational assets to the north and south of Biddulph.
N12 Land to the south and south east of Biddulph Moor	Limited Contribution	Limited Contribution	Contribution	Limited Contribution	Limited Contribution	Contribution	Part of an arc of parcels (N8, N11, N12 & N18) which act to contain Biddulph, prevent its merger with Biddulph Moor to the east, maintaining the rural context for recreational assets to the north and south of Biddulph.
N13 Land to the east of Biddulph Moor	Limited Contribution	Limited Contribution	Contribution	Limited Contribution	Limited Contribution	Contribution	One of a group of five parcels (N6, N13, N14, N23 & N24) which form a significant proportion of the northern part of the Green Belt. Despite being relatively remote rural areas, their open, sparsely settled character makes them particularly vulnerable to the effects of urbanisation.

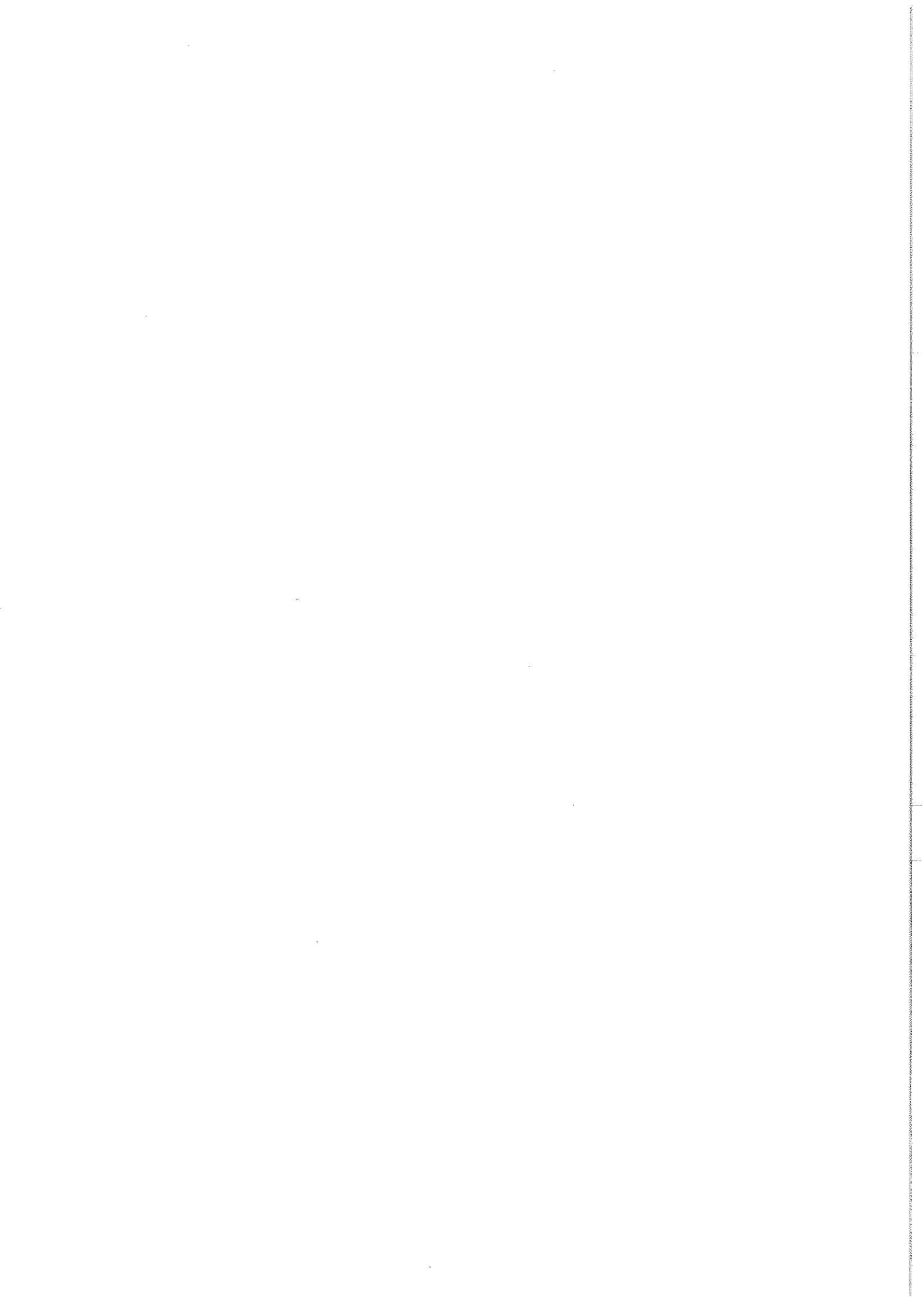


APPENDIX 9

PARCEL N11: Land to the east of Biddulph, west of Biddulph Moor



Criteria	Assessment
NPPF Purposes of the Green Belt	
To check the unrestricted sprawl of large built-up areas	The parcel contains the eastern edge of Biddulph, maintaining openness in this locality through a strongly defined (though stark) urban edge on the east of Biddulph. This land rises quickly towards Biddulph Moor and presents an open aspect, particularly viewed from Woodhouse Lane. CONTRIBUTION
To prevent neighbouring towns merging into one another	No role. LIMITED CONTRIBUTION
To assist in safeguarding the countryside from encroachment	Part of an easterly arc of Green Belt containing Biddulph, and because of its elevated, open aspect is vulnerable to urbanisation. The current hard urban edge of Biddulph emphasises this sensitivity. Land in the immediate vicinity of Biddulph Moor is less sensitive, being on a plateau. CONTRIBUTION
To preserve the setting and special character of historic towns	Forms part of the easterly context of Biddulph, although visual connection between the parcel and the centre of Biddulph is limited. CONTRIBUTION
To assist in urban regeneration by encouraging the recycling of derelict and other urban land	No clear role. LIMITED CONTRIBUTION
Permanence of Green Belt (NPPF paragraphs 83 & 85)	Clearly defined inner and outer boundaries.
Sustainable patterns of development (NPPF paragraph 84)	Whilst in reasonable proximity to Biddulph town centre, further development would potentially encourage car use because of its fringe location.
Local Role of the Green Belt	
Preserving the Character and setting of Villages	Easterly landscape setting to Biddulph (see Landscape & Settlement Character Assessment 2008). Forms a critical separation between Biddulph and Biddulph Moor.
Defining Boundaries	Yes – urban edge and minor roads.
Promoting Positive Use of the Green Belt	
Opportunities for Public Access or to provide access	PRoW
Opportunities for outdoor sport and recreation	Potential for enhancement of access?
Enhancing landscapes and visual amenity	No
Enhancing biodiversity	No
Improving derelict and damaged land	No



Green Belt Purpose	Check unrestricted sprawl	Prevent towns merging	Safeguarding from encroachment	Setting of towns	Assist regeneration	Overall	Commentary on overall strategic function
N7 Land to the north east of Biddulph	Contribution	Significant Contribution	Contribution	Contribution	Limited Contribution	Significant Contribution	One of two parcels (N4 & N7) which play a significant role in preventing the merger of Congleton and Biddulph, particularly along the A527, where the gap is less than 11km and there is a perception of the emergence of a continuous settlement.
N8 Land to the north east of Biddulph	Contribution	Limited Contribution	Contribution	Contribution	Limited Contribution	Contribution	Part of an arc of parcels (N8, N11, N12 & N18) which act to contain Biddulph, prevent its merger with Biddulph Moor to the east, maintaining the rural context for recreational assets to the north and south of Biddulph.
N9 Land to the west of Biddulph	Contribution	Contribution	Contribution	Contribution	Limited Contribution	Contribution	Parcels (N9 & N10) which form the western context for Biddulph and complement Green Belt within East Cheshire District which contains the Stoke-on-Trent conurbation to the south east.
N10 Land to the west and south west of Biddulph	Contribution	Contribution	Contribution	Contribution	Limited Contribution	Contribution	Parcels (N9 & N10) which form the western context for Biddulph and complement Green Belt within East Cheshire District which contains the Stoke-on-Trent conurbation to the south east. Reflecting local topography and containment, potential for release in part without significant damage to the function of the Green Belt in this location.
N11 Land to the east of Biddulph, west of Biddulph Moor	Contribution	Limited Contribution	Contribution	Contribution	Limited Contribution	Contribution	Part of an arc of parcels (N8, N11, N12 & N18) which act to contain Biddulph, prevent its merger with Biddulph Moor to the east, maintaining the rural context for recreational assets to the north and south of Biddulph.
N12 Land to the south and east of Biddulph Moor	Limited Contribution	Limited Contribution	Contribution	Limited Contribution	Limited Contribution	Contribution	Part of an arc of parcels (N8, N11, N12 & N18) which act to contain Biddulph, prevent its merger with Biddulph Moor to the east, maintaining the rural context for recreational assets to the north and south of Biddulph.
N13 Land to the east of Biddulph Moor	Limited Contribution	Limited Contribution	Contribution	Limited Contribution	Limited Contribution	Contribution	One of a group of five parcels (N6, N13, N14, N23 & N24) which form a significant proportion of the northern part of the Green Belt. Despite being relatively remote rural areas, their open, sparsely settled character makes them particularly vulnerable to the effects of urbanisation.

