

**PLANNING APPLICATIONS COMMITTEE**  
**Thursday, 22<sup>nd</sup> January 2015, 2.00 p.m.**  
**Council Chamber, Moorlands House, Leek**

Contact Officer: Mr. Pat Trafford, Committee Services - 01538 395551

**SITE VISITS:** A coach for Committee Members will leave Moorlands House at **9.30 a.m.** prompt on the day of the meeting. Appropriate footwear is recommended.

**Speaking at Committee:** Under the Council's Constitution, applicants (or their agent) and objectors/supporters are eligible to speak at this Committee for 3 minutes each. The maximum number of speakers on any item is six (three speakers for and three speakers against) plus any Ward Councillors. **All speakers, including Ward Councillors, should register by ringing Committee Services on the above number between 10.00 a.m. Monday and 4.00 p.m. Wednesday on the week of the meeting.** Also please note that speakers need to re-register if an application has been previously withdrawn from an agenda. Registered speakers should report to the Council Chamber no later than 15 minutes before the start of the meeting.

An information leaflet relating to these procedures is available from the main Council Offices, on the Council's website and will be available at the meeting. Speakers are advised to read the leaflet prior to the meeting.

**Note:** In the event of a delayed return by the Committee, following the site visits, the start time for the Committee may be postponed. Also the order of business on the agenda may change at the discretion of the Chair. As it is not possible to give a precise time when an item may be discussed, it is always advisable to arrive for the start of the meeting.

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P.T.O.

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**Planning Applications Committee – 22nd January 2015**

**A G E N D A (Continued)**

1. Apologies for absence, if any.
2. Chair's announcements, if any.
3. Minutes of the last meeting:-
  - (a) To approve as a correct record the Public Minutes of the Planning Applications Committee held on 18<sup>th</sup> December 2014 (*copy enclosed at the end of the agenda*).
  - (b) Reports on matters arising, if any.
4. Urgent items of business, if any.
5. Declarations of interests, if any - Members are asked to declare interests/lobbying relating to matters for consideration at the meeting as follows:-
  - (a) Disclosable Pecuniary Interests.
  - (b) Other Interests.
  - (c) Lobbying - **Members to state agenda item number and form of contact with response made, if any.**
6. Applications to fell Protected Trees at Fleur-de-Lis, Hartington Street, Leek and adjacent Allotment Plot. (*report enclosed*).

} **Members to state agenda item number and nature of interest.**

<b><u>Planning Application Reports (enclosed)</u></b>		<b><u>Page No.</u></b>	<b><u>Recommendation</u></b>
7. SMD/2014/0227	Land South of Thorley Drive, Cheadle	7.1 – 7.20	Approve
8. SMD/2013/1201	Land off Macclesfield Road, Leek	8.1 – 8.14	Approve
9. SMD/2014/0699	Lane End Farm, Ashbourne Road, Bradnop	9.1 – 9.8	Approve
10. SMD/2014/0768	Ashcombe Park, Cheadle Road, Cheddleton	10.1 – 10.16	Refuse
11. SMD/2014/0205	Mayfield House, Rownall Road, Werrington	11.1 – 11.10	Refuse
12. SMD/2014/0539	Ash Tree Barn, Akesmore Lane, Biddulph	12.1 – 12.6	Refuse

P.T.O.

**Planning Applications Committee – 22nd January 2015**

**A G E N D A (Continued)**

**NOTE:** A Late Representations Report will be circulated at the meeting i.e. any representations received since this agenda was published.

13. Chair/Members' Questions/Issues: Any items must be notified in writing to the Planning Applications Manager by 20<sup>th</sup> January 2015.

Published 14<sup>th</sup> January 2015

**Planning Applications Committee – 22nd January 2015**

**A G E N D A (Continued)**

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**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

**Report to Planning Applications Committee**

**22<sup>nd</sup> January 2015**

<b>TITLE:</b>	<b>Applications to fell protected trees – Fleur-de-lis and adjacent Allotment Plot, Hartington Street, Leek</b>
<b>PORTFOLIO:</b>	<b>Planning, Development and Property</b>
<b>OFFICER:</b>	<b>Executive Director (Community Services)</b>
<b>WARD:</b>	<b>Leek South</b>

**Appendices Attached –**

**Appendix A:** Plan showing position of application trees at Fleur-de-lis and adjacent Allotment Plot, Hartington Street, Leek

**1. Recommendations**

- 1.1 That consent to fell a Lime tree at Fleur-del-lis, Hartington Street, Leek, protected as T3 under Tree Preservation Order (TPO) No. SM.290, be refused for the reasons discussed in this report; and
- 1.2 that consent to fell a Lime tree at the Allotment Plot adjacent to Fleur-de-lis, Hartington Street, Leek, protected as T2 under Tree Preservation Order (TPO) No. SM.290, be refused for the reasons discussed in this report.

**Reason for recommendations:** The proposed felling would lead to the loss of the amenity value currently provided by the trees, and would have a significant adverse impact on the appearance and character of the area, and is not considered to be justified by the grounds of the application.

**2. Executive Summary**

- 2.1 Two related applications have been submitted concurrently by separate applicants, seeking consent to fell two mature Lime trees protected as T2 and T3, as shown on the plan attached at Appendix A. The applications are made by Mr Allen, owner of Fleur-de-lis, and Mr Elsdon, of 15 Hartington Street and owner of the Allotment Plot.

- 2.2 There are generally similar grounds for both applications. These are summarised below, and addressed in more detail in Section 4 of this report.
- 2.2.1 A disproportionately high concentration of trees on the west side of the street (including highway trees which are also Limes of similar size and form to the application trees) leads to a significant problem with sticky honeydew falling from May to late September. In wet weather this makes the pavements dangerously slippery, to the extent that many pedestrians (including schoolchildren and the elderly) choose to walk in the carriageway with additional hazards associated with potential conflict with traffic.
- 2.2.2 There is continuous debris fall from trees from spring to late autumn, comprising flowers, fruit/seeds and leaves which block drains and contribute to the safety issues of walking on the pavements in wet weather. This is worse due to the higher concentration of trees on the west side of the street.
- 2.2.3 Again due to the concentration of trees in this part of the street, there is excessive shading of numbers 4 to 8 (including Fleur-de-lis and the Allotment Plot). Mr Allen describes the upper part of his garden (the Hartington Street frontage and side garden) as a wilderness, attributing this to the degree of shading.
- 2.2.4 In addition, Mr Elsdon suggests that the close proximity of the trees (eg T2 to T1), restricts their full growth and development.
- 2.2.5 Mr Elsdon refers to his tree (T2) having in the past damaged and disrupted the mains water supply to Fleur-de-lis, and suggests that it could also damage the foundations of Fleur-de-lis. Mr Allen provides further information with respect to this past issue, by way of support for Mr Elsdon's application, but this cannot be taken as relevant grounds in respect of his own application to fell T3.
- 2.2.6 Both applicants refer to a regular, alternating pattern of highway trees in Hartington Street, and suggest that removal of T2 and T3 would allow the combination of highway trees and private frontage trees to more closely follow this pattern.
- 2.3 Both applicants have also submitted a joint letter of support for the applications signed by 7 residents of numbers 4, 5, 7 and 13 Hartington Street. In particular, this letter again refers to the early spring to late autumn problems of tree debris and honeydew making pavements slippery and dangerous; to honeydew and other tree debris damaging parked cars; to the greater levels of shading in this part of the street; and to the regular alternating pattern of street tree positions which they suggest would to some extent be balanced by the removal of T2 and T3.

- 2.4 Whilst genuine and to varying degrees problematic, the issues given in support of the application are largely an inevitable and natural consequence of the presence of trees, relating to the annual cycle of growth and dormancy, which are not normally considered to be sufficient justification to allow the loss of significant protected trees. However, it is acknowledged that due to the particular combination of tree species and paving type some of these issues are more notable at Hartington Street than elsewhere.
- 2.5 There is no evidence, or indeed claim, of current property damage arising from root action, and past problems with water supply have not recurred some 30 years later. The identified regular pattern of tree positions is in practice fragmented and inconsistent, and officers consider that such pattern as does exist is not adversely affected by the presence of T2 and T3 nor would it be notably improved by the removal of these trees.
- 2.6 On balance, the grounds of application are not considered to justify the significant loss in amenity which would arise from the proposed felling, and it is therefore recommended that consent to fell both Limes T2 and T3 be refused.

**3. Implications**

- 3.1 Community Safety - (Crime and Disorder Act 1998) Nil.
- 3.2 Employees Nil.
- 3.3 Equalities This report has been prepared in accordance with the Council's Equal Opportunities policy.
- 3.4 Financial Anyone suffering loss or damage arising as a consequence of the Council's decision to refuse consent, or to impose conditions when granting consent, may seek compensation from the Council; any claim must be submitted within 12 months of the application being determined.
- 3.5 Legal Nil.
- 3.6 Sustainability Refusal of consent to fell T2 and T3 would ensure the retention of significant trees, in accordance with environmental protection objectives.

Andrew Stokes  
**Executive Director (Community Services)**

<b>Background Papers</b>	<b>Location</b>	<b>Contact</b>
File 5110/SM.290	Horticulture Service Staffordshire Moorlands District Council Moorlands House Leek	Steve Massey Tel: (01538) 395788

#### **4. Background and Detail**

- 4.1 In 2013, notification was received from the same two applicants of intent to pollard 5 Lime trees on the frontages of Fleur-de-lis and the Allotment Plot. Such notification was required because at that time both properties were situated within the Leek Conservation Area. Officers' assessment concluded that whilst the 5 trees in question, together with the additional highway tree outside Fleur-de-lis, represented something of an overcrowding issue, pollarding of all 5 trees as proposed would have an unacceptably detrimental impact on amenity and character of the streetscene. A TPO was therefore made to retain and protect 3 of the trees (T1, T2 and T3 under TPO No. SM.290 as shown on the plan at Appendix A to this report) thus allowing the 2 trees directly behind the highway tree to be pollarded as proposed. In fact the Conservation Area boundary was amended shortly afterwards to exclude several properties including Fleur-de-lis and the Allotment Plot, and these 2 non-TPO Limes were legitimately removed altogether rather than pollarded.
- 4.2 A large proportion of the cited problems arising from the application trees and other private and highway trees in the street are inevitable natural consequences arising from the annual growth cycle of trees. Trees do shed debris from flowers, seeds, leaves and twigs; trees do cast shade; insects and birds in the trees do leave droppings. Such issues and concerns are a recurring issue on Hartington Street in particular, but are not normally considered sufficient justification to allow the loss of significant protected trees even though there are likely to be more onerous maintenance requirements for property and cars as a result, compared to a treeless area.
- 4.3 It is accepted that Common Lime as a species is particularly noted for its attraction to greenfly, which extract the sap from leaves/shoots and excrete the sticky honeydew. However, Lime is such a common street tree that to allow the removal of significant trees of such species for these reasons in one case could set unfortunate precedents for elsewhere.
- 4.4 The question of slippery pavements is exacerbated in Hartington Street compared to typical roads elsewhere by the use of smooth Yorkstone paving rather than concrete slabs or standard tarmac surfacing. Yorkstone is more slippery when wet, and the more so given the presence of fallen leaves, honeydew and other tree-related minor debris. Such paving has been installed in Hartington Street as a measure to enhance the character of the Conservation Area, but as with the presence of trees, this brings certain compromises as a result. The street is regularly swept throughout the year by the Council's street cleaning teams, and from October to December the teams concentrate solely on areas affected by leaf-fall.

- 4.5 Removal of the 2 trees as proposed would not bring about a significant reduction in the extent of the identified problems, as a further 6 large mature limes would still remain along this one stretch of the street alone. In addition, experience suggests that such issues are always likely to be of concern to some residents in this area, and therefore even given the removal of T2 and T3 as requested, requests and pressure for further felling and/or pollarding could not be ruled out.
- 4.6 Residents have chosen to live in a street intermittently lined by highway trees, with additional trees present on several private frontages, and there will inevitably be shade issues arising as a natural consequence of the presence of trees. However, it is considered that this does not constitute sufficient reason to allow the loss of significant trees. In terms of the upper garden of Fleur-de-lis being described as a “wilderness” this appears to be somewhat of an overstatement. Clearly it is not intensively maintained, but many gardens are adapted in terms of species choice and maintenance to suit their shadier areas. The crown of the Lime T3 has already been generously lifted and will not cast heavy shade onto the garden all day. In addition, removal of a small Lawson Cypress from within the garden and, by agreement with the neighbour, some pruning and/or removal of conifers along the side boundary of the adjacent property Uplands, would significantly increase light levels and afternoon sunshine reaching this upper part of the garden.
- 4.7 Mr Allen advises that in 1985 there was a significant problem of damage and disruption to the water supply to Fleur-de-lis, and this was attributed to interference by roots of the Lime T2 on the adjacent Allotment Plot. A TPO application must normally be supported by a report or other written evidence from an appropriate expert (eg surveyor, engineer) where damage to property forms the grounds of application. To this end Mr Allen has attempted to obtain details and evidence of this previous incident from Severn-Trent Water to support this aspect of the current application, but without success. However, he has confirmed that since repairs were carried out in 1985 they have noted no further signs of such problems.
- 4.8 Mr Elsdon suggests that the roots of T2 could damage the foundations of Fleur-de-lis, but the house has basement-level garage and games/store room below the street-level ground floor so the building’s foundations will be significantly below the normal range of influence by the roots of T2. Mr Allen, the owner of Fleur-de-lis has not claimed that there is such damage to his property, and no evidence has been submitted in support of any fears of actual or potential future disruption.
- 4.9 The applicants have both submitted plans showing the positions of existing street trees and the presumed positions of previous street trees since removed, and this pattern has been added to the plan at Appendix A to this report. There is no sign on the ground of the remains of removed trees, and no evidence has been submitted showing their previous presence, although the identified pattern of existing and missing street trees certainly supports the principle of a distinct layout alternating either side of the road at regular 18m/20yard spacings.

- 4.10 The applicants (and supporting neighbours) suggest that removal of T3 would allow the adjacent street tree to stand alone, and removal of T2 would allow the adjacent T1 to “stand in” for the missing street tree outside the Allotment Plot. However, the existing spread of highway and private trees varies significantly along the street; in 2 locations there are groups of 3 or 4 street trees, with individual or grouped trees in private gardens either adding to these or forming the dominant tree cover where street trees are absent, and in other stretches there is no notable tree cover at all. It is considered inappropriate that the loss of significant protected trees should be allowed partly to reinforce a pattern which is anyway fragmented and disrupted. Although there are, in general, greater numbers and concentrations of trees on the west side of Hartington Street, this in itself does not justify the loss of significant trees.
- 4.11 T2 is approximately 18m tall and T3 around 20m. They are directly comparable in size and form with the highway trees and some privately owned trees, with all these Limes being long-lapsed past pollards which have since re-grown full crowns and received generous crown lift pruning to provide and maintain clearance over the highway and property frontages significantly in excess of standard treatment. They contribute significantly to the visual amenity of the street, and to the character of the Conservation Area, and such amenity and character would be eroded and detrimentally affected by allowing the removal of the 2 application trees.

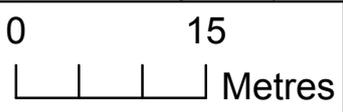
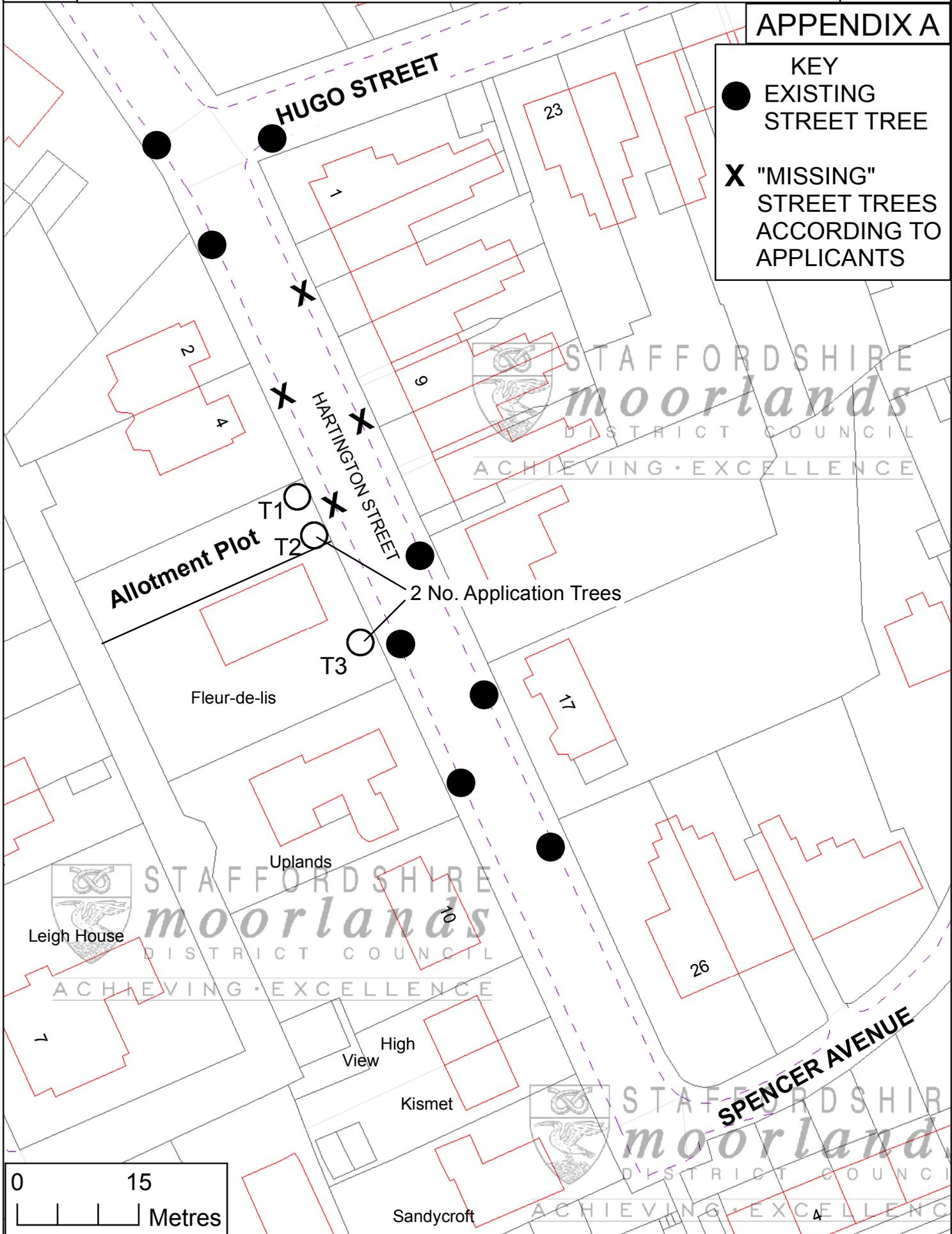
TITLE:

Staffordshire Moorlands District Council Tree Preservation Order No.SM.290 (2013)  
Fleur-de-lis and adjacent Allotment plot to the north, Hartington Street, Leek



**APPENDIX A**

- KEY**
- EXISTING STREET TREE
  - ✕ "MISSING" STREET TREES ACCORDING TO APPLICANTS





**SMD/2014/0227      PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 190  
DWELLINGS ALONG WITH NEW ACCESS AND ASSOCIATED  
WORKS, LAND SOUTH OF THORLEY DRIVE, CHEADLE  
KIER GROUP**

Parish: Cheadle  
Case Officer: Mr N Harris

Registration: 06/06/2014  
Grid Reference: 401657.05 342821.09

**THE APPLICATION:**

This is an outline application for a residential development of up to 190 dwellings. The access to the site and the principle of residential development is to be determined at this stage. If approved, the scale, layout, appearance and landscaping of the development would come back to the Council under the approval of reserved matters. A new access is to be created off Ashbourne Road which will service the whole of the development site. Details of the new access road have been submitted with the application together with a Transport Assessment and a Travel Plan. An emergency access will be created off Thorley Drive

The Council formally screened the proposed development prior the submission of the application to consider whether an Environmental Impact Assessment (EIA) was necessary. The Council concluded that a formal EIA was not required to accompany the planning application. Instead the following documents accompany the plans and drawings of the proposal:

- Planning Statement.
- Design and Access Statement
- Ecological Assessment
- Landscape and Visual Impact Assessment,
- Transport Assessment,
- Flood Risk Assessment,
- Utilities Statement.
- Ground Conditions Report
- Noise Statement
- Illustrative layout plan.

**SITE LOCATION/DESCRIPTION**

The application site lies to the west of Ashbourne Road and south of Thorley Drive and is situated on the eastern edge of the built up area of Cheadle. The site comprises mainly agricultural land currently used for grazing. The fields are separated by hedgerows and trees. A public footpath runs along the eastern boundary of the site.

**PLANNING HISTORY**

There is no recent planning application history to this site.

## **CONSULTATIONS**

Cheadle Town Council: The Council has several objections to this proposal, including that the proposal is disproportionate to other applications and would have a detrimental effect on the infrastructure in Cheadle i.e. medical centres, schools and the sewerage system which is Victorian and will not cope. Highways will be affected as traffic congestion is already a serious problem within Cheadle. The public consultation referred to within this application is confirmed as one used by previous applicants, David Wilson. The current applicant's proposals are not the same as the previous applicants. There is a high risk of flooding; any extra water could affect the Checkley and surrounding areas.

### Local Highway Authority:

Initially recommend that the application should be refused. However, following further negotiations with the applicant's highway consultants the following additional information has been submitted.

- proposals for junction improvements to Tape Street/Ashbourne Road the costs to be borne by the applicant
- appropriate visibility splays to the new Ashbourne Road junction
- adequate and appropriate access and emergency access off Thorley Drive
- proposed speed reduction measures along the Ashbourne Road in a TRO to be funded by the applicant
- a travel plan/monitoring costs to be funded by the applicant

Based on these amended details they have raised no objections to the application subject to a S106 agreement and conditions.

Local Minerals Planning Authority: No objection: Mapping indicates that the site is not located within a mineral consultation area and there are no relevant mineral operations that would be constrained by the proposed development. Note that the area is situated within a proposed mineral safeguarding area for fireclays coincident with coal resources. Given the proximity of the application site to an existing residential area, it is considered unlikely that any coal/ fireclay resources could be extracted in an environmentally acceptable scheme. In terms of current saved policies, there appears to be no minerals safeguarding issue.

Staffordshire County Council Environmental Advice Team: No issues in terms of archaeology subject to a pre commencement condition for archaeological investigation. An appraisal of the impact of the development upon the landscape character should form part of the application. A long term maintenance strategy for the on site hedgerows should be provided to ensure their contribution to the local character. Public footpath No 3 Cheadle Parish runs just outside the eastern boundary of the application site.

Ecology Officer: No objection but a number of conditions should be attached if this outline planning application were to be approved, in order to ensure that appropriate ecological information informs the stage of 'approval of reserved matters'. These relate to:

- the need to secure additional detailed hedgerow survey information

- the need for a suitably detailed bat activity survey of the site
- the potential need to minimise light spillage from public and private lighting on site that may adversely affect bat habitat.
- the need to undertake a survey for the existence of water voles and greater crested newts.

An Extended Phase 1 Habitat Survey accompanied the application. This concluded that neither the site nor any adjacent land has any statutory or non-statutory nature conservation designation. Land drains connect one nature conservation site Cecilly Brook with the site but it is too distant to be affected by the development. The site is comprised of semi-improved grassland, an extensive network of hedgerows and a pond. The grassland is species-poor but some of the hedgerows could be classed as important under the Hedgerow Regulations. Hedgerows on the site may support foraging bats and nesting birds as well as other wildlife. The pond has been assessed as having average suitability to support newts although a recent survey found no evidence of their presence.

#### Trees and Woodland Officer

The Landscape and Visual Impact Assessment (LVIA) submitted with the application is considered appropriate for this proposed development. The proposed development would clearly bring about a fundamental change in landscape character. However the landscape character of the site itself and the views into, over and from the site are not of notably high sensitivity or quality. The visual impacts of the proposed development range from significant adverse effects from the existing residential properties, to moderate adverse impact on Ashbourne Road and more limited from the existing properties at Millers View and the surrounding countryside. The indicative master plan submitted with the application illustrates the provision of a substantial 'soft' buffer of open space between any new housing and the countryside and public footpath beyond.

The Trees and Woodland Officer raises no 'in principle' objection in relation to the proposed developments impact on trees and hedgerows. The application is accompanied by a comprehensive tree survey and arboricultural implications. Other than for arboricultural reasons, no trees are proposed to be removed and only limited sections of hedgerows are to be removed to accommodate vehicle and pedestrian access. The indicative layout has generally respected the root protection areas of the trees being retained. If the application is approved conditions should be imposed to

- minimise and control tree and hedgerow removal.
- ensure control over any removal of trees in connection with the protection of any bat roosting opportunities.
- ensure the erection of protective fencing for the retained trees during site construction.

Environmental Health: No objections, subject to the imposition of the following conditions:-

- timing of operations
- regulation of dust from construction
- completion of contamination site risk assessment and remediation requirements in the event that contamination is identified

- importation of soil/material
- detailed air quality assessment

Planning Policy: The application site is included in the Strategic Housing Land Availability Assessment (SHLAA). The SHLAA identifies over 2,000 potential housing sites which have all been assessed and classified in terms of availability, suitability and achievability. The application site is currently classified as a B, i.e. a site that could be developable for housing.

The anticipated housing provision for Cheadle is set out in Fig 13 of the adopted Core Strategy. Of the total requirement of 1320 dwellings for Cheadle, 154 completions (since 2006) and 86 current commitments can be regarded to be deliverable. The new allocations within the urban area (400) and north of Cheadle - Area 1 (240) plus other small urban extensions (250) and additional growth allowance (160) will be identified through the Site Allocations Development Plan Document process and combined with an early review of the Core Strategy to form a Local Plan which will run to 2031. Public consultation on site options is anticipated later this year.

The Council is required to demonstrate a five-year supply of deliverable housing sites. The Council calculates its 5 year land supply on a district basis. At 30 September 2013 it was 2.3 years which includes a 20% buffer. This means that according to paragraphs 14 and 49 of the Framework, Core Strategy housing policies cannot be considered up-to-date and there should be a general presumption in favour of sustainable development unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole' or specific policies in the Framework indicate that development should be restricted.

The Core Strategy allows for 'small urban extensions' in Policy SS5c, but the scale of development proposed is more than would be expected for a small urban extension. As there is a lack of a 5 year land supply, the Policy Officer confirms that the presumption has to be in favour of sustainable development regardless of scale.

The following issues need to be considered in the light of Paragraph 14:

- There is a significant need for new housing, including affordable housing in Cheadle. Core Strategy Policy SS5c seeks to expand the housing market in Cheadle, increasing the range of available and affordable house types and higher market housing, especially for first time buyers and families. Core Strategy Policy H2 sets out the requirements for affordable housing and how this should be secured. The Council's Strategic Housing Market Assessment (HMA) provides the background evidence for this.
- Landscape and settlement setting. Part of the site is identified as land that is important to the setting of the settlement in the Council's Landscape and Settlement Character Assessment. The applicant has submitted a landscape assessment.
- Impact on the surrounding road network and Cheadle town centre. Staffordshire County Council have produced a Staffordshire Moorlands District Integrated Transport Strategy 2013-2031 which includes a section for Cheadle: The Core Strategy also identifies that further work is required to investigate and identify other potential solutions to improve traffic flows through the town by

means of a Transportation Study which will be undertaken as part of the review of the Core Strategy.

- The Councils latest Annual Monitoring Report (Dec 2013) indicates that there is a shortfall of an open space in Cheadle and additional provision will be required in line with Policy C2. A play area should be incorporated within the scheme, not indicated at present, although there appears to be a significant amount of open space particularly around the edge, primarily due to provide a landscaping buffer. Although Thorley Drive playing fields are located directly adjacent to the west of the site there is a deficit of outdoor sports facilities and additional provision or contributions should be sought. Details regarding the management of open space within the site need to be resolved.
- Contributions will also be required towards education provision and town centre enhancement.
- Adopted Core Strategy Policy SD1 – states that development is located and designed to minimise energy needs.

Housing sites in Cheadle have not yet been identified and consequently there is not a 5 year supply of deliverable housing sites. Although the site is located outside the development boundary, it is not located in Green Belt and in terms of the Framework there are no policies that indicate that development should be restricted. As stated in paragraph 14, adverse impacts will have to significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework for permission to be refused.

Severn Trent Water: No objection subject to condition on the need to have drainage plans for the disposal of surface water and foul sewage submitted to and approved by the local planning authority prior to the commencement of development and for these approved plans to be implemented.

Environment Agency : No objection, but the Council should seek the Lead Local Flood Authority's views on the adequacy of the submitted flood risk assessment. The site is located in Flood Zone 1 - an area with a low probability of flooding. The EA has supplied the Council and the developer with advice on surface water drainage, sustainable urban drainage systems (SUDS) etc. All necessary steps should be undertaken to ensure there are no negative impacts on the area's water vole population.

Staffordshire County Council Flood Risk Management: Following the submission of further information from the applicant no objections subject to conditions.

Staffordshire County Council Police: No objection to the principle of a residential development of up to 190 dwellings in this location. The single access/egress point off Ashbourne Road and the self contained nature of the development should help foster a strong sense of community. Whilst the layout submitted is indicative, as it stands it does offer excellent crime prevention attributes and possibilities. Should outline planning permission be granted the police would welcome the opportunity to engage with the applicant at the early stages of the design of the site.

The Coal Authority: The application site falls within the defined 'Development High Risk Area'. Therefore within the application site and the surrounding area there are coal mining features and hazards which need to be considered in relation to the determination

of this application. No objection, subject to the imposition of a condition or conditions, prior to the commencement of development, to secure:

- submission of a scheme of intrusive site investigations for approval
- the undertaking of that scheme of intrusive site investigations
- submission of a report of findings from the above
- submission of a scheme of remedial works for approval
- implementation of this remedial works.

Housing Officer: 33% of the number of dwellings should be affordable. The indicative layout shows 181 dwellings on the application site and therefore 33% would equate to the provision of 63 affordable homes. Planning policy preference is for 70% (45) of these affordable homes to be rented and 30% (18) to be intermediate housing. This compares with the proposed 40 rented and 20 intermediate. The type, tenure, size and positioning of affordable housing would need to be agreed with the Housing Strategy services. Affordable housing contributions would need to be detailed within a Section 106 legal agreement.

Open Space: The Annual Monitoring Report (AMR) 2013 identifies a deficiency of play facilities, particularly for young people, and outdoor sports facilities in the Cheadle area. Due to the size of the development it is recommended that it should include a play area on site. This should be a combined LEAP/NEAP (Local and neighbourhood equipped play area) of about 1,000 sq metres (about a quarter of an acre) for ages 0 to 11 years. This area should be centrally located in the development with dwellings facing onto it where possible. The developer should be requested to provide appropriate funding for the construction of the play area with monies secured for its maintenance. The responsible body for its maintenance is currently being discussed with the applicant.

A financial contribution to off site improvements for outdoor sports provision should be provided by the developer due to the local deficiency of this type of open space. Thorley Drive playing fields are the nearest facility. Tean Road recreation area is within acceptable walking distance of the proposed development. These forms of open space contributions would need to be detailed within a Section 106 legal agreement.

Staffordshire County Council Education: A development of 190 new dwellings could add to this school catchment area of Cheadle - 40 primary aged children, 28 secondary aged children and 6 sixth form aged children. Although the development would put additional pressure on secondary school places current pupil demographics indicate that secondary schools should be able to accommodate the likely demand from pupils generated by the development. Hence, no contribution towards secondary school places is requested for this development.

It has been identified that the level of growth proposed for Cheadle in the Local Plan will necessitate a new primary school to be delivered within one of the residential development sites. A fair, transparent and consistent approach must be taken across large developments proposed in this area. We therefore request a contribution from this development towards primary school provision. We have been advised that a new 210 place primary school (single form entry) would cost in the region of £4million (excluding the cost of acquisition of the land) and require 1.5 hectares of land. Based on 190

dwelling the proportional contribution towards a new primary school for a site of this size would be in the region of £760,000, plus the cost of acquisition of the necessary land.

This form of contribution to education would need to be detailed in a Section 106 legal agreement.

**REPRESENTATIONS**

Expiry of: 25 August 2014.

Press Notice: 13 June 2014

Site Notice: 28 July and 4 August 2014

**Objection**

**51 letters in opposition** have been received raising the following points:

- Apprehension regarding the increase of traffic, poor access road and risk of increased traffic accidents creating 'bottle-necks and rat-runs'. There is already a lack of public transport serving the town with no rail network and unsafe pedestrian and cycling provisions. **(47)**
- Concerns regarding the current lack in provision of health care facilities (doctors & dentists) and the increase of residents would impact on this. **(16)**
- Education spaces at local schools are already at full capacity. **(16)**
- Land drainage is already poor and the sewer system is antiquated. **(23)**
- Lack of employment opportunities in the local area – residents would have to commute for work increasing the carbon footprint. **(7)**
- The impact on wildlife, their habitats and loss of countryside currently used for agriculture. . **(22)**
- Worries regarding the new homes overlooking existing dwellings and the loss of privacy and will block light and the visual impact from loss of rural views. **(12)**
- Fear that tourism to the town would decrease and would not help with economic growth in the town. **(2)**
- Confusion as the land is believed to be greenbelt and an area of 'special landscape interest'. . **(4)**
- Anxiety of increased noise pollution caused by both the development taking place and the new houses. . **(7)**
- It is outside of the boundary of Cheadle. **(2)**

**Support**

**58 letters in support** have been received raising the following points:

- The development will encourage people to move to the area. **(2)**
- Will help boost the local economy and be good for businesses in the town. **(5)**
- There is a requirement for housing stock in Cheadle **(10)**
- Cheadle needs to grow and the development would bring 'new life' to the town **(5)**

- The proposed development is in an ideal location with local amenities in walking distance.(11)
- The development will create jobs (3)
- There is a demand for affordable housing in the town (7)

Of the 58 comments Staffordshire Moorlands received in support of the proposed development, many of these did not give reasons as to why, but expressed a general support of the application.

### **PLANNING POLICIES**

The relevant adopted development plan in the determination of this planning application is made up of the following documents.

The Staffordshire Moorlands Core Strategy Development Plan Document (SMCS), adopted 26 March 2014.

The key development plan policies of the SMCS relevant to the determination of this application are as follows:-

- SS1 - Development Principles
- SS1a - Presumption in Favour of Sustainable Development
- SS2 - Future Provision of Development
- SS3 - Distribution of Development
- SS4 - Managing the Release of Development
- SS5 - Towns
- SS5c - Cheadle Area Strategy
- SS6c - Other Rural Areas Strategy
- SD1 - Sustainable Use of Resources
- SD2 - Renewable/Low Carbon Energy
- SD3 - Carbon-saving Measures in Development
- SD4 - Pollution and Flood Risk
- H1- New Housing Development
- H2 - Affordable and Local Needs Housing.
- DC1 - Design Considerations
- DC2 - The Historic Environment
- DC3 - Landscape and Settlement Setting
- C1 - Creating Sustainable Communities
- C2 - Sport, Recreation and Open Space
- C3 - Green Infrastructure.
- NE1 - Biodiversity and Geological Resources
- T1 - Development and Sustainable Transport
- T2 - Other Sustainable Transport Measures

The main relevant parts of the National Planning Policy Framework (NPPF) are

Paragraphs 1 – 17

Section 1 - Building a strong, competitive economy  
Section 4 - Promoting sustainable transport

Section 6 - Delivering a wide choice of high quality homes  
Section 7 - Requiring good design  
Section 8 - Promoting healthy communities  
Section 10 - Meeting the challenge of climate change, flooding and coastal change  
Section 11 - Conserving and enhancing the natural environment  
Section 12 - Conserving and enhancing the historic environment  
Paragraphs 186 - 219

The National Planning Practice Guidance is also relevant to the determination of this application.

**OFFICER COMMENT**

1. The Local Planning Authority is required to determine planning applications in accordance with the development plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations. The Council's Development Plan is formed of the Core Strategy Development Plan Document (adopted March 2014) and the Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998).

2. Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' as contained within the National Planning Policy Framework (NPPF) where:

1) planning applications that accord with policies within the Core Strategy they will be approved without delay; and,

2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:

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

3. Paragraph 47 of the NPPF requires the Council to identify a five-year supply of deliverable housing land sites, including a 5% buffer to allow for choice and competition in the market for land and this is increased to a 20% buffer where there is a persistent under-delivery in past years.

4. The advice contained in the NPPF, as supplemented by the National Planning Policy Guidance (NPPG), is also a material consideration in the determination of this application.

5. This site lies outside the development boundary in the Saved Local Plan Proposals Map.

6. Policy SS5a sets out the strategy for development within Cheadle. It seeks to expand the housing market in the town, increasing the range of available and affordable house types and higher market housing, especially for first time buyers and families. Sites for new housing it says will be identified through the Site Allocations DPD and that depending on the need for sites, the priority order will be sites within the urban area, extensions to the urban area to the north (known as Area 1) and small urban extensions. The Policy Officer confirms that the scale of development proposed (up to 190 dwellings) is more than would be expected for a small urban extension. Policy SD1 States that development on non-allocated green field land will be considered acceptable where the proposal relates to the provision of needed development which cannot be accommodated on a deliverable previously developed site or other allocated site in the locality and is in a sustainable location. Paragraph 49 of the NPPF confirms that applications for housing development must be considered in the context of the presumption in favour of sustainable development

7. The Policy Officer confirms that there is a significant need for new housing, including affordable housing in Cheadle. The housing provision figures set out in the Core Strategy (CS) (Fig 13) show that 890 dwellings need to be found on sites outside the urban area. This site is considered to be a sustainable location, situated as it is on the edge of the existing settlement. Furthermore the Council does not have a 5 year supply of deliverable housing land (it is currently just 2.18 years). Paragraph 49 of the NPPF confirms that in such circumstances, relevant policies for the supply of housing cannot be considered to be up to date. Indeed an Inspector took this view at a recent appeal for just a single dwelling house in Whiston

8. Given the lack of a 5 year supply and notwithstanding reservations as to whether this site can be regarded as a small urban extension in terms of Policy SS5a, and the preference to locate new dwellings on land within the urban area before allowing dwellings on green field sites such as this, the presumption has to be in favour of sustainable development regardless of scale and this weighs in favour of the application.

9. Thus whilst this site is located outside the development boundary, it is not located in the Green Belt and in terms of the NPPF there are no policies that indicate that development should be restricted. In light of the lack of a 5 year supply of deliverable housing sites, Paragraph 14 of the NPPF is engaged (reflected in Policy SS1a). It states that where relevant policies are out of date, as is the case here, planning permission must be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. The impacts of this development are discussed and assessed in detail below and considered in the planning balance below.

### **Access/Highways**

10. Whilst the application is in outline form approval of access off the Ashbourne Road is sought at this stage. This new access will serve the whole of the new development. A service/emergency access will be provided off Thorley Drive. The impact of an additional 190 new dwellings has been modelled by the applicants in their Transport Assessment. This has looked not only at the requirements in terms of highway safety and the Ashbourne Road and Thorley road junctions but also at the impact on junctions within the town.

11. The Highways Authority originally objected to the application. They stated at that time a preference for access to be taken off Thorley Drive and had concerns over the visibility splays that would be required for the proposed new junction on Ashbourne Road, traffic speeds along the Ashbourne Road and the impact the development would have specifically on the Tape Street/Ashbourne Road junction which they described as severe, without appropriate mitigation.

12. Further to this objection further analysis/work was undertaken by the applicants through their Highway Consultants and further discussions have taken place with the Highway Authority. The result of these is that the developer has agreed to fund the necessary improvements to the Ashbourne Road/ Tape Street junction (provision of additional lane) to increase capacity. Furthermore the position for the new access off Ashbourne Road has been agreed with visibility splays which meets the requirements specified in The Manual for Streets. The emergency/service access will be provided off Thorley Drive. In addition to this the removal of existing boundary vegetation and fencing at the north-western corner of the application site will increase the visibility afforded to drivers exiting Thorley Drive.

13. The Transport Assessment also presents proposals to extend the 30mph speed limit by approximately 70 m's to encompass the new site access junction accompanied by additional street lighting and traffic calming. These measures are proposed to optimise highway safety. The applicant has agreed to meet the costs associated with these works which would be secured through a s106 agreement. A Residential Travel Plan has also been submitted with the application which sets out measures to reduce the reliance on the car and promote sustainable forms of transport. The measures set out in the Travel Plan will also be funded by the developer for 5 years and form part of any S106 Agreement.

14. In light of the these amendments the Local Highway Authority have now removed their objection and raise no objection to the application subject to conditions and a Section 106 Agreement to secure the necessary contributions referred to above. In terms of the Ashbourne Road/Tape Street junction, the advice of the LHA is that the improvements proposed will reduce the impact at this junction to a satisfactory and acceptable level. Although many of the letters of representation refer to highway issues it must be remembered that in arriving at the additional 1,300 new dwellings for Cheadle in the Core Strategy, the impacts on the existing highway network were fully considered by the Inspector at the Examination into the Core Strategy.

15. It is for these reasons and subject to conditions and a Section 106 Agreement to secure the improvements to mitigate impact that no objection is raised to the application on highway grounds (Policies SO1, SS5c, T1 and T2 of the adopted Core Strategy and advice in the NPPF).

### **Landscape and Visual Impact**

16. A Landscape and Visual Assessment is submitted with the application and has been carefully considered by Officers. The site falls within the landscape character type "ancient slope and valley farmlands" of The Council Landscape and Settlement Character Assessment of Staffordshire Moorlands. The proposed development would clearly bring about a fundamental change in landscape character. However the

landscape character of the site itself and the views into, over and from the site are not of notably high sensitivity or quality. According to the Assessment submitted the visual impacts of the proposed development range from significant adverse effects from the existing residential properties, to moderate adverse impact on Ashbourne Road and more limited from the existing properties at Millers View and the surrounding countryside. The indicative master plan submitted with the application illustrates the provision of a substantial 'soft' buffer of open space between any new housing and the countryside and public footpath beyond. The provision of a maximum of 190 dwellings on a 10 hectare site is a very low density scheme which means that there is more than sufficient land within the application site to provide buffers along Thorley Drive and Ashbourne Road and to provide areas of open space within the site. The Trees and Woodlands Officer confirms that there are no objections on landscape and visual terms.

17. The detailed tree and hedgerow survey submitted as part of this process have demonstrated that the site has a sporadic distribution of mature and semi-mature trees which roughly follow field boundaries and water courses. Native hedgerows are major elements of the landscape with Holly being a prominent feature. The indicative master plan which accompanies the application demonstrates that the existing field patterns, trees and hedgerows can be respected in any future design to ensure that they can be both protected and maintained.

18. In conclusion therefore although most of the trees and hedgerows would be maintained and additional planting used to replace any lost and that there are no significant ecological issues on the site, the transformation of a green field site to residential will inevitably bring about a change in the character and appearance of the countryside and this weighs against the application. The proposal could not be said to protect or enhance the local landscape and this there is conflict thus with Policy DC3 of the Core Strategy.

**Impact on local residents**

19. The residents on the south side of Thorley Drive are those that have the potential to be most affected by the proposed residential development as their rear gardens abut the application site. However, this is an outline application and the precise details of the new houses will be dealt with at the Reserved Matters stage. The illustrative masterplan demonstrates that there is no reason to suspect that a detailed layout produced at that stage would not meet the Council's Space about Dwellings Standards nor be contrary to Policy DC1 of the adopted CS.

**Affordable Housing**

20. One of the key components of any housing scheme is the potential to deliver much needed affordable housing to an area and is a social dimension for any new development. The application is for up to 190 dwellings and the applicant has offered to meet the 33% requirement which means that the site has the potential to deliver approximately 63 affordable units. A breakdown of how the 63 units will be split between the different needs in Cheadle has been provided by the Housing Strategy Officer and this provides for 18 Intermediate houses and 45 for rent made up of a mix of one bedroom bungalows up to 3-4 bedroom houses. The provision of the Affordable Housing

would form part of any S106 Agreement and would be in accordance with Policies H1, H2, SSC5, SO1 and SS1 of the adopted CS.

**Other Issues (flood risk, drainage etc)**

21. A full Flood Risk Assessment was submitted as part of the application and has been considered by officers. The site has no history of flooding. Additional information on the drainage strategy for the site was prepared by the applicants. Subject to conditions, no issues on flooding or drainage are raised.

**Indicative Master Plan**

22. Although the application is outline with all matter reserved for future approval with the exception of the new access off Ashbourne Road, an indicative master plan has been submitted with the application. This clearly shows that the site can easily accommodate up to 190 new dwellings while leaving substantial areas for open space, play area and landscaping and for the retention of the majority of the trees and hedgerows.

**Developer Contributions**

**Education**

23. The provision of suitable education facilities is a key social dimension of new development and as such is identified in Policy SS5c – Cheadle Area Strategy where the requirement for a new primary school to serve the north/east of the town is identified. The County Council Education department have provided a financial figure which would fairly equate to the sites contribution towards that new school and this would form part of any S106 Agreement. This would be in accordance with Policy SS5c.

**Open Space**

24. Any new development must provide adequate open space both within the site and in the surrounding area if justified. The provision of play areas, sports pitches and recreation areas is a clear social benefit to both new and existing residents. The Annual Monitoring Report (AMR) 2013 identifies a deficiency of play facilities, particularly for young people, and outdoor sports facilities in the Cheadle area. Due to the size of the development it is recommended that it should include a play area on site. This should be a combined LEAP/NEAP (Local and neighbourhood equipped play area) of about 1,000 sq metres (about a quarter of an acre) for ages 0 to 11 years. This area should be centrally located in the development with dwellings facing onto it where possible. The applicant is happy with this provision.

25. The developer has been requested to provide appropriate funding for the construction of the play area with monies secured for its maintenance and has indicated they are amenable to this. The responsible body for its maintenance is currently being discussed with the applicant. The applicant has also been requested to make a contribution for off site sport and play in the area and has indicated that he is happy to do so in any S106 Agreement.

26. The provision of adequate open space both on and off site is crucial part of any scheme and those measures proposed as part of this application are in accordance with Policies SS1, SS5c, DC1, SO7, C2 and C3 of the adopted CS.

**The Planning Balance**

27. The Framework says at Paragraph 14, for decision taking, this means approving development proposals that accord with the development plan without delay. where the development plan is absent, silent or relevant policies are out-of-date, as in this case it says that Local Planning Authorities should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as whole or specific policies in the Framework indicate development should be restricted.

28. The application will introduce 190 new dwellings and this will have an economic and social benefit on the area. It will to sustain the town centre. It will contribute towards a new primary school identified in Policy SS5c. It will be beneficial in terms of retail in the town providing new shoppers to the area and the construction on site will generate both employment on site and in the local area. Most importantly the application will deliver up to 190 dwellings in an area where there is a significant need for new housing including up to 63 much needed affordable houses. This is a significant benefit. The scheme will also provide additional open space and play areas and contribute to sports and play in the town and fund traffic calming and highways improvements in the town. There are no technical constraints to the development of the site.

29. Against this the development of a green field site will inevitably have an impact on the character and appearance of the countryside as discussed above. Whilst it is acknowledge above that the development will have a highway impact, this can be mitigated to an acceptable level.

30. The conclusion reached therefore is that given the lack of a 5 year supply of deliverable housing land within the District coupled with the significant need for housing in Cheadle, in this particular case and applying the test of para 14 of the Framework as required, the impact on the character and appearance of the area is not considered to be so adverse as to significantly and demonstrable outweigh the benefit of housing provision. A recommendation of approval is thus made.

**RECOMMENDATION 1:** Planning permission is approved subject to the following conditions and completion of a S106 planning obligation in accordance with the agreed Heads of Terms:

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

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

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

- 1) – Appearance
- 2) – Landscape

3) – Layout

4) – Scale

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

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

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

4. The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the Local Planning Authority: Drawing no's.

X/KDCheadle.1/01 – Location Plan

X/KDCheadle.1/02 Revision A – Proposed Site Access

X/KDCheadle.1//04 Thorley Drive Access

Reason:- To ensure that the development is carried out in accordance with the approved plans.

### **Amenity**

5. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations: 08:00 - 18:00 hours (Monday to Friday); 08:00 - 13:00 hours (Saturday) and no working is permitted on Sundays or Bank Holidays. In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

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

### **Highways**

6. No development hereby approved shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Provision of parking, turning and servicing within the site curtilage;

- Means of surface water drainage

- Surfacing materials

The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of the development

7. The development hereby permitted shall not be brought into use until the visibility splays at the proposed site access shown on plan ref. no X/KDCheadle.1/02A have been provided, with the hedge replanted behind the visibility splay. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

8. The development hereby permitted shall not be brought into use until the visibility splays at Thorley Drive shown on plan ref. no X/KDCheadle.1/04 have been provided, with the hedge replanted behind the visibility splay. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

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

- Extension of footpath from Thorley Drive to the proposed access on the line generally as on drawing X/KDCheadle.1/02A;

- provision of secondary access using the existing stub off Thorley Drive from the junction with Thorley Drive;

The off-site highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

10. The development hereby permitted shall not be commenced until details of the 2.4mx43m visibility splays at the existing stub onto Thorley Drive have been submitted to and approved in writing by the Local Planning Authority. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development being brought into use.

11. The development hereby permitted shall not be commenced until full details of the proposed site access junction on the B5032 Ashbourne Road, illustrated on drawing X/KDCheadle.1/02A, which shall incorporate further two-dimensional and three dimensional revisions as recommended by a Stage 2 Safety Audit and in accordance with engineering details which shall be submitted to, and approved in writing by, the Local Planning Authority and which shall include construction, surface water drainage and street lighting details which shall thereafter be implemented in accordance with the approved details and be completed prior to the occupation of development.

12. The Travel Plan which is hereby approved shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.

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

14. The development hereby permitted shall not be commenced until a traffic management scheme comprising road marking and signing on B5032 Ashbourne Road, should the consultation exercise to extend 30mph Traffic Regulation Order, has been submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to first occupation of the development should it be required.

## **Ecology**

15. The reserved matters application shall be accompanied by a detailed hedgerow biodiversity assessment identifying all hedges to be retained taking account of their woody and non-woody species composition and potential to support biodiversity and establishing a management scheme and its method of delivery capable of ensuring their long-term retention in situ and their sustained biodiversity. For any hedgerows proposed to be removed the survey shall demonstrate a proportionate scheme of compensation by way of alternative hedgerow provision within the site.

Reason: in the interests of maintaining biodiversity.

16. The reserved matters application shall be accompanied by a detailed bat activity survey for the site undertaken in accordance with the published guidance from Natural England and the Bat Conservation Trust applicable to a site of this form and scale. The reserved matters scheme shall be designed in accordance with requirements identified by the bat survey as necessary to ensure the maintenance of bat species populations which might otherwise be adversely affected by the development, all in accordance with the prevailing legislation and relevant guidance from Natural England and the Bat Conservation Trust. Such requirements may include measures to regulate and restrict exterior lighting in both public and private areas of the development.

Reason: in the interests of maintaining biodiversity and ensuring conservation of European Protected Species

17. The reserved matters application shall be accompanied by a plant and animal species survey of the pond (located against the southern boundary and towards the east of the site) along with measures and means for its retention and future management as a biodiverse fresh water habitat with particular attention to the potential to support Great Crested Newts and Water Vole.

Reason: in the interests of maintaining and supporting biodiversity.

## **Contamination**

18. Development shall not commence further until an intrusive (Phase 2) site risk assessment has been undertaken in accordance with a scheme to be agreed with the Local Planning Authority, to assess the nature and extent of any contamination on the site. Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority. If the intrusive (Phase 2) site risk assessment indicates that potential risks exist, development shall not commence until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared, and is subject to the approval in writing by the Local Planning Authority. Prior to bringing the development into first use, a validation

report demonstrating completion of the works set out in the approved remediation strategy a shall be submitted to and approved, in writing, by the local planning authority.  
Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

21. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment.

Reason:- To protect the amenities of the area.

### **Trees**

22. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development, unless otherwise approved by the LPA. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (March to August inclusive), unless otherwise agreed by the LPA and in this case only following careful inspection by a competent person to establish that such trees, shrubs or hedgerow are not in active use by nesting birds.

Reason:- For the avoidance of doubt and in the interest of local wildlife.

23. Any mature tree to be removed or reduced shall first be carefully inspected for the potential to provide bat roosting opportunities. Any tree which has such potential (which could include cavities, splits, decay pockets, hollow stems or branches, areas of loose bark, dense ivy cover or dense epicormic shoots) shall be subject to a further detailed and if necessary climbing inspection by a licensed bat worker immediately prior to felling, and all felling of such trees shall take place in the presence of the bat worker who can then immediately advise on appropriate measures if bats are discovered during dismantling or felling operations.

Reason:- To protect the trees and ecology present.

24. Before the commencement of development, including any site clearance and stripping, temporary protective fencing and advisory notices for the protection of the existing trees and hedgerows to be retained shall be erected in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and shall be retained in position for the duration of the period that development takes place. Within the fenced areas there shall be no excavation, changes in ground levels, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed by the LPA.

Reason:- To protect the trees and ecology present.

### **Flooding and Drainage**

25. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme should be implemented in accordance with the approved details before the development is first brought into use.

Reason:- To ensure the development is provided with a satisfactory means of drainage and to prevent pollution.

26. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and Walkover Drainage Survey and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the site so that it will not exceed Green field run-off from the undeveloped site, (estimated as 42l/s), and not increase the risk of flooding off-site.
2. Provision of 2000 cubic meters attenuation flood storage on the site to a 100 year + climate change standard.
3. Finished floor levels are set no lower than 150mm above local ground level.
4. Confirm which responsible body will maintain the surface water system over the lifetime of the development according to an acceptable maintenance schedule and that is achievable.

Reason:- To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site

**Archaeology**

26. Prior to the commencement of development hereby permitted, a written scheme of archaeological investigation ("the Scheme") shall be submitted for written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication and interpretation. The Scheme shall thereafter be implemented in full accordance with the approved details.

Reason:- In order to protect and record any archaeology on the site.

**Informatives**

1. The Council entered into pre-application discussions with the applicant to secure an acceptable scheme, as has been submitted and consequently approved. It is therefore considered that the proposals meet the provisions of paragraphs 186-187 of the NPPF

2. You are reminded of your responsibilities under the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 which require you to identify the impacts of the development in respect of any protected species that may inhabit the site. This may lead to a requirement for a protected Species Licence to be obtained before the proposed development can take place. Failure to carry out the requirements in accordance with the legislation risks offences being committed which could result in legal action including prosecution.

**RECOMMENDATION 2:** In the event that the planning obligation under S106 of The Town and Country Planning Act 1990 is not completed on or before 31<sup>st</sup> January 2015, that the application be refused as follows:-

1. There is no mechanism in place to secure the required benefits which are necessary to support the proposed development. The development is therefore contrary to the Adopted Staffordshire Moorlands Core Strategy and the advice contained in the National Planning Policy Framework.

**SMD/2013/1201 ERECTION OF 11 DWELLINGS (OUTLINE) WITH DETAILS OF VEHICULAR ACCESS AT LAND OFF MACCLESFIELD ROAD, LEEK FOR GRACE STREET DEVELOPMENTS**

Parish: Leek  
Case Officer: Mr R J Duckworth

Registration: 21/12/2013  
Grid Reference: 9767 5711

**THE APPLICATION**

This is an outline application for a residential development of 11 dwellings. The access to the site and the principle of residential development are to be determined at this stage with all other matters, scale, layout, appearance and landscaping reserved for subsequent approval.

The following documents accompany the plans and drawings of the proposal:

- Planning Statement and Design and Access Statement;
- Flood Risk Assessment;
- Illustrative layout plan;
- Illustrative site sections

**SITE LOCATION / DESCRIPTION**

The application site lies to the south of Macclesfield Road behind Bridge End Garden Centre, north east of Kiln Lane and is situated on the western edge of the built up area of Leek. The site comprises an enclosed agricultural field currently used for grazing. The field is surrounded by hedgerows and trees. A unauthorised public footpath runs along the eastern boundary of the site. The site slopes from the north up to the south forming a side to the Churnet Valley / The Nab. Access is via a track from Macclesfield Road to the north eastern corner of the site and runs between Leek Town Football Club, Bridge End Garden Centre and the White Lion Public House. This track serves the car park for the football club.

The site is within Leek Town Boundary and is a Strategic Housing Land Availability Area site LE064. The site is not within a flood zone but the access is in Flood Zones 2 and 3 (3 being the worst)

**PLANNING HISTORY**

SMD/2002/1218 Outline for erection of 5 detached dwellings and extension to football club car park. Refused. Dismissed at appeal. Reasons: Lack of Flood Risk Assessment therefore lack of evidence to demonstrate that the safety of residents of the development would not be compromised in times of flood risk of flooding and loss of greenfield site.

SMD/2004/0040 Temporary use of site for storage of materials and site hut in connection with adjoining housing development. Approved.

SMD/2012/0215 Outline for erection of 5 dwellings (Outline). Withdrawn.

**CONSULTATIONS**

Leek Town Council

Recommend refusal - loss of greenfield site.

Severn Trent Water

No objection subject to condition.

Local Highway Authority

No objections subject to conditions.

Environment Agency

No objection subject to the condition that the development is carried out in accordance with the approved Flood Risk Assessment.

Local Minerals Planning Authority

No objections received.

Staffordshire County Council Police

No objection received.

The Coal Authority

No objections.

Environmental Health

No objections, subject to a precautionary contamination condition.

Ecology

The survey shows there are no overriding conflicts that might preclude the principle of development for ecology / biodiversity reasons subject to conditions.

Trees and Woodland Officers

Verbally advised that a tree protection scheme should be sought via condition to avoid damage to existing trees and root areas. The landscape character will not be adversely affected by the development. The site is screened by the existing developments to the fore and the location of the houses in relation to the sloping site will minimise their impact. The site will be viewed from a distance but will form part of the overall built environment of Leek on the edge of the countryside.

Planning Policy

In summary: the site is in a sustainable location within the old Local Plan defined Leek Town Development Boundary however consideration needs to be had for flooding, access, opportunities to create sustainable linkages, character of the area and appropriateness of the density of development proposed, access and whether it meets the threshold for requiring affordable housing provision.

Staffordshire County Council Education

A development of 11 new dwellings could add to this school catchment area of Leek - 2 first school aged children, 1 primary aged children and 1 secondary aged children. Limited vacancies are available but the local high school should be able to

cope with the demand. The First School and Junior school are predicted full so a contribution will be required: 2 First School places (2 x £11,031 = £22,062) and 1 Middle School place (1 x £13,827) giving a total of £35,889.

**REPRESENTATIONS**

<u>Type:</u>	<u>Expiry of:</u>
Consultations	7th March, 2014.
Press Notice	19th March, 2014
Site Notice	14th March, 2014

**12 letters in opposition** have been received to the above application raising the following points:

- Highways Safety, shared access, parking, children, emergency access
- Public right of way
- Drainage issues
- Flooding issues
- Nuisance from the football club (LTFC should not be liable)
- Development of a Greenfield site
- Landscape impacts
- Ecology impacts
- Lack of need for more housing

**1 letter in support** was received to the above application raising the following points:

- No aesthetic value to site.
- Hidden behind football ground.

**PLANNING POLICIES**

The Staffordshire Moorlands Core Strategy Development Plan Document, adopted 26 March 2014.

The key development plan policies of the SMCS relevant to the determination of this application are as follows:-

- SS1 - Development Principles
- SS1a - Presumption in Favour of Sustainable Development
- SS2 - Future Provision of Development
- SS3 - Distribution of Development
- SS4 - Managing the Release of Development
- SS5 - Towns
- SS5a - Leek Area Strategy
- SD1 - Sustainable Use of Resources
- SD2 - Renewable/Low Carbon Energy
- SD3 - Carbon-saving Measures in Development
- SD4 - Pollution and Flood Risk
- H1 - New Housing Development

- DC1 - Design Considerations
- DC3 - Landscape and Settlement Setting
- C1 - Creating Sustainable Communities
- NE1 - Biodiversity and Geological Resources
- T1 - Development and Sustainable Transport
- 

The main relevant parts of the National Planning Policy Framework (NPPF) are:

- Paragraphs 1 - 17
- Section 1 - Building a strong, competitive economy
- Section 4 - Promoting sustainable transport
- Section 6 - Delivering a wide choice of high quality homes
- Section 7 - Requiring good design
- Section 8 - Promoting healthy communities
- Section 10 - Meeting the challenge of climate change, flooding and coastal change
- Section 11 - Conserving and enhancing the natural environment
- Paragraphs 186 - 219

The National Planning Practice Guidance is also relevant to the determination of this application.

## **OFFICER COMMENT**

### Main Issues

The main issues in respect of this planning application are the:

- Principle of the proposed development.
- Impact on flooding
- Impact on the highway safety
- Impact on the natural environment.

### Principle

1. Whilst this is a greenfield site, the site lies within the development boundary of Leek (defined on the Saved Local Plan Proposals Map). The site has been identified in the SHLAA as a potential housing site with a capacity of up to 14 houses. Policy SS5a of the adopted Core Strategy is relevant. It sets out the Leek Area Strategy and confirms support for the development of sites within the urban area. Although it says that encouragement should be given to previously developed sites given that this is a very sustainable location the presumption is in favour of permission (para 49 of the Framework) and in view of the lack of a 5 year supply of deliverable housing land, there is no objection to the proposed development in principle.

2. The proposed development is for 11 dwellings, reduced via officer negotiations from 14 as originally submitted. The illustrative plan shows a simple sweeping path to the north west with a 'L-shaped' turning head. This allows for minimal hard surfacing, a good general layout for the dwellings and adequate manoeuvring room.

In consideration of the topography of the site, its location, access and other characteristics it was concluded that 14 dwellings of the size proposed would not be an appropriate number for the site resulting in a poor design with regards to Space About Dwellings SPG and potential harm to the character and appearance of the area. It is considered that the reduction to 11 units will enable sufficient space between units to be achieved to comply with the Councils space standards and achieve a much improved layout which is appropriate to the character and appearance of the area thus according with policies DC1 and DC3. Full details of layout, scale and appearance will be considered at the Reserved Matters Stage.

3. Approval of access is sought at this stage. The access is via an existing access off the main A532, Macclesfield Road between Leek Town Football Club and the White Lion Public House. This currently serves the football club car park and provides access to the application site. It is understood that the access is owned by the applicant but that the football club have a right of access to their car park(s). The access road has a tarmac' surface and initially runs along the side of the football club. It then opens up into the football car park which is split into two parts by a dedicated access track lined with kerbstones up to the application site.

4. The access to the site has been the main reason for the numerous objections received regarding the development. The reasoning behind these objections is the shared nature of the access with Leek Town Football Club and the potential for parking and access issues on match / practice days. On match days there will be a much higher dependence on the access road than most other housing sites in the area but this does result in the access being unsuitable. Most disruption will be caused at weekends and on Wednesdays but this will be for a limited time whilst people enter and exit the site.

5. The Local Highway Authority raise no objection to the application. They say that the increase in traffic generated from the proposed 11 dwellings would not result in a significant increase over current levels and certainly not such to result in a severe impact. In determining an appeal for 5 dwellings in 2003, the Inspector reached a similar view. She concluded that the traffic generated from the development would not seriously alter the existing highways conditions in consideration of the existing and potential use of the football club and the public house. Thus whilst the access arrangement is somewhat unusual given that it has previously been deemed acceptable by an Inspector and given the lack of objection from the LHA to the current application, no objection is raised on highway grounds.

6. Pedestrian access can currently be gained from Kiln Lane to the south. Whilst it has all the hall marks of being a well used route, it is not on the definitive map and there has been no application as far as is understood to have it registered as an official right of way. Nevertheless it is considered to be an important connection. It is noted that the illustrative layout appears to reserve land for its route and it is suggested that a condition secures this at the reserved matters stage.

Flooding

7. The application was submitted with a Flood Risk Assessment as most of the access up to the bottom of the housing site lies within Flood Zones 2 and 3 with Flood Zone 3 being land with the highest risk of flooding. This has been assessed by Severn Trent and the Environment Agency who conclude that its findings and suggested mitigation measures are acceptable. These include all finished floor levels to be 150mm above adjacent ground levels and 600mm above the 1 in 100 year +20% floor level and that pedestrian safe routes are identified. The safe routes indicated are via the footpath up to Kiln Lane.

Subject therefore to the imposition of conditions to secure the mitigation measures, no objection is raised on flooding grounds and there is compliance with Policy SD4 of the Core Strategy and advice in the Framework.

Ecology

8. The application is accompanied by a Preliminary Ecological Appraisal. This has been assessed by the Ecology Officer who raises no objection subject to the imposition of a condition to protect nesting birds.

Landscape Impact

9. The Trees and Woodlands Officer suggests that the landscape character will not be adversely affected by the development and that the impact on the landscape will be low. The site will be viewed from a distance but will form part of the overall built environment of Leek on the edge of the countryside with the main views of the site on approach to Leek via A523. The site is screened by the existing developments to the fore, namely Leek Town Football Club, Bridge End Garden Centre and the White Lion Public House aided by the bank of trees to the north of the site. The location of the development in relation to the sloping site will further minimise its impact as it will not sit on a skyline but will have a banked backdrop. It is considered that the landscape and visual impact is acceptable and therefore will accord with policy DC3.

10. The Trees and Woodlands Officer suggested that whilst of no significant value the bank of trees to the north of the site will aid the screening of the development, as such any works should be kept away from the root balls of the trees to protect them during construction. This can be conditioned.

Developer Contributions

11. The site is under the threshold for the provision of affordable housing so as such none is sought.

12. County Education advise that the development of 11 new dwellings would add to Leek school catchment area by four pupils. Limited vacancies are available at first and middle schools but the local high school should be able to cope with the demand generated from this site. The First School and Junior school are predicted full so a contribution will be required totalling £35,889. The applicant has agreed to this contribution and has submitted a draft Unilateral Undertaking to secure this.

Conclusion

13. The site is within Leek Town Boundary and accords with Policy SS5a of the Core Strategy. The lack of a 5 year supply also adds support for the principle of development. It has been demonstrated that the site can accommodate the number of dwellings. The proposed access is acceptable. Flooding can be mitigated against and no objections have been received in this regard. The proposed development will sit well within the existing landscape and poses little threat to the local ecology. A contribution towards school provision will be required via a Section 106 Agreement but there has been a commitment to this from the developer. It is therefore considered that the details submitted for outline planning permission for the erection of 11 dwellings with access are acceptable and a recommendation of approval is made.

Town Council comments The objection from Leek Town Council regarding the loss of a greenfield site. As mentioned above, the site is within Leek Town Boundary and the urban area within policy SS5a which gives support for such locations for development. The current 5 year supply must also be considered, which is currently not met. Without a 5 year supply any adopted policies regarding the supply of housing should not be considered up-to-date. The NPPF states that where relevant policies are out-of-date, permission should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits. In this instance there are no other impacts that would outweigh the benefits and the fact the site is greenfield cannot be substantiated as a reason for refusal.

Public comments.

These have been discussed above in the Officer comment section

**RECOMMENDATION 1**

That outline planning permission be granted subject to the prior completion of a Unilateral Undertaking to secure a contribution towards education provision and subject to the following conditions:

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:- To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (As Amended)

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

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

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

- a. The layout of the building(s)
- b. The scale of the building(s)
- c. The external appearance of the building(s)
- d. The landscaping of the site.

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

4. The development hereby approved shall be carried out in complete accordance with the submitted amended plans and specifications as follows:-

LOCATION PLAN 2011-1806-23  
SCHEME 4 SITE LAYOUT PLAN 2011-1806-SP4  
SCHEME 4 SITE SECTIONS 2011-1806-SP5

Reason:- To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

5. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is brought into first use.

Reason:- To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and in the interests of highway safety.

6. The development shall not be commenced until details have been submitted to and approved in writing by the Local Planning Authority indicating all road construction, street lighting, drainage including longitudinal sections and a satisfactory means of draining roads to an acceptable outfall to SUDS principles which shall thereafter be constructed in accordance with the approved drawings.

Reason:- To ensure satisfactory road construction.

7. Any garages shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without written consent of the Local Planning Authority.

Reason: To ensure adequate parking provision for the development.

## **AGENDA ITEM 8**

8. Before the proposed development is brought into use, but after substantial completion of the works, the concrete ditched channel across the access on the channel of A523 Macclesfield Road shall be replaced in accordance with the details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

9. The development shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) produced by JMP Consultants document reference MID3265 R001 final issue No.2 dated 10 August 2012 and the following mitigation measures detailed within the FRA:

Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

The mitigation measures shall be fully implemented prior to the first occupation of any of the dwelling houses and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure safe access and egress to and from the site.

10. The development hereby permitted shall not be commenced until samples of types and colours of all roof tiles, facing materials and hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:- To ensure that the external appearance of the development is satisfactory.

11. The development hereby permitted shall not be commenced until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site.

Reason:- To provide adequate privacy and an acceptable external appearance.

12. The plans and particulars submitted in accordance with condition 3 (landscaping) above shall include:

a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;

b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of

## **AGENDA ITEM 8**

health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation < within the crown spread of any retained tree or of any tree on land adjacent to the site > < within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree >;

e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason:- In the interests of visual amenity, tree protection and in order to identify the location, type, size and health of trees on and adjacent to the development site.

13. All finished floor levels of the proposed houses shall be 150mm above adjacent ground levels and 600mm above the 1 in 100 year +20% floor level.

Reason:- In the interest of flood protection.

14. No machinery shall be operated at the site outside the following times between 0800 and 1800 hours on weekdays and 0800 and 1300 hours on Saturdays and at no time on Sundays, Bank or Public Holidays.

Reason:- To minimise noise disturbance to neighbouring residents.

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner: and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority give written consent to any variation.

Reason:- In the interests of the visual appearance of the development and the amenities of the area.

16. The development hereby permitted shall not be commenced until details of the existing and proposed levels across the site and relative to adjoining land, together

with the finished floor levels of the proposed building(s), have been submitted and approved in writing by the Local Planning Authority. There shall be no variation in these levels without the written approval of the Local Planning Authority.

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

17. Any scrub vegetation cutting or clearance, shrub or tree pruning or clearance required at the site shall take place only in the calendar period 1st September to 1st March or outside these dates only if it is established by a qualified ecologist immediately prior to the work that no protected bird nesting is taking place. If bird nesting is found a works exclusion area shall be set up to prevent development work from disturbing the nesting and this shall be maintained until the nest is no longer in use.

Reason: in the interests of biodiversity and protected species.

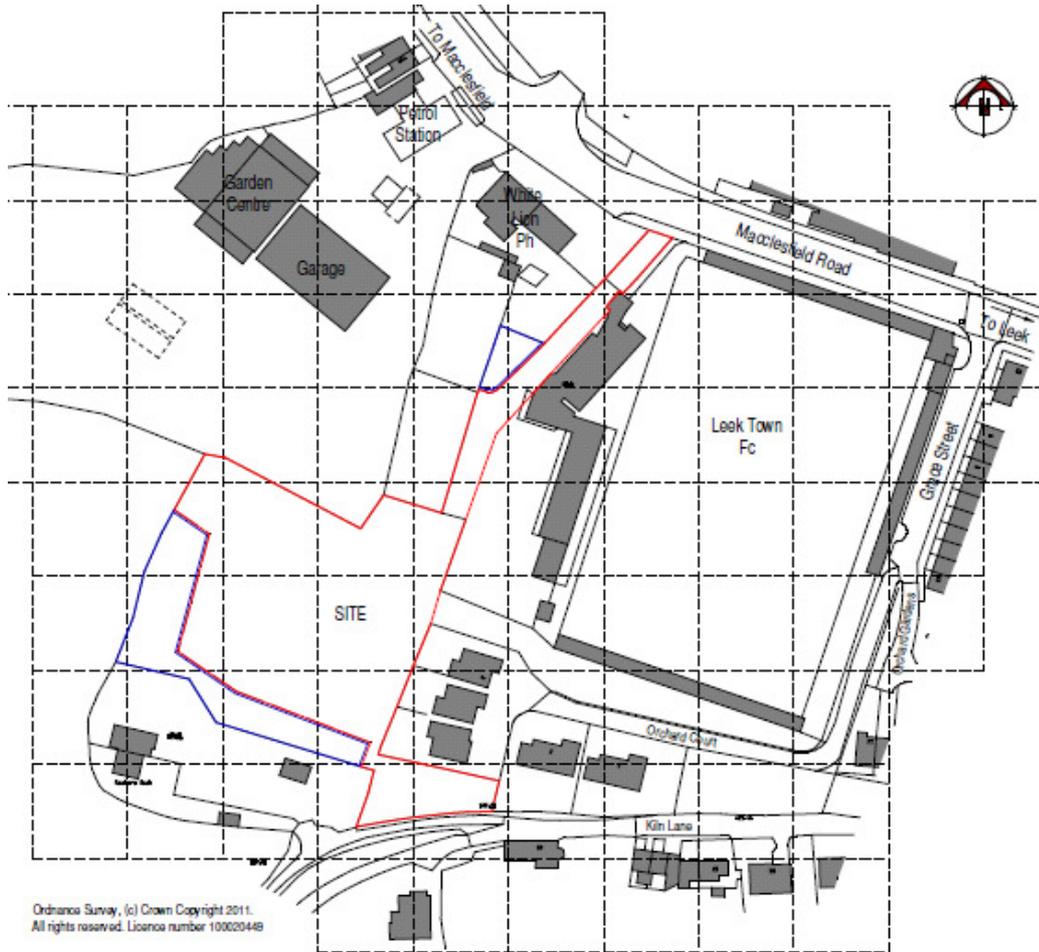
**RECOMMENDATION 2**

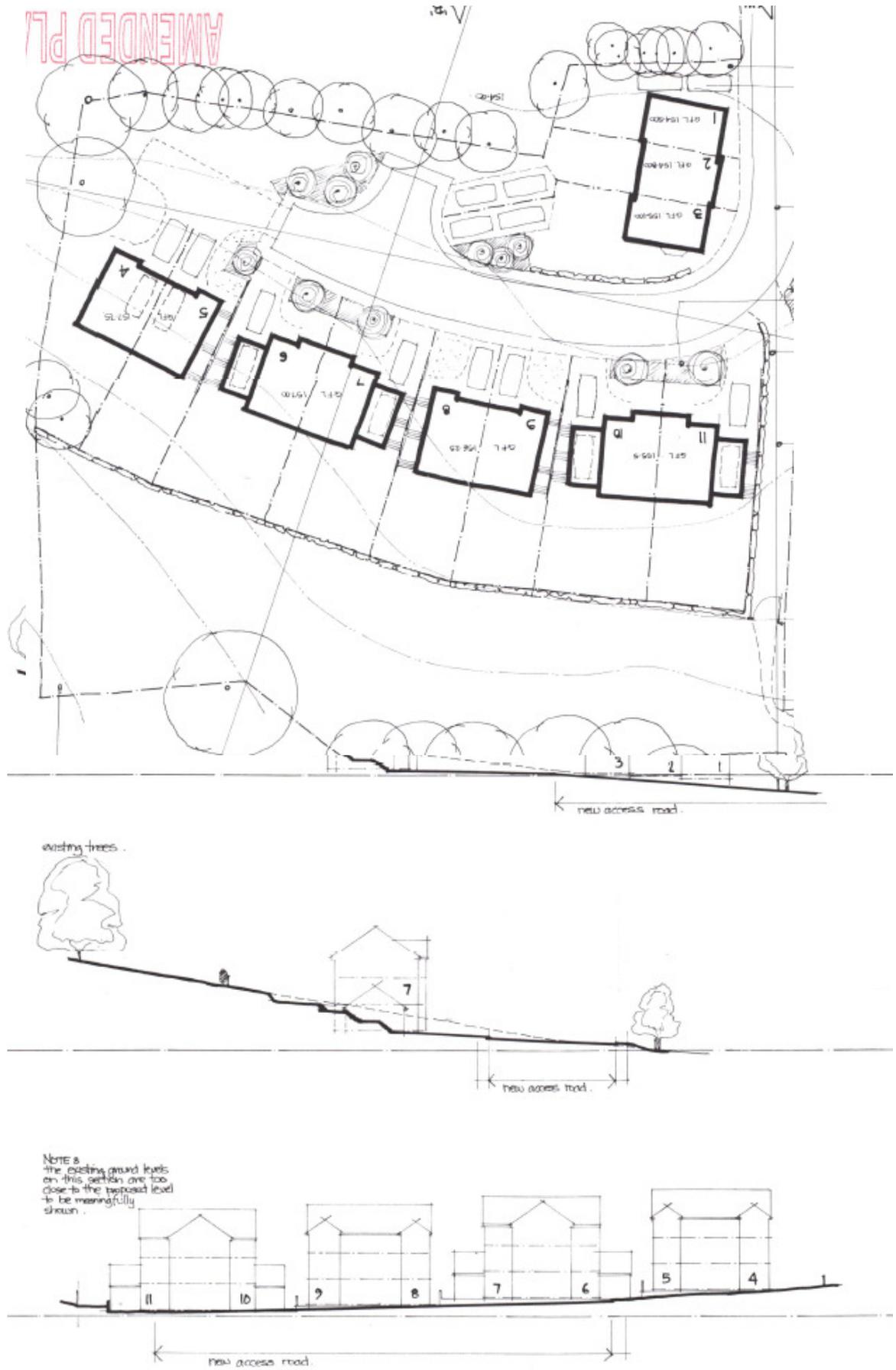
In the event that a S106 Obligation has not been entered into by 28<sup>th</sup> February 2015 planning permission be refused for the following reason:-

1. The submitted development necessitates the completion of a S106 Obligation in order to secure adequate education provision. No such agreement has been put in place by the applicant and accordingly there is no mechanism to ensure that adequate education provision will be available. The application is accordingly considered to conflict with the requirements of policies H1, H2 and C1 of the Council's adopted Core Strategy and the National Planning Policy Framework.

Informative

1. The applicant is reminded of the recommendation contained within the Preliminary Ecological Survey that prior to site work beginning the densely vegetated hedge line along the northern border of the site shall be examined to establish conclusively the presence or absence of badger setts. In the event that evidence of badger setts is found no further work shall take place without first obtaining consent from Natural England including licensing as necessary







## **AGENDA ITEM 9**

**SMD/2014/0699**

### **VARIATION OF CONDITION 2 (DEVELOPMENT IN ACCORDANCE WITH APPROVED DRAWINGS) PART CHANGE IN ROUTE OF ACCESS TRACK, LANE END FARM, ASHBOURNE ROAD, BRADNOP FOR MR MOUNTFORD**

Parish: Bradnop  
Case Officer: Mr. A. D. Swithenbank

Registration: 03/11/2014  
Grid Reference: SK 026 543

#### **THE APPLICATION**

The proposal is to vary the route of an approved access track forming part of the approved wind turbine development at Lane End Farm, Bradnop allowed on Appeal following the refusal of application reference SMD/2013/0934 [13/00929/FUL].

The proposal is illustrated on the submitted Drawing MOUNT 001 dated 3rd November 2014 and would substitute, in place of a direct 250m final stretch of track to the turbine, a slightly more circuitous route. The reason for the proposal is to provide a less steep approach to the turbine over this final stretch. It is estimated that the overall length of track in the section to be changed would be increased to 400m as against 250m in the approved development.

#### **SITE LOCATION/DESCRIPTION**

As currently approved the section of track under consideration runs in a direct, and in places, steep line due north from a point alongside Town End Farm to the turbine base. The variation proposed would take the track in a more gently climbing loop east from Town End Farm then bending through north to contour westwards before climbing again north to the turbine base. The track at this point crosses fields lying about midway up the generally west facing slopes of Morridge at an altitude of between 305m and 340m AOD. Due to its height at typically around the 400m mark along much of its 7km length, running generally north to south from Thorncliffe to Bottom House, Morridge is a dominant landscape feature of the Staffordshire Moorlands District and marks the boundary of the Peak District National Park.

The fields crossed by the proposed track, and nearby, are generally small to medium sized bounded by fences and low walls rather than hedgerows. Several public footpaths criss-cross in the vicinity and as with the approved route the proposed variation crosses a footpath close to Town End Farm and one closer to the turbine site.

#### **PLANNING HISTORY**

SMD/2013/0934 [13/00929/FUL] proposed single Endurance E-3120 three bladed wind turbine with a nominal peak power output of 50kW; hub axis height 24.6m; blade radius 9.6m and maximum height to blade tip in the vertical position of 34.2m above ground level: refused following PAC 31st October 2013; allowed on appeal by decision dated 8th August 2014.

## **AGENDA ITEM 9**

13/00354/FUL two Endurance E-3120 50kW wind turbines to maximum 34.2m tip height – refused due to visual and landscape impact and insufficient protected species assessment. Prior to this application an Environmental Impact Assessment (EIA) Screening Opinion was provided at 12<sup>th</sup> February 2013 and concluded an EIA was required. The applicant submitted this to the Secretary of State (SoS), as provided for in the EIA regulations, and SoS determined that an EIA was not required for this development.

12/00552/PNOT\_02 agricultural prior notification for farm field access track. Otherwise no planning history directly associated with the application site.

### **CONSULTATIONS**

Bradnop Parish Council: The variation to the layout should have been thought about and settled when the proposal was first put forward. The revised access would put 30% on to the length of track and this is considered extreme.

#### Policy Officer:

Refer to landscape policy DC3 (R1), the related 2008 Landscape Character Assessment, and NPPF para 109. As the new route is longer more land would be lost - would this conflict with DC3(1), and given proximity to PDNP, DC1(5)? More generally can the applicant provide more justification why an alternative routing is required eg by reference to Highways?

#### Ecology and Landscape Officer:

The original application was submitted with a series of ecology reports. Relevant to this element of the development the first, a scoping review, carried out in January 2013 found the fields generally to comprise poor semi-improved grassland lacking in botanical interest. Although the seasonal timing was not optimal for botanical survey the range of species found was sufficient to establish the overall nature of the site. Whilst the surveys were in relation to slightly different locations within the fields being assessed it is considered that the fields are sufficiently similar for the findings to be equally relevant to this proposal.

The proposal does not amend the surface finish material which would comprise Gritstone. As a dark material, consistent with the site geology and stone of the field walls and buildings of the location this can be considered in character and may be judged sufficiently subdued to be visually acceptable. Although the route would be longer by some c.150m the replacement of a direct up-hill section with one that cuts diagonally and then contours along the slope is likely to mitigate the potential additional visual impact as the level contouring stretch would be less prominently visible.

### **REPRESENTATIONS**

Expiry of:-

Site Notice: 23<sup>rd</sup> December 2014

Neighbour Notices (x26): 23<sup>rd</sup> December 2014 – 2 objections: that the proposal would now bring the access route closer to residential properties; would cause noise if heavy vehicles using it and that the route could be subject to use also by Town End Farm house.

**POLICIES**

Core Strategy Development Plan Document (Adopted March 2014)

SO2	Sustainable Development
SS1	Development Principles
SD1	Achieving Sustainable Development
SD2	Renewable and Low-Carbon Energy
SO8	Design and Conservation Policies - Spatial Objectives
SO9	Design and Conservation Policies - Spatial Objectives
DC1	Design Considerations
DC2	The Historic Environment
DC3	Landscape and Settlement Setting
NE1	Biodiversity and Geological Resources

Landscape and Settlement Character Assessment (2008) supporting evidence document.

National Planning Policy Framework (NPPF)

Paragraphs	1 – 17
Section 3	Supporting a prosperous rural economy
Section 7	Requiring good design
Section 10	Meeting the challenge of climate change, flooding and coastal change
Section 11	Conserving and enhancing the natural environment

Planning Practice Guidance for Renewable and Low Carbon Energy, July 2013

**OFFICER COMMENT**

Main Issues / Policy

1. The main considerations relate to ecology, landscape and neighbour amenity and whether this limited amendment to a development proposal recently allowed on appeal raises significant additional or new concern over and above any implications of the allowed development. Finally, if additional new harms are identified, whether these warrant refusal of the amendment when weighed in balance in particular with Core Strategy Policy SD2 which supports projects to generate power from renewable resources, in line with national policy, provided that there are no overriding material considerations.

Ecology

2. With no special botanical interest to the fields in this location the additional loss of grassland to form the track is not found to raise significant adverse impact.

Landscape and Visual Impact

3. As with the allowed development, the proposed section of access track through open field would be a character and visual intrusion but the Gritstone surface finish would visually ameliorate that impact to a degree. The Inspector in his Decision Letter noted: "The proposal involves the extension of an existing track, permission for part of which has already received approval. With the agreed Gritstone finish, I am satisfied the track would not give rise to an unacceptable visual intrusion." Although the amended route is

## **AGENDA ITEM 9**

significantly longer than that allowed the impacts are arguably no worse than previously as, instead of climbing directly up the field slope, a section now contours horizontally along the slope and may thereby be less visible to the surroundings. In conclusion the amended route is not considered so significantly different from that allowed to give cause for refusal.

### **Residential Amenity**

4. Notwithstanding the representation received that the amendment would bring the track closer to Morridge Side House this is not substantiated by the route plans submitted and no weight can be attached to this objection on this point. Any usage by heavy vehicles associated with the development would be for only a short period during the construction phase and any impacts would be no different from the allowed development. Any potential for the track to be used in association with Town Field Farm House would be no different from the allowed development. As the amendment concerns a section of track more than 0.5km from the public road there are not found to be any new public highway considerations.

### **Public Footpaths and Bridleways**

5. There is not found to be any significant consequence for the two public footpaths which would be crossed by the track nor for path users.

### **Overall Balance and Conclusions**

6. The proposal amounts to a minor variation to an allowed development. Notwithstanding that the effect will be to add an additional c.150m of track to the overall scheme there is found likely to be some benefit to, or at least a neutral change in, overall visual impact by routing the track with the grain of the slope rather than the visually more prominent direct straight line ascent of the slope. With no new issues arising and overall no significant changes to the impacts of the allowed scheme the amendment is recommended for approval.

## **OFFICER RECOMMENDATION**

Planning permission be granted subject to the following conditions:

1) The development hereby permitted shall begin not later than three years from the date of this decision.

**Reason:** To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2) The development shall be carried out in accordance with the plans and technical details submitted with the application. Plan Numbers:

MOUNT 001

001598 Rev 1

J12178 Rev A4

EWP50\_24m\_F\_001 Rev F

RLR/DRR009

**Reason:** For clarity and avoidance of doubt and to ensure the satisfactory appearance of the development in the interests of visual amenity and proper planning.

## **AGENDA ITEM 9**

3) The maximum height of the wind turbine from base to rotating blade tips shall be 34.5 metres and the access track shall be finished in gritstone.

**Reason:** For clarity and avoidance of doubt and to ensure the satisfactory appearance of the development in the interests of visual amenity and proper planning.

4) The turbine, turbine base and any associated equipment hereby approved shall be removed and the land restored to its former agricultural use at or before the expiry of 25 years from the date of this planning permission in accordance with a scheme submitted to and approved in writing by the Local Planning Authority not later than 12 months prior to the expiry of the 25 year period.

**Reason:** To protect the character and appearance of the landscape in the interests of visual amenity.

5) If the turbine fails to produce electricity to the grid for a continuous period of 12 months, it and its associated ancillary equipment shall be removed from the site within a period of 6 months from the end of the 12 month period. The land shall be reinstated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and implemented as approved. The scheme shall include details of the management and the timing of the works.

**Reason:** To protect the character and appearance of the landscape in the interests of visual amenity.

6) The level of noise emissions from the turbine hereby permitted, when measured in free field conditions at the boundary of the nearest noise sensitive receptor which lawfully exists or has planning permission for construction at the date of this planning permission, or measured closer to the turbine and calculated out to the receptor in accordance with a methodology previously approved in writing by the Local Planning Authority, shall not exceed 35 dB(A) LA90 10 min up to wind speed 10 m/s measured at a height of 10 metres above ground level. Before the commencement of any noise measurements, a scheme detailing the location of the noise equipment, a programme for the duration of the noise survey and provision of the subsequent assessment shall be submitted to and agreed in writing by the Local Planning Authority. Noise measurement shall be carried out in accordance with the approved scheme.

**Reason:** to protect living conditions.

7) No construction work shall be carried out, and no materials or waste shall be delivered to or from site, other than between the hours of 07:30 and 19:00 hours on Mondays to Fridays and between the hours of 07:30 and 14:00 hours on Saturdays, and no such operations shall take place at any time on Sundays and Bank/Public Holidays.

**Reason:** to protect living conditions.

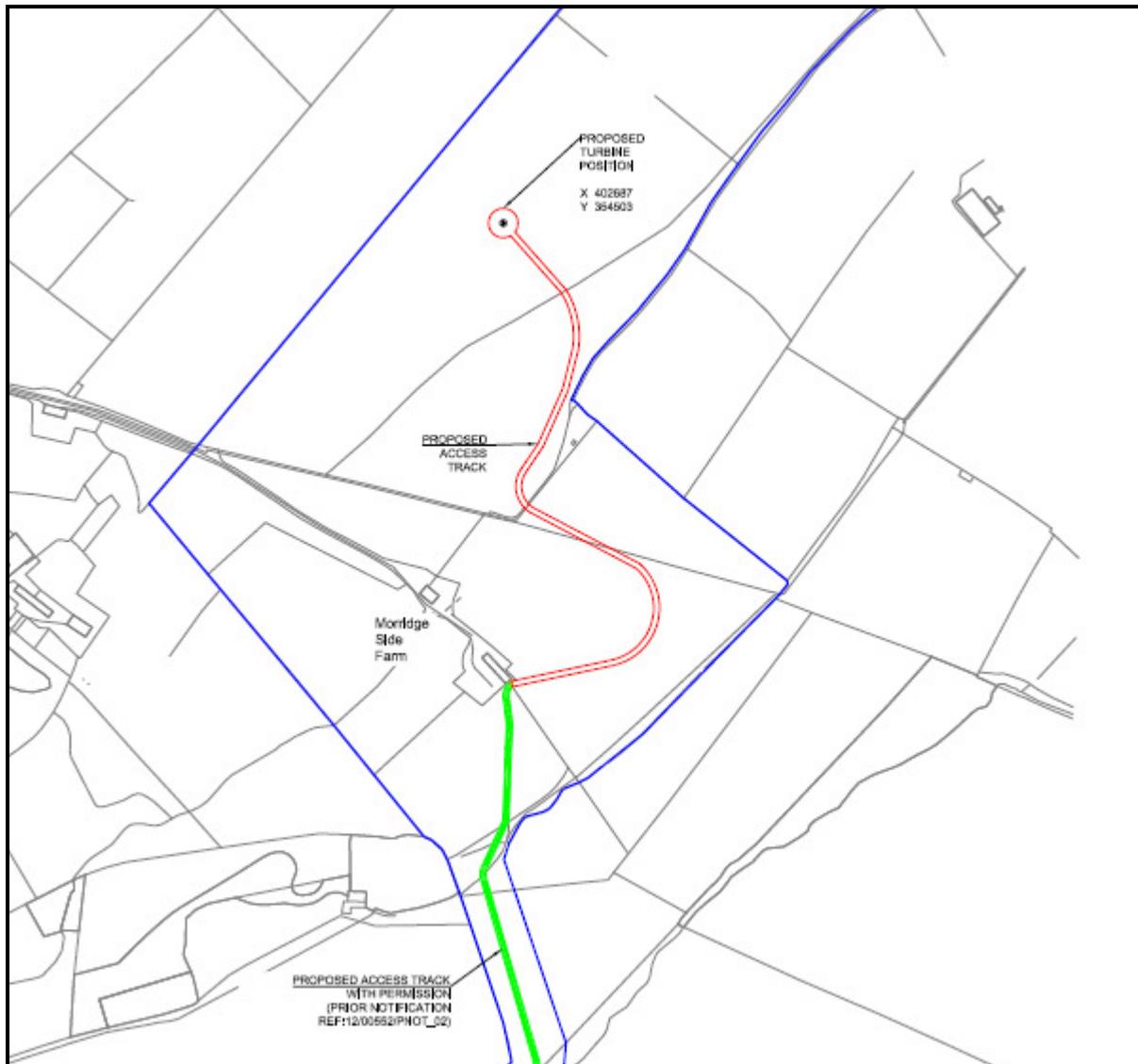
### **Informative:**

1. The application has been determined in accordance with Policies: SO2, SO8, SO9, SS1, SD2, DC1, DC3 and NE1 of the Core Strategy Development Plan Document (March 2014) the National Planning Policy Framework and Planning Practice Guidance

**AGENDA ITEM 9**

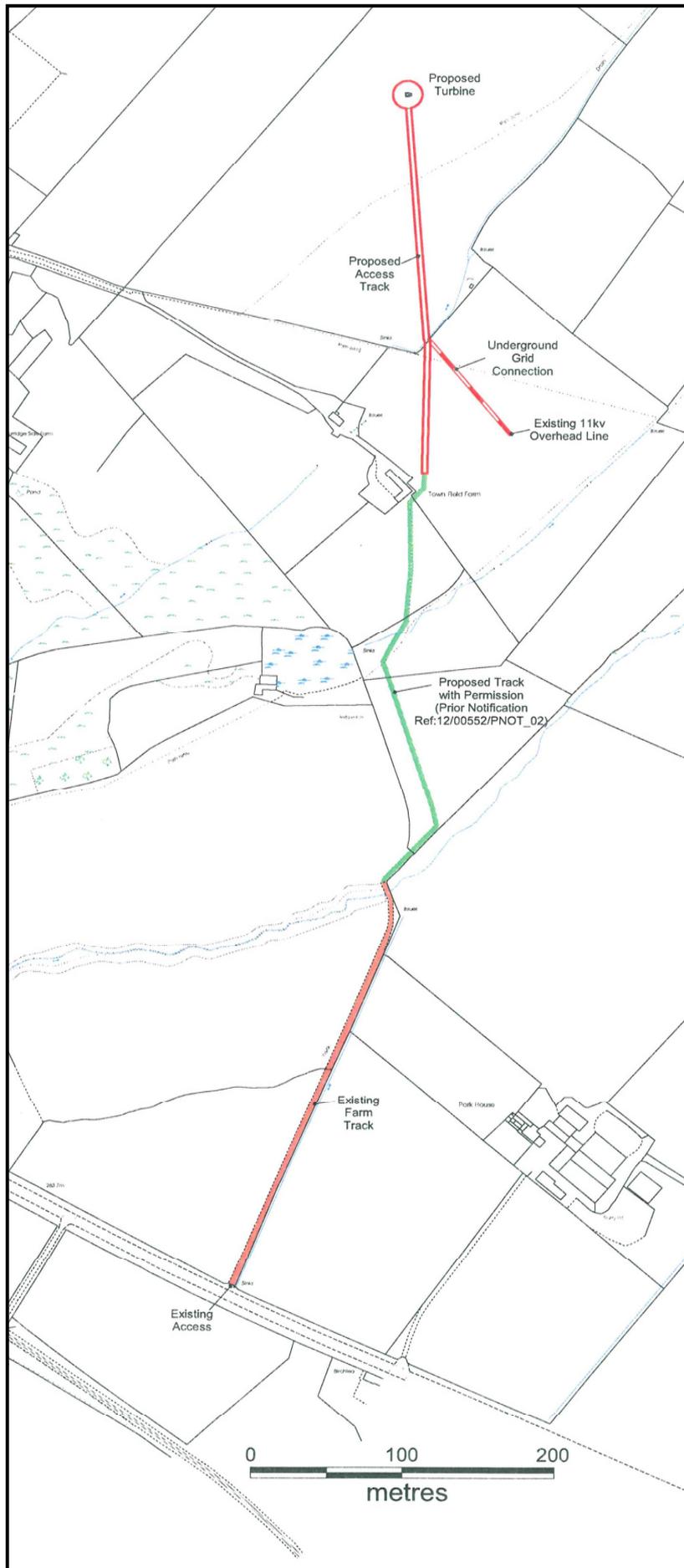
for Renewable and Low Carbon Energy (July 2013). It is considered that the proposed amendment raises no new or significantly altered issues.

Proposed Amendment SMD/2014/0699



**AGENDA ITEM 9**

Application SMD/2013/0934 [13/00929/FUL] allowed on appeal.





**AGENDA ITEM 10**

**SMD\2014\0768 USE OF LAND FOR REARING OF GAME BIRDS AT ASHCOMBE PARK, CHEADLE ROAD, CHEDDLETON FOR JOHN POINTON AND SONS.**

Parish: Cheadle  
Case Officer: Miss R. A. Simpkin

Grid Reference: 9722 5121  
Registration: 18/11/14

**THE APPLICATION**

Full planning permission is sought for the change of use of land at Ashcombe Hall for the rearing of game birds. Five units are proposed, which comprise of a game house, shelter pen and further pen. It is stated that the units are capable of being moved around the site.

The game house (7.1m x 5.6m x 1.9m) and connecting shelter pen (4.1m x 3.6m x 1.8m) consist of a metal framed 'Telehandler' portable shed with corrugated steel sheet roof, which are to be erected to house game birds whilst they are being reared. For the game house, external walls are to be clad with spruce plywood and incorporate window and door openings. Window openings would have sliding shutters for weather protection. Door and window openings in addition would have plastic blinds. Whereas for the shelter pen, external walls are to be clad with a mix of timber and open panels covered with wire for ventilation.

It is stated that the 30.0m x 30.0m pen would be formed when required with removable pen sections comprising of standard 10ft x 5ft panels with a top rail and 2 bottom boards with a wire infill.

A Design and Access and Heritage Statement (DAS) is submitted in support of the application. The content of this document is explored in more detail, where relevant in the Officer Comment section below. Members are nevertheless encouraged to review this document prior to the Meeting.

In summary, the statement outlines the following points:

The application acknowledges that the proposal would generate a need for housing pens and these are shown on the application drawings. The two previous applications have generated a view from the Council that whilst these pens do not represent development in themselves and therefore do not require planning permission, they raise planning issues that the Council considers important to take into account in a planning decision.

In response to this view, the application has reduced the size and number of the proposed pens and would invite the Council to impose a condition that limits the proposed development to five pens only. It is considered that this reduced number lowers the density to one that does not harm the character of the parkland. In addition, it responds to the Council's Tree Officer's initial concerns about the potential of large numbers of pens causing damage to tree crowns and roots. The application drawings indicate the increased space within which the pens can be placed and moved without

## **AGENDA ITEM 10**

encroaching on the crowns and roots of the parkland trees. In addition, the shed heights have been reduced by 200mm to overcome concerns about damage to tree crowns. The Council is invited, should it remain concerned about this issue, to condition the development to require no pens to be placed within the crown spread of the trees on the site.

The Core Strategy seeks to safeguard the historic environment with particular reference to significant buildings. The application site concerns agricultural land that surrounds Ashcombe Park and historically serviced the home with food. This group of historic buildings include animal pens (pig sties, cow sheds) and shelters. The land around the hall was used for grazing and the application proposes to continue this use. The proposed development will be agricultural in appearance (although not in agricultural use) and will include phased grazing over the site. The size of the pens, their low profile and the materials used all have the flavour of an agricultural use. The proposal is not considered to harm the heritage asset.

This assessment of significance has assessed the proposal against the Council's planning policies and the NPPF. The assessment concludes that the proposal does not conflict with development plan policy and does not harm the character of the Listed Building. The assessment has analysed the character and value of the application building and its setting and has concluded that the proposal does not harm the historic and architectural asset. It is considered that the nature of the proposal and the understanding of the asset do not require expert intervention.

On this basis, the proposal is considered to have been favourably assessed against the criteria and is acceptable from a planning and historic viewpoint.

Additional information has been provided by the agent as follows:

Each enclosure is designed to contain up to 1800 birds. This is a recognised standard bird / m<sup>2</sup> ratio. Chicks are delivered at 1 to 2 days old. They are kept inside the 'Game house' for approximately 2 weeks. Between 2 to 4 weeks of age, the door between the 'Game House' and the 'Shelter Pen' is opened to give the growing birds sufficient space to develop in size. From 4 to 8 weeks, the birds further develop and have full access to all areas i.e. the Game House, Shelter Pen and the external netted 'Pen'. Therefore, up to 4 weeks of age the birds remain entirely within the 'Shed' and will have no effect on the outside world.

As noted above, for the first 4 weeks any noise, dust and odour is contained within the enclosed 'Sheds'. Game handlers are required to enter these 'Sheds' to inspect and provide for the flock. There is no specific requirement for handlers to use protective garments or ear protectors. It is therefore considered that any emissions will be unnoticeable to the public at large or nearby residents. Clearly during the following 4 weeks the birds will be able to access all areas but it is still considered that there will be no noticeable effect beyond the boundary of the site. At approximately 8 weeks the birds are gathered and transported for release.

We understand that pheasants are by nature a bird that emits few calls and create little dust as they tend to peck rather than scratch and the field will be lush with grass at this

## **AGENDA ITEM 10**

time of year. Down / feather loss does occur and a proportion of this will be contained / removed within the 'Game House' with the remainder able to decay outside. The nearest residential property at 307 Cheadle Road would be some 60m distant from the likely closest pen and is not considered to be under effect from this operation due to distance / landscape.

A single bird will only consume around 2kg of introduced pellet feed during its stay on site therefore waste matter is low in volume. The 'Game House' has coarse dry litter such as chopped straw regularly spread on the floor to absorb faecal matter. This 'bed' of shavings is removed and replaced as required through the rearing process, when it is simply a matter of entering the House with shovels and bagging the shaving residue by hand. The filled bags are then removed from site by tractor and trailer. Once the pens etc are removed, the land can be chain raked to disperse debris from those areas.

Rearing of pheasants takes place in May to June each year. This is when grass is in full growth and foliage is well established on trees and hedges. This would result in the activity being at a time when natural screening would dampen any noise and soften views into the site. The sheds and pens used in this process are moveable and will be removed from the field when not required for the process. Therefore the rearing of game birds will not be apparent for many months of the year and will by the absence of structures, have no effect on the landscape or listed building.

The Game House and Shelter Pen are pre-constructed elements that are brought to and removed from site on a flat bed trailer. They are lifted off and placed on the ground. The Pen is constructed from driven posts and sectional fencing panels consisting of a lightweight frame and netting. Intermediate posts are installed to support a string net 'roof', the latter required to prevent escape and attack from predators.

Whilst the applicant is not suggesting in any way they will, it is believed that no consent would be required to intensively rear pigs or other agricultural animals on the field which would come with their own portable pens, shelters and effect on the local community.

The 'red edge' is the perimeter of the 'field' area in which the rearing is to take place. The applicant is happy to accept a planning condition whereby only the open 'Pens' can be sited near to the Walled Garden to Ashcombe Hall and / or the main driveway. The condition could be worded to the effect that "No Game House, Shelter Pen or other portable building shall be sited within 30m of the enclosure to the Walled Garden or northern boundary of the site."

It is likely that the current field gateway in the south west corner of the site will be used as the access point. The applicant is happy to accept a planning condition that requires the addition of bound porous surfacing for a length of 10m into the field. This could be done by laying geotextile mat and grasscrete paving filled with fine (12.5mm) stone chippings mixed with soil and grass seed. This will then 'green over' and not impact on tree roots or be unduly noticeable.

The applicant has requested that we reinforce the following points that should be taken into consideration when determining this application:

## **AGENDA ITEM 10**

- Whilst an amount of 9 rearing pods were ideally desired, this number has been reduced to 5 which is the minimum number required for economy of production. This has been done in order to ensure that the mature trees will not be subject to effect by the proposals.
- The proposal site is the only field available at Ashcombe Hall which is not under other necessary use or subject to an agreed agricultural tenancy agreement contract.
- The rearing of game birds is an extremely important commercial enterprise that will contribute to the continued upkeep and improvement of the listed Hall and Estate.
- DEFRA estimate that around £12.5 million is generated into the British economy stemming from the rearing of Game Birds.

A photograph of a typical 'pod' has been provided.

### **SITE LOCATION / DESCRIPTION**

The 5.0ha application site is agricultural grazing land surrounding Ashcombe Hall and has been used for grazing. The Grade II\* listed Ashcombe Park forms the setting to the Grade II listed hall, which is an early C19th small country house. Other buildings and structures within the grounds are also listed and include stables, gate piers and garden walls. The site area is in the Green Belt and a Landscape Character Area identified as Dissected Sandstone Cloughs and Valleys.

### **PLANNING HISTORY**

Relevant history:

SMD/2014/0336            Change of use of land for the rearing of game birds.  
Withdrawn.

SMD/2014/0191            Change of use of land for the rearing of game birds.  
Withdrawn.

### **CONSULTATIONS**

Cheddleton Parish Council: Object. Highway issues. Environmental issues. Noise pollution. Pollution of agricultural land. The proposed pens would be visually obtrusive from all aspects. The Parish Council would like to suggest that land to the south east, which is away from the houses and the road and would be more suitable for the proposed

Local Highway Authority: No objections, subject to a condition as follows: The development hereby permitted shall not be brought into use until details are first submitted to and approved in writing by the local planning authority indicating surfacing of the access at the south western corner of the field off the layby in a bound and

## **AGENDA ITEM 10**

porous material for a minimum distance of 10m rear of the carriageway edge. The access shall thereafter be surfaced in accordance with the approved details and retained and maintained for the life of the development.

Conservation Officer: Object. In summary, the proposal is effectively a resubmission of the previous scheme, however, the number of units have been reduced. The objections made on the previous scheme are still relevant. The landscaped grounds of Ashcombe Hall are unsuitable for such a use and the development would be severely detrimental to the range of heritage assets on the site. Alternative sites should be sought.

Conservation Liaison Panel (SMDC): Refuse. Comments previously made. Objections still stand. Previous comments: Refuse. Totally unacceptable location within the designed, historic parkland. Alternative sites should be pursued.

English Heritage: Awaited.

Environmental Health Officer: Object on grounds of insufficient information to assess the environmental impacts of the proposal on nearby residential properties, particularly potential noise, dust and odour impacts.

Trees and Woodlands Officer: Object as the proposed use of the land for siting of game bird rearing houses and pens would be visually detrimental and harmful to the historic parkland landscape character of the site.

Ecology Officer: Object. There is no supporting information about the ecological nature of the site. Consequently, the potential environmental impacts of the proposal raise concerns on the basis of insufficient information.

## **REPRESENTATIONS**

Expiry of:-

Site Notice: 13th January 2015

Press Notice: 24th December 2014

Two representations have been received, which are summarised as follows:

- Proposal would be visible from the main highway and appear as large sheds taking up the entire setting when there should be parkland;
- Would resemble a prison camp;
- There are too many pheasants reared for our countryside to have to support and this presents an enormous welfare issue for no good reason;
- It is queried where are all the pheasants are going to be released;
- The pheasant pens at Felthouse Farm are very obtrusive and it would be ludicrous to place these structures close to such a beautiful building which would ruin the appearance of Ashcombe Park, which is a recognised parkland.
- Apparently a cover crop of maize has been planted behind Basfordbridge Farm on the parkland and apparently they have not had the change of use for this activity, and,

## **AGENDA ITEM 10**

- It is hoped that my views are taken seriously, as the way things are progressing, we could potentially lose all of the parkland around Ashcombe Park to a commercial enterprise.

### **POLICIES**

#### Adopted Core Strategy Development Plan Document:

SS1	Development Principles
SS1a	Presumption in favour of sustainable development
SD4	Pollution and Flood Risk
SS6c	Other Rural Areas Area Strategy
DC1	Design Considerations
DC2	The Historic Environment
DC3	Landscape and Settlement Setting
R1	Rural Diversification
T1	Development and Sustainable Transport

#### National Planning Policy Framework (NPPF)

#### National Planning Practice Guidance (NPPG)

### **OFFICER COMMENT**

1. The Local Planning Authority is required to determine planning applications in accordance with the development plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations. The Council's Development Plan is formed of the Core Strategy Development Plan Document (adopted March 2014) and the Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998).

2. Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' as contained within the National Planning Policy Framework (the Framework) where in this case, planning applications that accord with policies within the Core Strategy will be approved without delay.

3. The principal aspect to the proposal is a material change of use of the land, as the units proposed are to be used for recreation and leisure purposes requiring planning permission. It is considered that the type of units proposed do not constitute a "building" requiring planning permission, owing to their scale, permanence and physical attachment to the ground. However, the proposed change of use is inextricably linked to the provision of the game houses / pens and as such it is appropriate to consider what the impact will be if the change of use is approved. The impact will be the introduction of these structures which could not be sited on the land unless planning permission was granted for the change of use. It is, therefore, appropriate to assess this impact in deciding whether or not to grant planning permission for the proposed change of use.

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4. The proposal affects a Grade II listed building setting, which is situated within the Green Belt. The first issue to consider, therefore, is whether the proposal is appropriate development in the Green Belt and therefore acceptable in principle. There are three key aspects to the proposal, these being: a change of use of land, the new buildings (game houses / pens) and formation of a hardstanding. The construction of new buildings within the Green Belt can be regarded as inappropriate development, however there are some exceptions to this. Including amongst other matters, the provision of appropriate facilities for outdoor sport, outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Clearly, the proposed five Game Houses and linked 'Shelter Pen' with a gross floor area of 55.0sqm and overall height of 1.9m would neither preserve the openness of the Green Belt or assist in safeguarding the countryside from encroachment and has to be regarded as inappropriate development in these respects. The formation of a surfaced access for this commercial use would undoubtedly have some impact both on the openness of the Green Belt and on the purposes of including land in the Green Belt. This aspect also represents inappropriate development. The onus is on the applicant, therefore, to demonstrate that very special circumstances exist to justify such inappropriate development.

5. Other matters to assess include the impact on: the setting of the listed building; landscape character; trees and woodland; ecology; highways and the impact on residential amenity. These matters are considered under the various headings below.

### **Green Belt**

6. Paragraph 87 of the National Framework states, as with previous Green Belt policy, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Core Strategy Policies SS6c and R1 says that strict control will continue to be exercised over inappropriate development in the Green Belt allowing only for exceptions as defined by Government policy. The inappropriateness of the development in the Green Belt attracts substantial weight against it. In these circumstances, 'very special circumstances' will need to be demonstrated by the applicant to overcome the potential harm to the Green Belt by reason of its inappropriateness, in addition to any other identified Green Belt harm.

7. Policy SS6c seeks to sustain the rural economy by supporting the diversification of existing farm enterprises in accordance with Policy R1. In support of the application and as stated above, the agent has submitted further information as follows: 5 rearing pods is the minimum number required for economy of production and has been done in order to protect mature trees; the proposal site is the only field available at Ashcombe Hall which is not under other necessary use or subject to an agreed agricultural tenancy agreement contract; the rearing of game birds is an extremely important commercial enterprise that will contribute to the continued upkeep and improvement of the listed Hall and Estate and DEFRA estimate that around £12.5 million is generated into the British economy stemming from the rearing of game birds.

8. The contribution of the proposal to the rural economy is acknowledged, however, it is not clear what this entails in terms of income, jobs etc and therefore affords more limited weight in these circumstances. No evidence has been provided that there are

## **AGENDA ITEM 10**

other solutions available which are less harmful. Neither is an enabling case made in relation to the continued maintenance of Ashcombe Hall and its estate and can therefore be given little weight. Very special circumstances to justify the development do not exist. The conclusion is that the proposal will result in substantial harm to the Green Belt by reason of inappropriateness, harm to openness and conflict with one of the main purposes of including land within the Green Belt, namely safeguarding the countryside from encroachment. Furthermore, there is material harm to the visual amenity of the Green Belt from the proposal on account of its unsympathetic scale and design. The case for special circumstance is not made and therefore, there is conflict with national planning policy as set out in the Framework and Policy SS6c of the Core Strategy which confirms that strict control will continue to be exercised over inappropriate development within the Green Belt.

### **Listed Building Setting**

9. Core Strategy Policy DC2 'The Historic Environment' outlines that the Council will safeguard and where possible enhance the historic environment, areas of historic landscape character and interests of acknowledged importance, including, the setting of designated assets. It goes on to say that development which would harm or be detrimental to interests of such acknowledged importance will be resisted and conversely proposals which sustain, respect or enhance such interests will be promoted. Also, Core Strategy Policy R1 states that appropriate development should not harm the historical interest of an area by virtue of the scale, nature and level of activity involved.

10. NPPF, paragraph 32, outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where the more important the asset, the greater the weight should be. It goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Furthermore, as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification whereby substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

11. The Council's Conservation Officer details that Ashcombe Park is an extremely fine example of an early 19<sup>th</sup> century country house whose architectural and historic significance is raised by the outstanding quality of the complete estate within which it sits. There are 9 separately listed structures within the grounds, including the kitchen garden walls, entrance gates and Lodge which surround the perimeter of the application site. The house is surrounded by a high quality, undulating parkland of mature specimen trees and grazed pasture. Historic Ordnance Survey maps confirm that the parkland today has remained virtually unchanged over time.

12. The application proposes the change of use of an area of the parkland running from Cheadle Road across to the Hall and bounding the listed kitchen garden walls. The application site will be clearly in view from the main Cheadle Road, from the main drive approach to the Hall and from the Hall buildings themselves. The Conservation Officer continues to express concern that the proposal from 9 to 5 moveable game houses with corrugated sheet roofing and plywood walls with 30.0 x 30.0m mesh pens would be

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visually harmful. Whilst these structures do not appear to be fixed to the ground, the visual intrusion of the presence of these pens would be enormous. The visual change from historic parkland characterised by open grazing land interspersed with specimen parkland trees to a view of sheds and pens would be substantial and harmful to views and the character of the landscape. The use of planning conditions to limit the number of units, precise siting and degree of permanence to a 2 month period do not overcome the Conservation Officer's concerns as outlined above.

13. Policy DC3 refers to preventing the loss of buildings and features which make a positive contribution to the character or heritage of an area through appropriate reuse and sensitive development including enabling development, unless their retention is not viable or there would be substantial planning benefits to outweigh the loss. Similarly, the Framework advises that where the proposed scheme would lead to the substantial harm to the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated overall that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The submitted benefits of the scheme carry very little weight as discussed within paragraph 8 of the report to outweigh the substantial harm to the Grade II\* parkland setting of Ashcombe Hall. As such, there is conflict with national planning policy as set out in the Framework and Policy DC2 of the Core Strategy.

### **Trees and Woodlands**

14. Core Strategy policy DC1 further states that new development should be designed to respect the site and its surroundings and promote a positive sense of place. The Council's Trees and Woodlands Officer states that the application shows indicative positions of the sheds and pens being clear of the indicative/notional crown spreads of the existing trees within and adjacent to the application site. If this was complied with in practice, there would be no requirement or reason to carry out any alterations to ground level within these protected areas, no siting of structures within the protected areas, no build up of bird droppings within the protected areas (assuming the fenced runs were also kept clear of the trees), no requirement or reason to gain access into the protected areas in forklift vehicles to deposit/move/remove/relocate the structures, no need to carry out crown lifting operations to the trees, which would adversely affect their characteristic parkland tree appearance and amenity (again assuming the fenced runs were not located under the tree canopies). In these circumstances, there would no significant impact on the trees subject to a suitably worded condition as detailed above. Accordingly, it is considered that there would no conflict with Core Strategy policy DC1 in these respects.

15. The Council's Trees and Woodlands Officer, however, remains of the view that the proposed use of the land for siting of game bird rearing houses and pens would be visually detrimental and harmful to the historic parkland landscape character of the site and therefore the application is objected to on these grounds as discussed below.

16. The proposed pen/house units would introduce prominent physical structures to the landscape, which would detrimentally affect the openness of the landscape and be out of keeping with the characteristic appearance of this traditional parkland as a relatively rare and therefore valuable historic/heritage landscape type. This is typically composed

## **AGENDA ITEM 10**

of open unimproved grassland with scattered individual or grouped trees populated by grazing livestock (cattle, sheep) or sometimes deer, engaged in low-intensity grazing of the grassland and with an absence of buildings, structures and usually sub-dividing fences/walls/hedgerows.

17. It may be assumed that whilst these enclosures are on-site and in use, the areas of grassland on which the game houses were sited and which were enclosed by the pens would be cleared of vegetation by the birds scratching, scraping and foraging, such that the visual impact of this was visible long after the game houses and pens had been removed off site for the season. The amount of time to re-vegetate by natural means is unlikely to restore the ground layer quickly, and any deliberate re-seeding may well be out of keeping with and visually distinct from existing grassland vegetation. Over progressive years, and with rotational different siting each time they were re-installed, this could have a cumulative and increasingly noticeable visual impact. Concerns are further raised as to how the open-floored pens would fit snugly to a irregular and sloping ground surface sufficient to prevent birds escaping or predators gaining access.

18. As a consequence, the proposal would not be well designed or reinforce local distinctiveness to conflict with Core Strategy Policy DC1. Neither would it protect or enhance the local landscape defined as Dissected Sandstone Cloughs and Valleys to conflict with Core Strategy Policy DC3 or the rural character of the area to conflict with Core Strategy Policy SS6c and the R1.

### **Nature Conservation**

19. Core Strategy policy DC1 promotes the maintenance, enhancement, restoration and re-creation of biodiversity and geological heritage, where appropriate, in accordance with policy NE1 'Biodiversity and Geological Resources'. Amongst other matters, policy NE1 requires that development, where it is appropriate, produces a net gain in biodiversity and ensures that any unavoidable impacts are appropriately mitigated for whilst promoting the appropriate maintenance, enhancement, restoration and/or re-creation of biodiversity through its proposed nature, scale, location and design. The conservation and enhancement of the natural environment is a core principle of the NPPF whereby planning policies should promote the preservation, restoration and re-creation of priority habitats and ecological networks. In determining planning applications, permission should be refused if significant harm resulting from development cannot be avoided, adequately mitigated or, as a last resort, compensated for.

20. The Council's Ecology Officer reports that there is no supporting information about the ecological nature of the site. On this scale, taking into account number and sizes of proposed pens, it is considered in proportion to the setting that there would be a significant impact on the field vegetation. In the absence of detail as to the current field vegetation, the full significance of the ensuing loss cannot, therefore, be confirmed in total. Even if the vegetation is found to have only a low ecological merit, the impact on the appearance of the vegetation of the field, as referred to by the Trees and Woodlands Officer would potentially be very deleterious. Consequently, these potential ecology impacts raise concerns on the basis of insufficient information and thus there is conflict with the provisions of Policy NE1 and Section 10 of the Framework.

Highways

21. Core Strategy Policy T1 states that the Council will promote and support development which reduces the reliance on the private car for travel journeys, reduces the need to travel generally and helps deliver the priorities of the Staffordshire Local Transport Plan, where this is consistent with other policies. National planning policy in promoting sustainable development requires trip generating developments to take account of the opportunities for sustainable transport modes, which is dependant upon the nature and location of the site and to ensure a suitable access to the site that can be achieved for all people.

22. In principle, no objection to the proposal is raised on highway safety for the proposed use. A condition securing surfacing of the access at the south western corner of the field off the layby in a bound and porous material for a minimum distance of 10m rear of the carriageway edge is recommended to accord with Policy T1 and the National Framework.

Environmental

23. Policy SD4 'Pollution and Flood Risk' states that the Council will ensure that the effects of pollution (air, land, noise, water, light) are avoided or mitigated by refusing schemes which are deemed to be (individually or cumulatively) environmentally unacceptable. Also, Paragraphs 120 and 123 of the National Framework refers to decisions ensuring that new development is appropriate for its location, including adverse noise impacts.

24. The Council's Environmental Health Officer objects on grounds of insufficient information to assess the environmental impacts of the proposal on nearby residential properties, in respect of potential noise, dust and odour impacts. Particularly, there is no clear advice as to how noise from this bird rearing operation will impact on the nearest neighbours and how these impacts will be mitigated. Further information has been requested from the applicant and will be reported to Members at the meeting. These potential environmental impacts raise concerns on the basis of insufficient information and thus there is conflict with Policy SD4 and the National Framework.

Conclusions

25. The conclusion is that the proposal will result in substantial harm to the Green Belt by reason of inappropriateness, harm to openness and conflict with one of the main purposes of including land within the Green Belt, namely safeguarding the countryside from encroachment. Furthermore, there is material harm to the visual amenity of the Green Belt from the proposal on account of its unsympathetic scale and design.

23. The submitted benefits of the scheme carry very little weight to constitute very special circumstances to overcome Green Belt harm. Neither would they outweigh the substantial harm to the Grade II\* parkland setting of Ashcombe Hall. The proposed use of the land for the siting of game bird rearing houses and pens would be visually

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detrimental and harmful to the historic parkland landscape character of the site. Further, the application is insufficient on ecology and environmental issues.

24. In accordance with the Core Strategy and National Framework, the proposal, therefore, should be regarded as unsustainable development to which the presumption in favour does not apply in these circumstances. It is, therefore, recommended that planning permission be refused as detailed below.

### **Parish Council Views**

Are discussed within the main body of the report as set out above.

### **Public Views**

As above.

## **OFFICER RECOMMENDATION**

Subject to no substantive issues being raised prior to the expiry of the statutory consultation period (English Heritage) on the 3rd February 2015, planning permission be refused subject to the following reasons:-

1. The proposed change of use of land for the rearing of game birds will result in substantial harm to the Green Belt by reason of inappropriateness, harm to openness and conflict with one of the main purposes of including land within the Green Belt, namely safeguarding the countryside from encroachment. The inappropriateness of the development in the Green Belt attracts substantial weight against it. In these circumstances, 'very special circumstances' will need to be demonstrated by the applicant to overcome the potential harm to the Green Belt by reason of its inappropriateness, in addition to any other identified Green Belt harm. The submitted benefits of the scheme carry very little weight and in these circumstances, 'very special circumstances' have not been demonstrated to overcome the potential harm to the Green Belt by reason of inappropriateness. The effect on openness on account of the proposal's scale would be significant in that there would be a clear material conflict with the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Furthermore, there is material harm to the visual amenity of the Green Belt from the proposal on account of its unsympathetic scale and design. As such there is conflict with Policies SS1a; SS6c and R1 of the Core Strategy and the NPPF.

2. Core Strategy Policy DC2 'The Historic Environment' outlines that the Council will safeguard and where possible enhance the historic environment, areas of historic landscape character and interests of acknowledged importance, including, the setting of designated assets. NPPF, paragraph 32, outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where the more important the asset, the greater the weight should be. It goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset or development

## **AGENDA ITEM 10**

within its setting. Furthermore, as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification whereby substantial harm to or loss of a grade II listed building, park or garden should be exceptional. The Council considers that the evident visual change from historic parkland characterised by open grazing land interspersed with specimen parkland trees to a view of sheds and pens, as a result of the proposal, would be substantial and harmful to the views and the character of the landscape. Clearly, the submitted benefits of the scheme carry very little weight to outweigh this substantial harm to the Grade II\* parkland setting of Ashcombe Hall. As such there is conflict with Policy DC2 of the Core Strategy and the NPPF in particular Chapter 12.

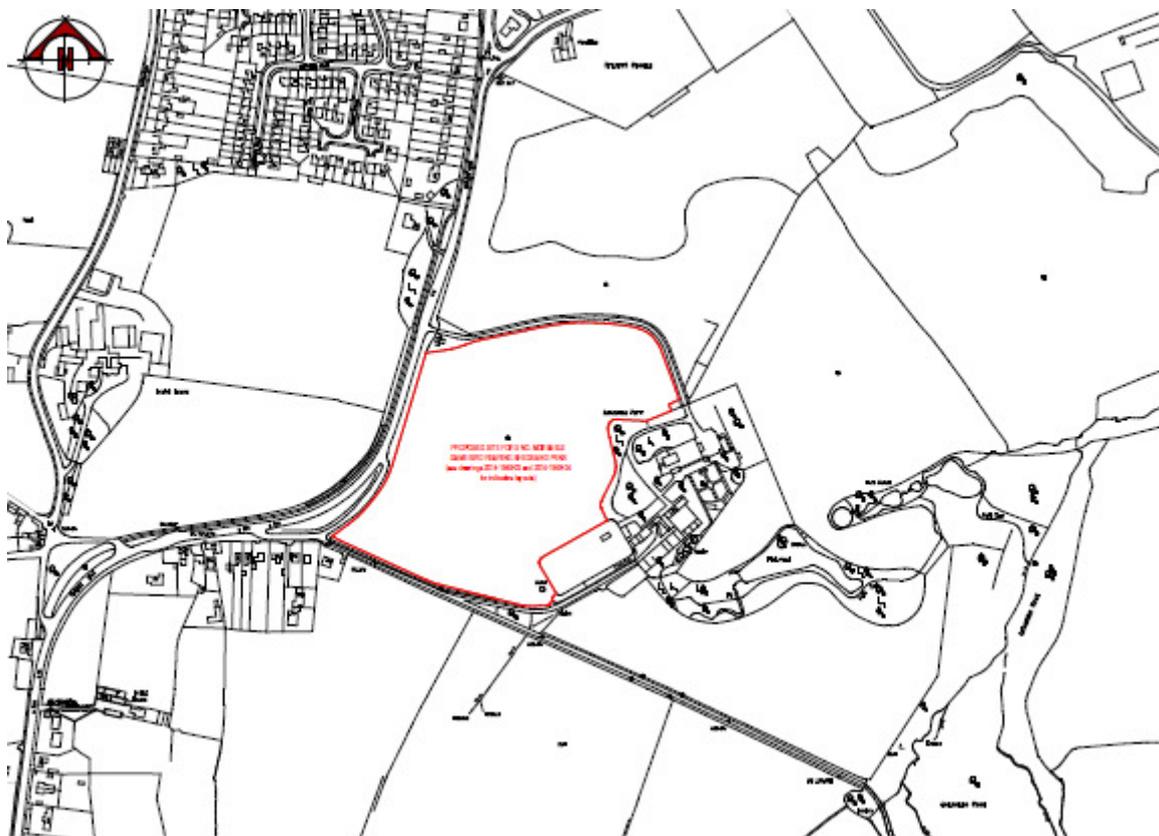
3. The proposed pen/house units would introduce prominent physical structures to the landscape, which would detrimentally affect the openness of the landscape and be out of keeping with the characteristic appearance of this traditional parkland as a relatively rare and therefore valuable historic/heritage landscape type. This is typically composed of open unimproved grassland with scattered individual or grouped trees populated by grazing livestock (cattle, sheep) or sometimes deer, engaged in low-intensity grazing of the grassland and with an absence of buildings, structures and usually sub-dividing fences/walls/hedgerows. Consequently, the proposed would not be well designed or reinforce local distinctiveness in accordance with Core Strategy Policy DC1. Neither would it protect or enhance the local landscape in accordance with Core Strategy Policy DC3 or the rural character of the area in accordance with Core Strategy Policies SS6c, R1 and more generally the NPPF.

4. Policy SD4 'Pollution and Flood Risk' states that the Council will ensure that the effects of pollution (air, land, noise, water, light) are avoided or mitigated by refusing schemes which are deemed to be (individually or cumulatively) environmentally unacceptable. Also, Paragraphs 120 and 123 of the National Framework refers to decisions ensuring that new development is appropriate for its location, including adverse noise impacts. Insufficient information has been submitted with the application relating to air quality and noise issues in order to assess adequately these impacts of the proposed development having regard to matters of environmental impacts of the proposal on nearby residential properties and is thereby contrary to the above Core Strategy Policies and the NPPF.

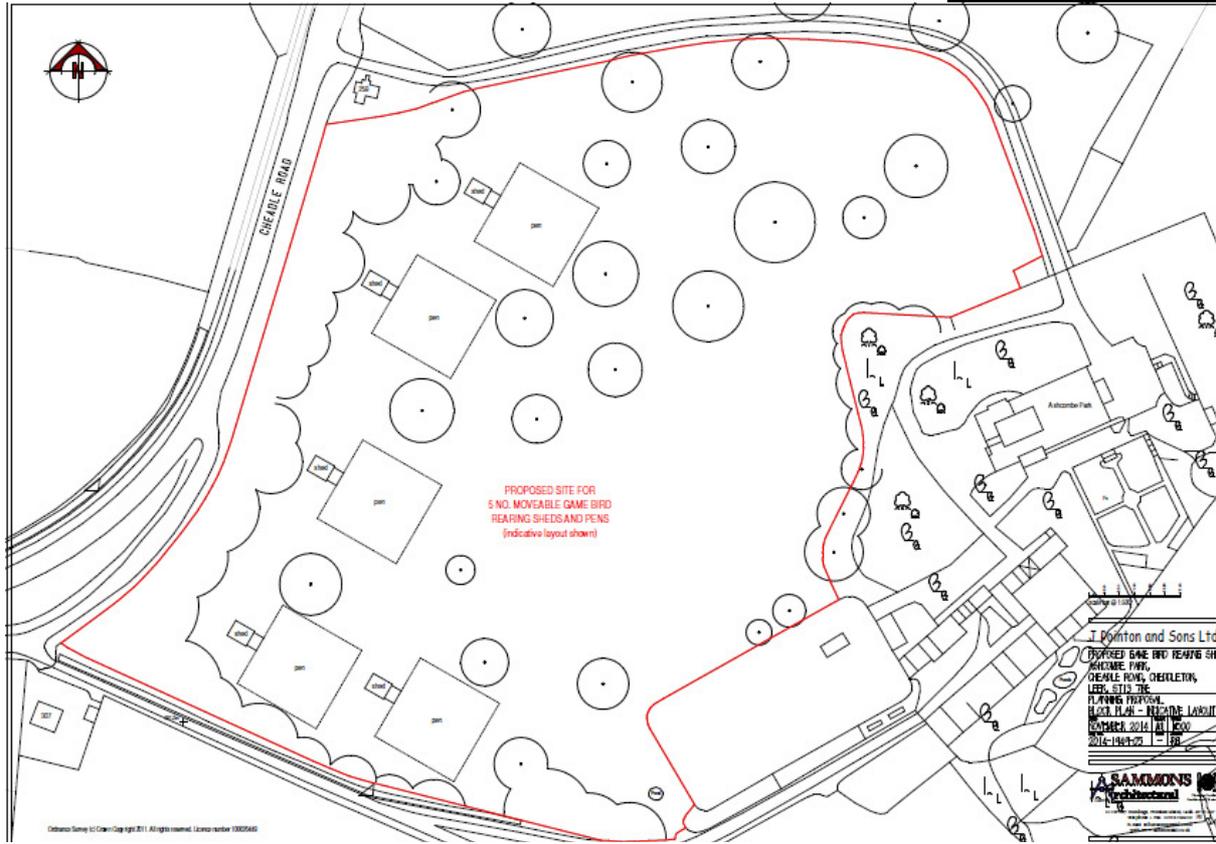
5. Core Strategy policy DC1 promotes the maintenance, enhancement, restoration and re-creation of biodiversity and geological heritage, where appropriate, in accordance with policy NE1 'Biodiversity and Geological Resources'. Amongst other matters, policy NE1 requires that development, where it is appropriate, produces a net gain in biodiversity and ensures that any unavoidable impacts are appropriately mitigated for whilst promoting the appropriate maintenance, enhancement, restoration and/or re-creation of biodiversity through its proposed nature, scale, location and design. The conservation and enhancement of the natural environment is a core principle of the NPPF whereby planning policies should promote the preservation, restoration and re-creation of priority habitats and ecological networks. Insufficient information has been submitted with the application relating to the ecological nature of the site in order to assess adequately these impacts of the proposed development having regard to matters of nature conservation impacts of the proposal on nearby residential properties and is thereby contrary to the above Core Strategy Policies and the NPPF.

**Informative(s)**

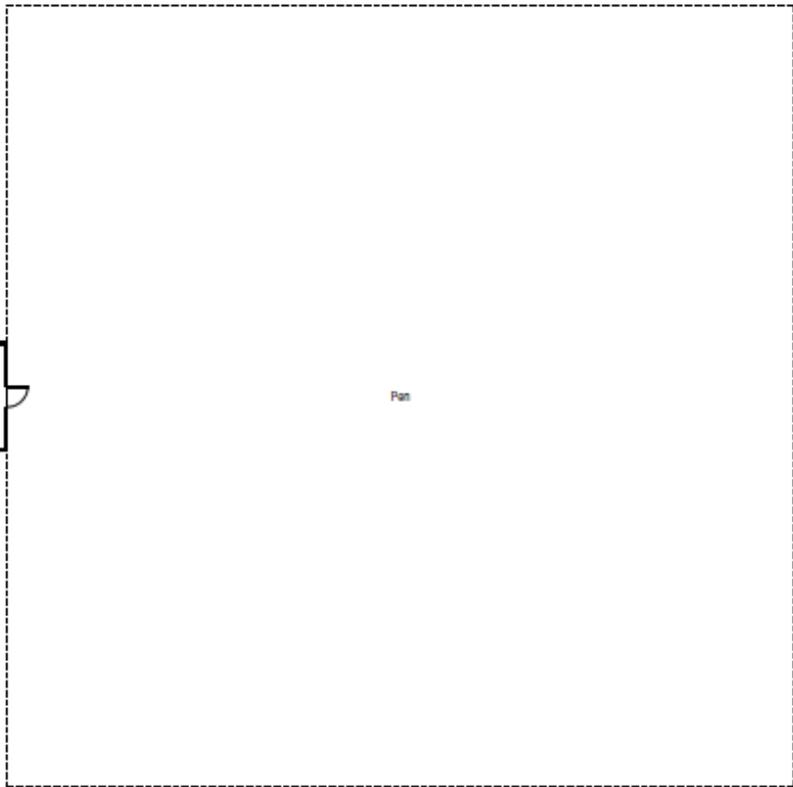
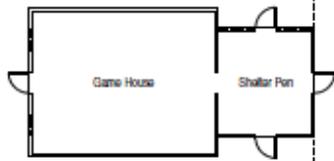
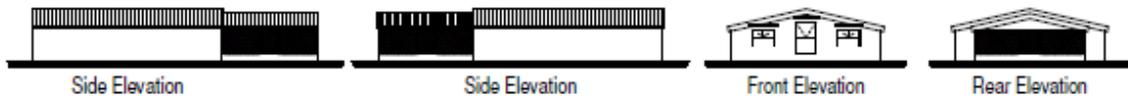
1. It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF and solutions have not been possible within the context of the current application.



**AGENDA ITEM 10**



**AGENDA ITEM 10**



Plan

## **AGENDA ITEM 11**

### **SMD\2014\0205 SINGLE STOREY DISABLED EXTENSION & ALTERATIONS AT MAYFIELD HOUSE, ROWNALL ROAD, WERRINGTON FOR MR V COOK.**

Parish: Cheddleton  
Case Officer: Miss R. A. Simpkin

Grid Reference: 9476 4817  
Registration: 01/07/14

#### **THE APPLICATION**

A householder planning permission is sought for a disabled extension and alterations to the already extended, detached, 2-storey dwelling Mayfield House. The extension would comprise of a single storey link (37.8sqm) to the north east of the dwelling to connect it to the existing large outbuilding (92.6sqm), which is described as a 'hobby room'. The link would accommodate a spacious hall with steps to the existing dwelling and access to the proposed domestic conversion of the hobby room. It would further accommodate two ensuite bathrooms to be accessed by 'visitor' bedrooms 1 and 2 respectively. The proposals also show the conversion of the existing double garage (37.4sqm) to this elevation to 'visitor' bedroom 1, a disabled wet room and plant room.

The proposed conversion of the hobby room to living accommodation would comprise of 'visitor' bedroom 2, a main bedroom, separate utility area and large open plan kitchen, dining and living area. The 'lean to' to the existing outbuilding would be removed (73.3sqm) and mainly existing openings would be utilised to form window and doors. Particularly, the large wooden door would be replaced by fully glazed sliding doors. A combination of a clay mono pitched and pitched roof would cover the link. Proposed facing materials would be a combination of render and timber cladding. The entrance to the link is formed by a single door flanked by full height glazed windows.

A disabled persons(s) fee exemption certificate accompanies the application. No supporting information has been submitted, other than volume calculations for the existing and proposed dwelling.

#### **SITE LOCATION / DESCRIPTION**

The already extended, detached, 2-storey 'rendered' dwelling Mayfield House, with an attached double garage is shown within a large site fronting Rownall Road. A large outbuilding with adjoining lean to is located in close proximity to the attached dwelling to the northeast. The main garden area appears to be to the south east of the dwelling, with the remainder of the site appearing as mown grassed areas. A group of trees to the northeast of the dwelling forms a visual separation within the site. The application site is located within the Green Belt and a Landscape Character Area defined as Ancient Plateau Farmlands.

**PLANNING HISTORY**

SMD/1979/1376	Demolition of existing outbuilding and erection of stable block with integral self contained living accommodation (outline). Refused.
SMD/1981/0626	Replacement building to form additional accommodation. Refused.

**CONSULTATIONS**

Cheddleton Parish Council: Object. Overdevelopment of the site in conflict with Policy B13. The Council as for the application to be considered by the committee.

**REPRESENTATIONS**

Expiry of:-  
Site Notice: 3rd July 2014

No letters of representation have been received.

**POLICIES**

Adopted Core Strategy Development Plan Document:

SS1	Development Principles
SS1a	Presumption in favour of sustainable development
SS2	Future Provision of Development
SS3	Distribution of Development
SD1	Sustainable Use of Resources
SD4	Pollution and Flood Risk
SS6c	Other Rural Areas Area Strategy
DC1	Design Considerations
DC3	Landscape and Settlement Setting
T1	Development and Sustainable Transport

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

**OFFICER COMMENT**

1. The Local Planning Authority is required to determine planning applications in accordance with the development plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the

## **AGENDA ITEM 11**

provisions of the Development Plan, in so far as material to the application and to any other material considerations. The Council's Development Plan is formed of the Core Strategy Development Plan Document (adopted March 2014) and the Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998).

2. Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' as contained within the National Planning Policy Framework (the Framework) where in this case, planning applications that accord with policies within the Core Strategy will be approved without delay.

3. The existing site is located within the Green Belt and Landscape Character Area defined as Ancient Plateau Farmlands. In terms of the principle of development therefore, the main issues to consider are:-

- whether the proposal constitutes inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
- the effect on the openness of the Green Belt and the purposes of including land within it;
- the effect on the visual amenity of the Green Belt, and,
- if the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

4. It is also necessary to assess harm to landscaped character. Each of these issues will be discussed in turn below.

### **Green Belt**

5. Paragraph 87 of the National Framework states, as with previous Green Belt policy, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6. Paragraph 89 of the National Framework indicates that the construction of new buildings in the Green Belt is inappropriate. There are some exceptions including the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Core Strategy Policies SS6c and R1 says that strict control will continue to be exercised over inappropriate development in the Green Belt allowing only for exceptions as defined by Government policy.

7. The proposed link building would create an additional gross floorspace of 37.8sqm. Historic plans show that the dwelling had an original gross floor area of approximately 141.0sqm and has been further extended with an additional gross floor area of 65.0sqm to represent an existing percentage increase of 46%. The further additional floorspace of the link building at 37.8sqm would represent a 73% increase in gross floorspace above that of the original dwelling.

## **AGENDA ITEM 11**

8. In addition to the evident material increase in gross floor area, the proposed 'link' building with an overall frontage of 7.3m and overall ridge length of 9.7m would visually appear as 'disproportionate' to the dwelling, with a lesser ridge length of some 9.3m when viewed from the northwest elevation. Furthermore, given the 'link' would in affect join the converted outbuilding to the dwelling, the overall proposal would be seen as an overly elongated and therefore disproportionate form (with an overall length of 12.4m) - rather than a well designed and subordinate addition to the dwelling house. There would be a similar impact if the proposal is viewed from the southeast elevation. In the Council's judgment, this would clearly constitute a 'disproportionate addition over and above the size of the original building'.

9. In terms of the National Planning Policy Framework (NPPF), the proposal is clearly inappropriate development in the Green Belt in respect of the proposed disproportionate extension of the dwelling. The inappropriateness of the development in the Green Belt attracts substantial weight against it. In these circumstances, very special circumstances' will need to be demonstrated by the applicant to overcome the potential harm to the Green Belt by reason of its inappropriateness, in addition to any other identified Green Belt harm.

10. This fact appears to be disputed by the Agent who relies on an overall building volume reduction of 86.6m<sup>3</sup> owing to the proposed demolition of the existing 'lean to' building at 238.5m<sup>3</sup> set against the proposed new extension at 151.9m<sup>3</sup>. He states that 'this is not an application for a personal consent dependant on material consideration amounting to very special circumstances because it is not inappropriate development. Therefore it is not necessary to provide personal circumstances or to demonstrate the use of each room. This is an application for a disabled extension and alterations not for a new building and it is within policy. If you decide to refuse the application, I am of the view that you will be refusing it on the wrong basis and as such it will be unsupportable at appeal.'

11. The approach adopted by the agent is incorrect - the starting point is to assess whether the proposal would be a disproportionate addition to the original dwelling as has been demonstrated above. It is acknowledged that the proposed demolition of the 'lean to' outbuilding will positively impact on Green Belt openness to a lesser degree. However, the more modest impact on site openness does not serve to overcome the inappropriateness of the proposal as described above. In these circumstances, very special circumstances have not been demonstrated to overcome the harm to the Green Belt by reason of its inappropriateness and this attracts substantial weight against the proposal.

### Landscape Character

12. The proposal, including conversion of the outbuilding, would appear as an overly large and domesticated extension detracting from the main dwelling within this rural context. The later additions appear more subordinate in scale and appearance. The larger proposal, however, would detract from the more simple form of the main building and add a significant amount of inappropriate glazing. The proposal, on account of its unsympathetic scale, form and design, would significantly detract therefore from the more traditional rural character of the area.

## **AGENDA ITEM 11**

13. The application site lies within an area of landscape maintenance and the building is prominently located in close proximity to the public highway. The proposed extension and conversion, however would not be well designed or reinforce local distinctiveness in accordance with Core Strategy Policy DC1. Neither would it protect or enhance the local landscape in accordance with Core Strategy Policy DC3 or the rural character of the area in accordance with Core Strategy Policy R1.

14. There is also material harm to the visual amenity of the Green Belt from the proposed extension on account of its unsympathetic scale and design. There is conflict with the National Framework that aims to retain and enhance the visual amenity of the Green Belt.

### **Conclusions**

15. Having regard to all of these matters therefore, the conclusion is that the very significant harm to the Green Belt by reason of inappropriateness and the other harm as identified above, are not clearly outweighed by other considerations and in these circumstances very special circumstances do not exist. The proposed extension and conversion, however would not be well designed or reinforce local distinctiveness therefore would not protect or enhance the local landscape.

16. In accordance with the Core Strategy and National Framework, the proposal, therefore, should be regarded as unsustainable development to which the presumption in favour does not apply in these circumstances. It is, therefore, recommended that planning permission be refused as detailed below.

### **Town Council Views**

As discussed within the officer report above.

### **Public Views**

None received.

## **OFFICER RECOMMENDATION**

Planning permission be refused for the following reason:-

1. In terms of the National Framework, the proposal is clearly inappropriate development in the Green Belt in respect of the proposed disproportionate extension of the dwelling. The inappropriateness of the development in the Green Belt attracts substantial weight against it. In these circumstances, 'very special circumstances' will need to be demonstrated by the applicant to overcome the potential harm to the Green Belt by reason of its inappropriateness, in addition to any other identified Green Belt harm. The Council acknowledge that the proposed demolition of the 'lean to' outbuilding will positively impact on Green Belt openness to a lesser degree. However,

## **AGENDA ITEM 11**

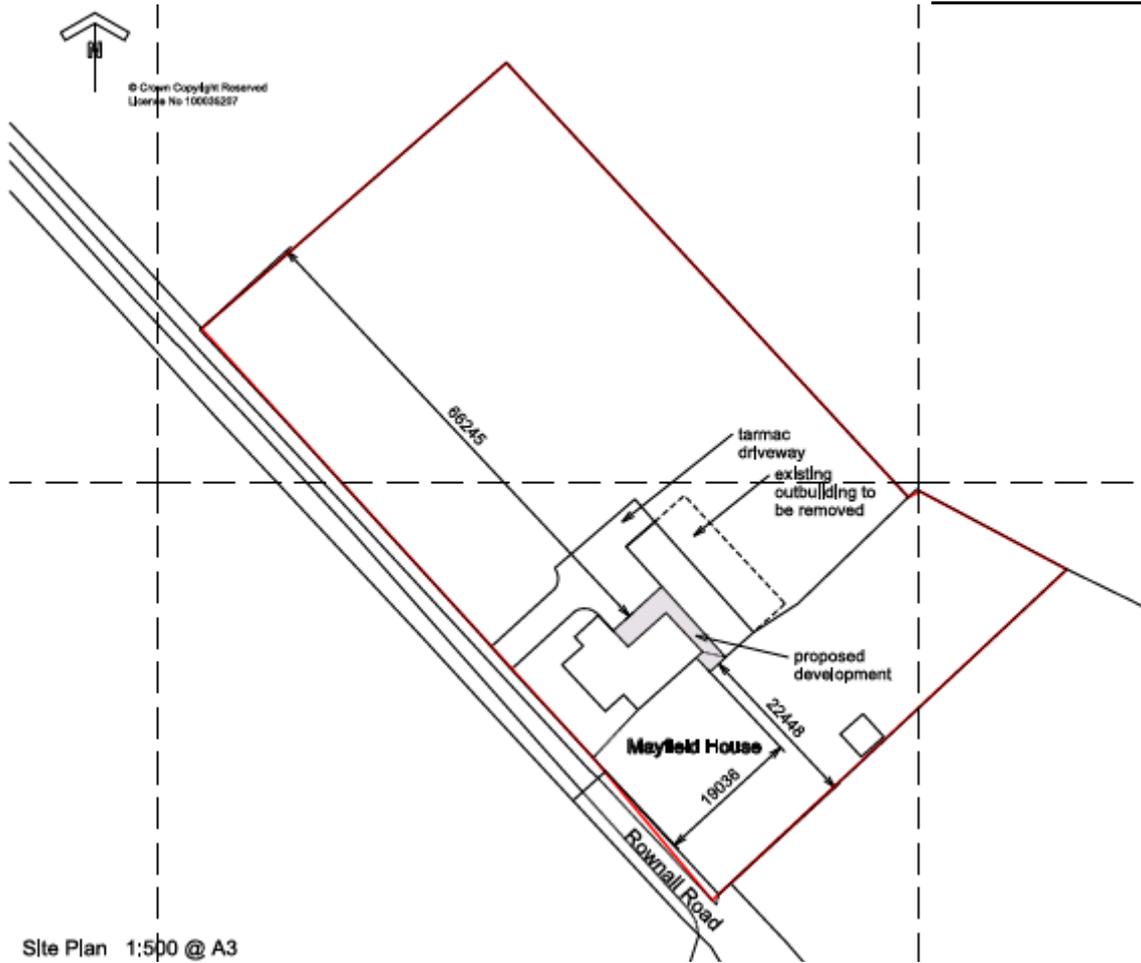
the more modest impact on site openness does not serve to overcome the inappropriateness of the proposal. In these circumstances, very special circumstances have not been demonstrated to overcome the potential harm to the Green Belt by reason of inappropriateness. Furthermore, there is material harm to the visual amenity of the Green Belt from the proposed extension and conversion on account of its unsympathetic scale and design. Herein, there is conflict with the National Framework that aims to retain and enhance the visual amenity of the Green Belt. As such there is conflict with Policies SS1a; SS6c and R1 of the Core Strategy and the NPPF.

2. The proposal, including the conversion of the outbuilding, would appear as an overly large and domesticated extension detracting from the main dwelling within this rural context. This incongruous relationship would be clearly viewed from the highly prominent Rownall Road frontages. Consequently, the proposed extension would not be well designed or reinforce local distinctiveness in accordance with Core Strategy Policy DC1. Neither would it protect or enhance the local landscape in accordance with Core Strategy Policy DC3 or the rural character of the area in accordance with Core Strategy Policy R1 and the NPPF.

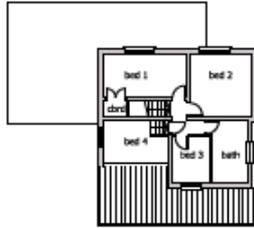
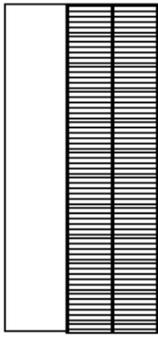
### **Informative(s)**

1. It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF and solutions have not been possible within the context of the current application.

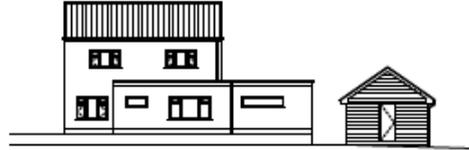
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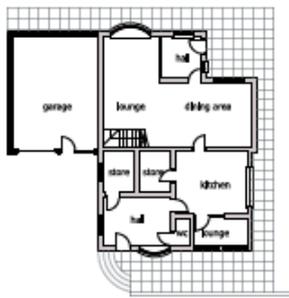
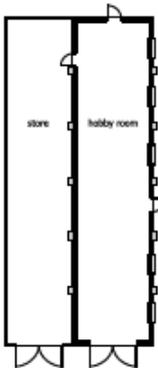


North East Elevation - As Existing



South East Elevation - As Existing

First Floor Plan - As Existing

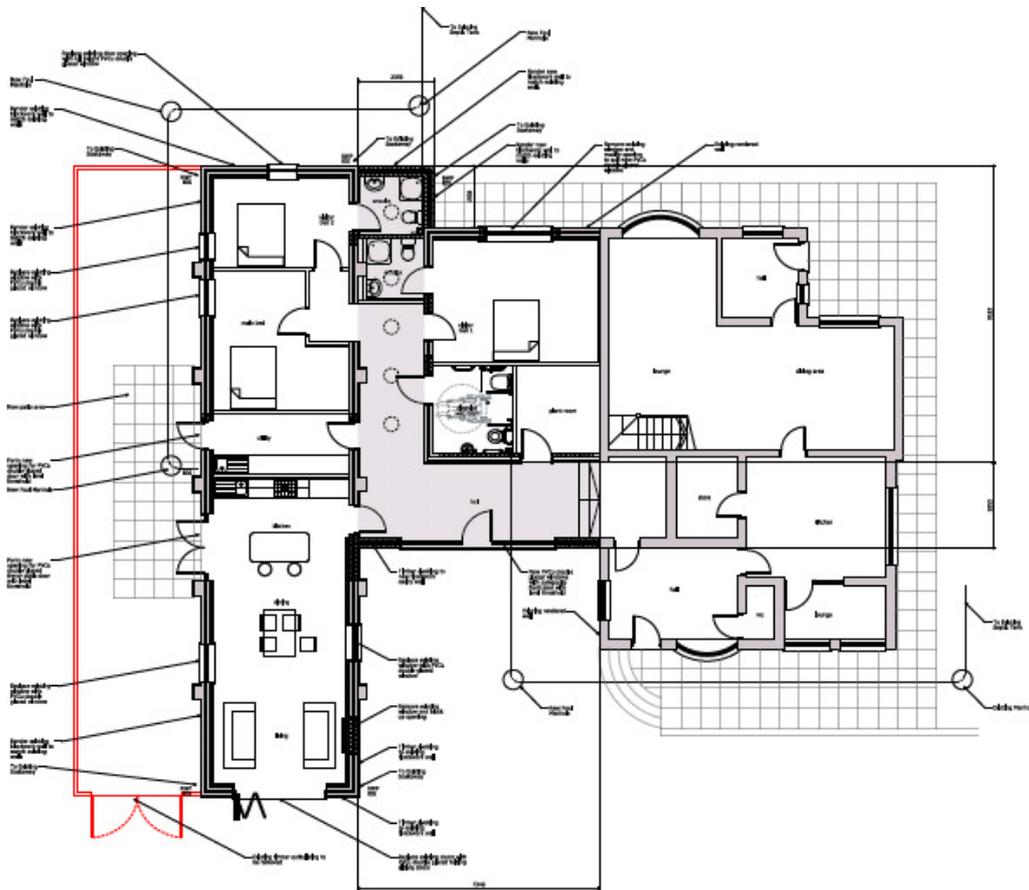


North West Elevation - As Existing



South West Elevation - As Existing

Ground Floor Plan - As Existing





**AGENDA ITEM 11**

**SMD/2014/0539 Demolition of existing outbuildings and erection of a steel portal framed outbuilding for agricultural/domestic use at Ash Tree Barn Akesmore Lane Biddulph Stoke-on-Trent for Mr Colin Barker.**

Parish: Biddulph  
Case Officer: C G Thorp

Registration: 10/10/2014  
Grid Reference: 9767 5711

**THE APPLICATION**

Full planning application is sought for the replacement of a detached, single-storey outbuilding (a former garage block) with a steel-clad, single-storey portal frame building for combined agricultural and domestic use.

The application has been called in by Cllr Sheldon.

**SITE LOCATION/DESCRIPTION**

The application site is located within the Staffordshire Green Belt on land in the countryside, outside the built-up area of Biddulph. The property comprises a farmhouse and an assorted collection of detached outbuildings on a unit that comprises two fields with a total area of 3.95 acres/1.55 ha., which is used for making hay and grazing horses. The outbuildings include a part single/part two-storey brick barn, a new stable block, and the buildings in question, which form a block of 5 garages.

The proposed building is required to accommodate the applicant's collection of vintage vehicles, which includes a lorry, and the storage of hay making equipment. The proposed building will be a steel-clad, portal frame building with a floor area measuring 12.0 x 10.0 metres (120 square metres), and a roof with an overall height of 3.3 metres (2.5 metres to eaves). It will have walls and roof of profile steel sheets in a mid grey (BS 18 B 25 Merlin Grey) for the roof and doors, and a lighter grey (BS 10 A 05 Goosewing Grey) for the roof.

The buildings to be demolished and replaced have a floor area of 16.2 x 5.6 metres (90.7 square metres), and have monopitch roofs varying from 2.5 metres at the front to 2.6 metres over the lower part and from 2.8 metres at the front to 3.2 metres at the rear of the higher part.

It is apparent from Google overhead images which have been provided that until recently there were a number of other outbuildings on the site which have been removed from the land. In the meantime two ground floor extensions have been added to the farmhouse (see History below)

The application is accompanied by a Design and Access Statement and a Supporting (Planning) Statement, in which there is a detailed description of all the vehicles and equipment that are proposed to be stored in the building together with space for maintenance and the storage of associated tools.

**PLANNING HISTORY**

SMD/2014/0302 Replacement of existing outbuildings with a stable block and outbuildings for domestic use. Approved

SMD/2014/0001 Certificate of Lawfulness for an proposed free standing shed. Refused

SMD/2012/2017 Erection of two conservatories, one to the side and one to the rear of the property.

SMD/2003/0915 Conversion of redundant dairy farming building to two dwellings. Approved

SMD/2002/1326 Conversion of farm building to two dwellings. Refused

**CONSULTATIONS**

Biddulph Town Council: Recommend approval - The committee requested that this application be sent to the Planning Applications Committee, not dealt with under delegated powers. This is not a domestic extension, but has a similar footprint to existing stables.

Policy Officer: Summarises by saying that agricultural buildings are acceptable in principle in the Green Belt and that a view needs to be formed as to whether the replacement building meets the criteria set out in Paragraph 89 of the NPPF. New agricultural buildings should be considered against Policy SS6C (2) of the Core Strategy and Para. 28 of the NPPF, which support agricultural diversifications/expansions that are sustainable and acceptable on landscape impact/design grounds.

**REPRESENTATIONS**

Expiry of:-

Site Notice – 12th November 2014

Neighbour Notification – Not applicable

No responses have been received from any nearby residents

Councillor Sheldon writes to confirm that the application has the full support of neighbours and the Town Council, the site is not in a Conservation area and does not impact on the surrounding areas, and that it will be a huge improvement on the existing buildings. She considers that the building is necessary and appropriate to the applicant's needs, and does not consider that the application breaches the five purposes of including land in the Green Belt.

**POLICIES**

National Planning Policy Framework

Paras. 56-68 Requiring Good Design

Paras. 79 - 92 Protecting Green Belt Land

Paras. 109 - 125 Conserving and enhancing the natural environment

Staffordshire Moorlands Core Strategy Development Plan Document

SS6c Rural Areas Strategy

DC1 Design Considerations

DC3 Landscape and Settlement Setting

Supplementary Planning Guidance

Design Principles

**OFFICER COMMENT**

Introduction

1. Amended plans have been received showing some reduction in the size of the proposed building from an original floor area of 13.0 x 10.0 metres (130 square metres) down to 12.0 x 10.0 metres (120 square metres). This application proposes the erection of a replacement outbuilding in part to address the need for the storage and maintenance of agricultural machinery and equipment and in part for the storage and maintenance of vintage vehicles that are the applicant's hobby. A further reduction in the size and shape of the building together with screen planting has been sought but the applicant has not been prepared to lose any more floorspace.

2. The main issues to consider are:

- Whether or not the building would comprise 'inappropriate' development in Green Belt and if so whether there would be unacceptable encroachment in the countryside;
- The scale, design and external appearance of the proposed building;
- The landscape impact of the proposed building

3. In terms of the principle of development, the construction of new buildings is deemed to be 'inappropriate' in principle but certain forms of development may be allowed as exceptions. Exceptions include:

- buildings of agriculture and forestry;
- the replacement of a building, provided the new one is in the same use and not materially larger than the one it replaces.

4. In determining proposals for development in the Green Belt a local planning authority is required by the NPPF to give "substantial" weight to any harm that may arise to the Green Belt by reason of inappropriateness. Inappropriate development is, by definition, harmful and should not be

approved unless it can be demonstrated by the applicant that there are very special circumstances (VSC) that clearly outweigh the perceived harm. The onus is on the applicant to prove the case.

5. The current use of the existing buildings is for a combination of domestic use in connection with the farmhouse and agricultural use in connection with the adjoining land, so the replacement building will be in the same mixed use as required by policy.

6. The question then arises as to whether the replacement building will be materially larger than the existing one. The term 'materially larger' is not defined in planning legislation so an objective judgment has to be made on the merits of what is being proposed. In this particular case a number of factors lead firmly to the conclusion that the proposed building is materially larger. It would be about 30% larger in floor area than the one it is to replace and similarly so in volume, it will be effectively twice as wide (10.0 m instead of 5.6 m) and it will be between 400 and 700 mm higher. The existing buildings it is to replace are modest in size and appearance whereas the proposal is for a steel-clad, portal frame building having walls and roof of profile steel sheets giving it an industrial appearance. The new building will as a result of its size and appearance have a materially greater impact than the existing buildings. As such the proposal represents inappropriate development in the Green Belt and the onus is on the applicant to demonstrate that very special circumstances exist which would outweigh the harm by reason of inappropriateness and any other harm, in this case, harm to openness and the visual amenity of the Green Belt.

7. The applicants landholding extends to approx 3.9 acres (1.5 ha). On such a small acreage the essential need for agricultural-type machinery and equipment for maintaining this land will be limited. Furthermore the applicant has the benefit of a range of other outbuildings and it has not been clearly demonstrated why these buildings can not accommodate essential items for agricultural use. The applicant's main case is that there is a need to store his collection of vintage vehicles which need to be kept under cover for reasons of preservation and security. Whilst this may well be the case, the specific needs (in this case hobby) of an applicant do not equate to very special circumstances. If this were found to be the case, similar buildings could be replicated within the Green Belt throughout the District thus seriously undermining national and local planning policies which seek to restrict inappropriate development in the Green Belt thus compromising the essential characteristic of the Green Belt, namely its openness. It is for these reasons that the principle of development is not accepted. Members are asked to note that Officers have attempted to negotiate a reduced size of building with the applicant, but the applicant has been unwilling to do this.

8. In terms of design and landscape impact considerations, there are also planning objections to the proposed building. Although the use of the building is functional with, in part, an agricultural association (albeit on a rather small scale), the design of the building is more industrial than agricultural in appearance, and could (and should) be changed to a more sympathetic one

in keeping with the surroundings. The scale may have been reduced so that its height is no higher than is reasonably necessary, but the width of it will be substantially greater than the existing one, almost twice the width as discussed above and the use of light materials will make it stand out in the countryside. On balance it is considered that neither the design nor outward appearance are acceptable and contrary to Policies DC1 and DC3 of the Core Strategy.

9. At present the existing garage block can be seen from further afield, but it presents a relatively narrow face to the outside world, whereas the proposed one will be effectively twice as wide (10.0 m instead of 5.6 m). Also, it will be between 400 and 700 mm higher than the existing buildings. Consequently the visual impact will be much greater, despite its relatively low profile in relation to traditional buildings. The use of dark sheeting (for example BS 9098 Slate Blue) instead of the submitted mid-grey would be more appropriate and help to make the building less visible, and there is an opportunity for screen planting to be carried out on adjoining land in the applicant's ownership. Those requirements could have been made the subject of a planning condition if the application was otherwise acceptable.

#### **OFFICER RECOMMENDATION**

That planning permission be refused for the following reasons:

1. The site is located in the Staffordshire Green Belt where the construction of new buildings comprises "inappropriate" development unless they fall within certain limited categories. The replacement of a building is not inappropriate provided that the new building falls within the same use and will not be materially larger than the one it is to replace. Although the proposed replacement building will be in the same use as the existing it will be materially larger (approximately 30% larger) and therefore is inappropriate and unacceptable in respect of the advice contained in Paragraphs 87 - 89 of the National Planning Policy Framework and the provisions of Part 6 of Policy SS6(c) of the Staffordshire Moorlands Core Strategy Development Plan document. No very special circumstances have been put forward to clearly outweigh the harm by reason of inappropriateness and the harm to openness and the visual amenity of the Green Belt.

2. The proposed building will not only be 30% larger than the existing one, but it will be between 400 and 700 mm higher (up to nearly 30 higher than the existing one) and 4.4 metres (82%) wider than the existing one. Not only will it consequently be more visible in the landscape, but as a result of the use of relatively light coloured external materials it will also be more conspicuous to the detriment of the visual amenity of the countryside and the Green Belt. Moreover, the design of the building exhibits industrial characteristics that are not appropriate to this countryside location. The proposed development is accordingly contrary to the advice contained in Paragraphs 56 - 65 and 109 of the National Planning Policy Framework, and the requirements of Part 3 of Policy SS6(c), Policy DC1 and Policy DC3 of the Staffordshire Moorlands

## **AGENDA ITEM 12**

Core Strategy Development Plan document which seek to achieve sustainable design and the protection and enhancement of the countryside.

### **Informative**

The Council has sought to negotiate with the applicant for a sustainable proposal that would be compliant with its development plan policies and the requirements of the NPPF but has not been able to secure the amendments that would be necessary in order to obtain a recommendation for approval.

# **STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

## **Planning Applications Committee**

### **Minutes**

**Thursday, 18<sup>th</sup> December 2014  
(2.00 p.m.)**

**PRESENT:**

**Meeting:**

Councillor P.J. Roberts (Chair)

Councillors M. Ahmad, M.T. Bowen, J.D. Bull, J.B. Clowes, S.A. Ellis, J.M. Fisher, M.A. Lovatt, L.A. Malyon and M.P. Worthington

**Site Visits:**

Councillors M. Ahmad, M.T. Bowen, J.B. Clowes, S.A. Ellis, J.M. Fisher, M.A. Lovatt, L.A. Malyon and P.J. Roberts.

**OFFICERS:**

Mrs. J. Curley	- Principal Planning Officer
Miss. R. Simpkin	- Senior Planning Officer
Mr. C. Johnston	- Planning Officer
Mr. B. Hurst	- Enforcement Officer
Mr. R. Weaver	- Head of Regulatory Services
Ms. K. Mutton	- Legal Advisor
Mr. P. Trafford	- Member Services Officer
Mr. D. Plant	- Staffs County Council Highways Officer

**APOLOGIES:**

**Meeting:** Councillors J.E. Davies, J.N. Hails, R.G. Locker and R.W. Plant.

**Site Visits:** Councillors J.D. Bull, J.E. Davies, J.N. Hails, R.G. Locker, R.W. Plant and M.W. Worthington

Reports on all applications had been circulated with the agenda and the contents therein were noted in addition to the issues recorded in the minutes below. Also a copy of the Late Representation Report, listing any representations received since the agenda was published, was circulated prior to the commencement of the meeting. In addition, all new planning application sites were viewed by the above-mentioned Committee Members on the morning of the meeting.

## Planning Applications Committee - 18<sup>th</sup> December 2014

### 118. MINUTES OF THE MEETING HELD ON 27<sup>TH</sup> NOVEMBER 2014 (118)

RESOLVED - That the Public Minutes of the Meeting of the Planning Applications Committee held on 27<sup>th</sup> November 2014 be approved as a correct record and signed by the Chair.

In relation to Minute No. 111 (SMD/2014/0471) Mrs. Curley advised the Committee that the second resolution relating to the signing of the Section 106 Planning Obligation by 31<sup>st</sup> December 2014 was not achievable.

FURTHER RESOLVED – That, in the event of the Section 106 Planning Obligation in respect of application Ref. SMD/2014/0471 not being signed by 31<sup>st</sup> January 2015, the application be **REFUSED** for the reason stated in the report.

### 119. CHAIR'S ANNOUNCEMENTS

Agenda Item 7 (SMD/2014/0618 – Land off Milltown Way, Leek) was to be heard as the first application and agenda item 8 (SMD/2014/0572 - Land at Rose Cottage, Uttoxeter Road, Checkley) was to be heard as the second application in deference to the number of people who had attended the meeting specifically for those items.

The Chair advised that the meeting may be recorded in accordance with regulations which came into force on 6<sup>th</sup> August 2014. Persons intending doing so were requested not to film the public seating area and to respect the wishes of members of the public who were speaking at the meeting but may not have wished to be filmed. They were also reminded that it was not permitted for oral commentary to be provided during the meeting and that if they behaved in a disruptive manner they would be asked to stop recording and leave the meeting.

### 120. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

### 121. DECLARATIONS OF INTEREST

The following declarations were made at this point in the meeting unless stated otherwise:-

<b>Agenda Item</b>	<b>Member Declaring Interest</b>	<b>Nature of Interest</b>
Agenda Item 6 – SMD/2014/0265 – Woodhead Garage, Froghall Road, Cheadle	Cllr. Clowes	Disclosable Pecuniary Interest – Owner of adjoining land

**Planning Applications Committee - 18<sup>th</sup> December 2014**

121. **DECLARATIONS OF INTEREST (CONTINUED)**

(121)

<b>Agenda Item</b>	<b>Member Declaring Interest</b>	<b>Nature of Interest</b>
Agenda Item 7 – SMD/2014/0618 – Land off Milltown Way, Leek	Cllrs. Ahmad, Bowen, Bull, Clowes, Ellis, Fisher, Lovatt, Malyon, Roberts & Worthington	“Other” – Some speakers were fellow district councillors
		Lobbied – No response given
	Cllrs. Ellis & Roberts	“Other” – Members of the Conservation Liaison Panel
Agenda Item 9 – SMD/2014/0676 – Sneyd Arms, Ashbourne Road, Whiston	Cllr. Malyon	Lobbied – No response given
Agenda Item 10 – SMD/2014/0743 – 14 Hillcrest Avenue, Kingsley Holt	Cllr. Bull	Disclosable Pecuniary Interest – Own application
	Cllrs. Ahmad, Bowen, Clowes, Ellis, Fisher, Lovatt, Malyon, Roberts & Worthington	“Other” – Applicant known to all as a fellow member of the Committee
	Cllr. Clowes	“Other” – Ward Councillor

122. **SMD/2014/0618 OUTLINE APPLICATION FOR UP TO 90 DWELLINGS, WITH ASSOCIATED PUBLIC OPEN SPACE, ECOLOGICAL MANAGEMENT AREA AND LANDSCAPING, WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS, AT LAND AT MILLTOWN WAY, LEEK FOR GLADMAN DEVELOPMENTS LTD.**

(Report recommended Refusal)

*(All members present had declared “other” and lobbying interests.)*

RECEIVED - Representations from the undermentioned speakers:-

**Against the application:**

Dr. Darren Price - Objector  
Cllr. Charlotte Atkins - County Councillor  
Faith Cleverdon - Pickwood and Ladydale Sites (Leek)

**Planning Applications Committee - 18<sup>th</sup> December 2014**

122. **SMD/2014/0618 OUTLINE APPLICATION FOR UP TO 90 DWELLINGS, WITH ASSOCIATED PUBLIC OPEN SPACE, ECOLOGICAL MANAGEMENT AREA AND LANDSCAPING, WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS, AT LAND AT MILLTOWN WAY, LEEK FOR GLADMAN DEVELOPMENTS LTD (CONTINUED).** (122)

Andrew Easom	-	Pickwood and Ladydale Sites (Leek)
Cllr. Pam Wood	-	Ward Councillor
Cllr. Brian Johnson	-	Ward Councillor
Cllr. Sybil Ralphs	-	SMDC Leader

- NOTED -
1. Late Representations Report in respect of this item containing an amendment to the first reason for refusal.
  2. In accordance with Rule 8 of the Procedure Rules for Committees and Sub-Committees the Chair confirmed that Cllr. Atkins had sought his permission in advance of the meeting, and that he had agreed, for her to speak at the Committee on this item in her capacity as a County Councillor, specifically on highways issues.
  3. In accordance with Rule 8 of the Procedure Rules for Committees and Sub-Committees the Chair confirmed that Cllr. Ralphs had sought his permission in advance of the meeting, and that he had agreed, for her to speak at the Committee on this item as an SMDC Councillor.
  4. The Legal Advisor confirmed that the application should be determined in accordance with the development plan unless material considerations dictated otherwise. However, without an identifiable 5 year housing land supply, the Local Plan policies on housing provision were to be considered out of date and, in accordance with the NPPF there was a presumption in favour of sustainable development and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
  5. In the event of an appeal by the applicant, an informal hearing was to be requested.
  6. Staffs County Council Highways representative confirmed that in design terms the dimensions of Pickwood Road and Milltown Way were sufficient to accommodate the application but they maintained objections for the reasons set out in the officer's report.
  7. Principal Planning Officer clarified that the highway reason for refusal related to capacity issues with the Ashbourne Road/Springfield Road junction and insufficient emergency access and NOT the capacity of the estate roads.

**Planning Applications Committee - 18<sup>th</sup> December 2014**

122. **SMD/2014/0618 OUTLINE APPLICATION FOR UP TO 90 DWELLINGS, WITH ASSOCIATED PUBLIC OPEN SPACE, ECOLOGICAL MANAGEMENT AREA AND LANDSCAPING, WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS, AT LAND AT MILLTOWN WAY, LEEK FOR GLADMAN DEVELOPMENTS LTD (CONTINUED).** (122)

RESOLVED - That the application be **REFUSED** for the reasons and based on the policies stated in the report.

(Proposed by Councillor Malyon and seconded by Councillor Lovatt)

123. **SMD/2014/0572 MATERIAL CHANGE OF USE OF LAND TO A CARAVAN SITE FOR THE STATIONING OF 3 TOURING CARAVANS FOR RESIDENTIAL OCCUPATION WITH AN ASSOCIATED UTILITY BUILDING ON LAND ADJACENT TO ROSE COTTAGE, UTTOXETER ROAD, CHECKLEY FOR MR. D. PRICE.** (123)

(Report recommended Approval for a temporary period of 3 years)

RECEIVED - Representations from the undermentioned speakers:-

**Against the application:**

Carl Copestake	-	Objector
Nick Hunt	-	Objector
Peter Fuller	-	Objector
Cllr. David Trigger	-	Ward Councillor
Cllr. Mark Deaville	-	Ward Councillor

**For the application:**

Siobhan Spencer	-	Applicant's Agent
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- NOTED -
1. Late Representation Report in respect of this item.
  2. Ms. Spencer referred to 120 letters of support which she confirmed had been copied at her office and sent to the Council, but only 3 had been received by the Council. A short adjournment was agreed for officers to inspect the original letters which Ms. Spencer provided. No members left the room during the adjournment. A brief summary of the content of the letters was reported to the Committee after the adjournment, which confirmed that some of the authors lived in the vicinity of the application site, but that some lived further afield, and that some of the letters were undated and others were dated before submission of the application.
  3. The Local Development Framework anticipated the identification of suitable sites to accommodate the identified need in the district for traveller sites which would include a site for the applicant's requirements by the time the proposed

123. **SMD/2014/0572 MATERIAL CHANGE OF USE OF LAND TO A (123)  
CARAVAN SITE FOR THE STATIONING OF 3 TOURING CARAVANS FOR  
RESIDENTIAL OCCUPATION WITH AN ASSOCIATED UTILITY BUILDING ON  
LAND ADJACENT TO ROSE COTTAGE, UTTOXETER ROAD, CHECKLEY  
FOR MR. D. PRICE (CONTINUED).**

temporary permission expired. There was no potential for suitable alternative sites to be identified in the next 12 months.

4. No enforcement action had been taken against the utility block as due to the limited extent to which it differed from the approved plans it was not expedient to take action.
5. The Legal Advisor confirmed that;
  - Enforcement action had to follow due process as the applicant owned the land;
  - The Council had no 5 year Gypsy site supply identified and as with housing supply there was a presumption in favour of sustainable development and planning permission should be granted unless any adverse impacts of doing so would outweigh the benefits;
  - There had been no material change in circumstances since the previous application which was refused but granted a temporary consent on appeal. The Inspector's decision letter on that appeal would be a material consideration in the determination of an appeal against refusal of the current application, and there was a significant risk that in the circumstances a refusal would be considered unreasonable and result in a costs award against the Council;
  - The additional letters supplied by the applicant's agent during the meeting were capable of being a material consideration in the determination of the application, but it was a matter for the Committee to decide what weight should be attributed to them in the light of the summary of content provided by officers. Any further application for temporary permission for this site, or for a permanent pitch on this site would have to be assessed against the planning policy context at the time of the application.
  - A decision to grant a further temporary consent now would not prejudice a future application and the recommended conditions recognised both the specific circumstances of this applicant and the continuing harm to the landscape.
6. The Principal Planning Officer confirmed that the applicant satisfied the definition of travellers contained in the National Planning Policy for Traveller Sites and therefore the guidance set out in that document regarding the Council's duty to provide

**Planning Applications Committee - 18<sup>th</sup> December 2014**

123. **SMD/2014/0572 MATERIAL CHANGE OF USE OF LAND TO A CARAVAN SITE FOR THE STATIONING OF 3 TOURING CARAVANS FOR RESIDENTIAL OCCUPATION WITH AN ASSOCIATED UTILITY BUILDING ON LAND ADJACENT TO ROSE COTTAGE, UTTOXETER ROAD, CHECKLEY FOR MR. D. PRICE (CONTINUED).** (123)

sites and the determination of applications for sites applied to the applicants and this application.

It was **PROPOSED** by Councillor Malyon and **SECONDED** by Councillor Bull that the application be **REFUSED**. Upon being put to the vote, the motion was **LOST**.

It was **PROPOSED** by Councillor Clowes and **SECONDED** by Councillor Ahmad that the application be **APPROVED** for a limited period of one year from the date of the decision. Upon being put to the vote, the motion was **LOST**.

RESOLVED - That the application be **APPROVED** for the reasons and based on the policies stated in the report, subject to the conditions and informative contained in the report.

(Proposed by Councillor Lovatt and seconded by Councillor Fisher.)

*(Councillor Malyon recorded her vote against the resolution).*

124. **SMD/2014/0265 EXTENSION TO EXISTING WAREHOUSE / HAULAGE BUILDING AT WOODHEAD GARAGE, FROGHALL ROAD, CHEADLE FOR MJS TRANSPORT.**

(Report recommended Refusal)

*(Councillor Clowes had declared a Disclosable Pecuniary interest in the item, left the meeting and did not take part in the discussion or vote)*

RECEIVED - Representations from the undermentioned speakers:-

**For the application:**

Michael Shirley	-	Applicant
David Breakwell	-	Applicant's Agent

- NOTED -
1. This was a re-consideration of the application, the matter having been deferred at the Planning Applications Committee on 23<sup>rd</sup> October 2014 to enable additional information to be provided by the applicant to support the proposal.
  2. In the event of an approval, the matter would be still need to be reported to the Secretary of State as a 'Green Belt Departure'.

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124. **SMD/2014/0265 EXTENSION TO EXISTING WAREHOUSE / HAULAGE (124) BUILDING AT WOODHEAD GARAGE, FROGHALL ROAD, CHEADLE FOR MJS TRANSPORT (CONTINUED).**

RESOLVED - That, contrary to officer recommendation, the application be **APPROVED** on the basis that very special circumstances had been demonstrated by the proposal that were considered to outweigh the potential harm to the Green Belt in this location, subject to (1) the Secretary of State not determining to call in the application for his determination and (2) in the event that the application is not called in, the conditions and informatives deemed necessary by the officers.

**Reasons/Policies**

Retention and growth of a local business and jobs, and creation of additional employment opportunities.

(Proposed by Councillor Malyon and seconded by Councillor Worthington.)

125. **SMD/2014/0676 PART DEMOLITION OF EXISTING SINGLE-STOREY EXTENSION, ALTERATIONS TO ELEVATIONS AND CONVERSION OF PUBLIC HOUSE TO TRAINING CENTRE FOR DOGS, INCLUDING OFFICE AND LIVING ACCOMMODATION AT THE SNEYD ARMS, ASHBOURNE ROAD, WHISTON FOR MISS KATIE FRIEL.**

(Report recommended Refusal)

*(Councillor Malyon had declared a lobbying interest)*

RECEIVED - Representations from the undermentioned speakers:-

**Against the application:**

Joan Jenkins - Objector

**For the application:**

Katy Friel - Applicant

NOTED -

1. Late Representations Report received in respect of this item.
2. The applicant read from a newspaper article which quoted Councillor Clowes stating that the building could be a B&B establishment. In response to a request from the Legal Advisor Councillor Clowes confirmed that she was approaching the application with an open mind and that she had no recollection of making the comment referred to.

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125. **SMD/2014/0676 PART DEMOLITION OF EXISTING SINGLE-STOREY EXTENSION, ALTERATIONS TO ELEVATIONS AND CONVERSION OF PUBLIC HOUSE TO TRAINING CENTRE FOR DOGS, INCLUDING OFFICE AND LIVING ACCOMMODATION AT THE SNEYD ARMS, ASHBOURNE ROAD, WHISTON FOR MISS KATIE FRIEL (CONTINUED).** (125)

It was **PROPOSED** by Councillor Worthington and **SECONDED** by Councillor Clowes that the application be **REFUSED**. Upon being put to the vote, the motion was **LOST**.

RESOLVED - That, contrary to officer recommendation, the application be **APPROVED** for the reasons stated below:-

**Reasons/Policies**

- Policy SS6c – Bringing the building back into use, rural business promotion and providing employment.

(Proposed by Councillor Lovatt and seconded by Councillor Fisher.)

126. **SMD/2014/0570 DEMOLITION OF FORMER INDUSTRIAL BUILDINGS AND REDEVELOPMENT OF SITE COMPRISING: RESIDENTIAL (USE CLASS C3 UP TO 175 DWELLINGS) WITH ASSOCIATED OPEN SPACE, PLAY AREA AND CYCLE LINKS; LIVE/WORK UNITS (UP TO 2000SQM), EMPLOYMENT UNITS (USE CLASS B1C/B2 UP TO 1847 GROSS SQM INCLUDING MEZZANINE); TOURISM AND LEISURE USES INCLUDING A MARINA / BASIN AND ASSOCIATED BOATING FACILITIES (UP TO 20 BERTHS); RESERVE LAND FOR FUTURE RAILWAY STATION WITH ASSOCIATED HERITAGE/RAILWAY ACTIVITIES BUILDING INCLUDING TOURIST/LOCAL NEEDS RETAIL UNIT (USE CLASS D2/A1 UP TO 394 GROSS SQM); PUBLIC HOUSE/ RESTAURANT (USE CLASS A3 / A4 UP TO 340 SQM) INCLUDING ASSOCIATED CAR PARKING AND SERVICING; RESERVE LAND FOR FUTURE LINK ROAD INCLUDING ASSOCIATED LANDSCAPING AT LAND AT BARNFIELDS ROAD AND SUNNYHILLS ROAD, CORNHILL, LEEK FOR BARNFIELD HUGHES LTD.**

(Report recommended Approval)

RECEIVED - Representations from the undermentioned speakers:-

**For the application:**

Conor Vallely	-	Applicant's Agent
Julie Arnold	-	Member of Cauldon & Uttoxeter Canal Trust

NOTED - 1. Late Representations Report received in respect of this item containing new conditions 10,11 and 12 to address the concerns of the Canals and Rivers Trust, Three additional Conditions to control the Live/Work Units and one Landscape Strategy Condition. Amendment to recommendation 1 to be subject to no substantive issues being raised prior to the expiry of the statutory public consultation period on 15<sup>th</sup> January 2015 and recommendation 2 to be amended to refer to 15<sup>th</sup> February 2015.

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126. SMD/2014/0570 DEMOLITION OF FORMER INDUSTRIAL BUILDINGS (126) AND REDEVELOPMENT OF SITE COMPRISING: RESIDENTIAL (USE CLASS C3 UP TO 175 DWELLINGS) WITH ASSOCIATED OPEN SPACE, PLAY AREA AND CYCLE LINKS; LIVE/WORK UNITS (UP TO 2000SQM), EMPLOYMENT UNITS (USE CLASS B1C/B2 UP TO 1847 GROSS SQM INCLUDING MEZZANINE); TOURISM AND LEISURE USES INCLUDING A MARINA / BASIN AND ASSOCIATED BOATING FACILITIES (UP TO 20 BERTHS); RESERVE LAND FOR FUTURE RAILWAY STATION WITH ASSOCIATED HERITAGE/RAILWAY ACTIVITIES BUILDING INCLUDING TOURIST/LOCAL NEEDS RETAIL UNIT (USE CLASS D2/A1 UP TO 394 GROSS SQM); PUBLIC HOUSE/ RESTAURANT (USE CLASS A3 / A4 UP TO 340 SQM) INCLUDING ASSOCIATED CAR PARKING AND SERVICING; RESERVE LAND FOR FUTURE LINK ROAD INCLUDING ASSOCIATED LANDSCAPING AT LAND AT BARNFIELDS ROAD AND SUNNYHILLS ROAD, CORNHILL, LEEK FOR BARNFIELD HUGHES LTD (CONTINUED).

2. It was confirmed by the Principal Planning Officer that the Committee were being asked to consider the outline application comprising the principle of development and the mix and quantum of uses as set out in the application and also the means of access. Members had been concerned about the mix of uses with the previous application. Officer advice was that the mix of uses and amount of development in this application had changed from the previous application, as detailed in the report, in an effort to address member concerns. It was further confirmed that applications for Reserved Matters Approval would be reported back to the Committee for approval.
3. The Legal Advisor confirmed that any payment of monies by the developer in connection with the development had to be secured via a Section 106 Planning Obligation. There was a provision within the draft agreement for viability to be re-assessed and that if more money became available the financial contribution could then be increased.

RESOLVED - That the application be **APPROVED** for the reasons and based on the policies stated in the report, subject to the conditions and informatives contained in the report, the new and additional conditions shown above and the revised recommendations also shown above.

(Proposed by Councillor Worthington and seconded by Councillor Fisher.)

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127. **SMD/2014/0743 SINGLE STOREY SIDE EXTENSION AT 14 HILLCREST AVENUE, KINGSLEY HOLT FOR CLLR J BULL.** (127)

(Report recommended Approval)

*(All members present had declared "other" interests. Councillor Bull had declared a Disclosable Pecuniary Interest, left the meeting and did not take part in the discussion or vote)*

NOTED - 1. Late Representations Report received in respect of this item.

RESOLVED - That the application be **APPROVED** for the reasons and based on the policies stated in the report, subject to the conditions and informative contained in the report.

(Proposed by Councillor Ellis and seconded by Councillor Lovatt.)

128. **CHAIR/MEMBERS' QUESTIONS/ISSUES**

No issues were raised.

129. **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED - That pursuant to Section 100A (2) and (4) of the Local Government Act, 1972, the public be excluded from the meeting in view of the nature of the business to be transacted or the nature of the proceedings whereby it is likely that confidential information as defined in Section 100A (3) of the Act would be disclosed to the public in breach of the obligation of confidence or exempt information as defined in Section 100i (1) of Part 1 of Schedule 12A of the Act would be disclosed to the public by virtue of the Paragraphs indicated.

\_\_\_\_\_ Chair \_\_\_\_\_ Date

**SUMMARY OF EXEMPT ITEMS**

130. **EXEMPT MINUTES**  
*(Paragraph 2 – Information likely to reveal the identity of an individual and  
Paragraph 5 – Maintenance of legal professional privilege)*

That the Committee approved the Exempt Minutes of the meeting held on 27<sup>th</sup> November 2014.

The meeting closed at 5:45 p.m.