

Statement of Common Ground

For Bloor Homes North West Ltd | 24-401

Appeal against refusal of planning application reference SMD/2021/0610 - Land to the east of Froghall Road, Cheadle, Stoke-on-Trent, ST10 2DN

Project: 24-401
Site Address: Land to the east of Froghall Road, Cheadle, Stoke-on-Trent
Client: Bloor Homes North West Ltd
Date: 7 January 2025

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1. Introduction

- 1.1 This Statement of Common Ground (SoCG) between Bloor Homes North West Ltd (the Appellant) and Staffordshire Moorlands District Council (the LPA) relates to planning and other general matters. Matters relating to heritage, landscape, housing land supply, affordable housing and self build housing are intended to be the subject of separate SoCGs between the parties.

2. The appeal application

- 2.1 As submitted the application proposals originally sought outline planning permission, with access to be considered and other matters reserved for residential development of up to 228 dwellings.
- 2.2 During the application determination period the proposals were amended in response to comments from the LPA and statutory consultees, with the submitted development parameters and landscaping scheme amended. Alterations to the proposed access arrangements were also made in direct response to comments from the Local Highways Authority (LHA). In addition, the description of development was amended to reflect the reductions in the developable area of the site, with the application seeking planning permission for up to 215 dwellings.
- 2.3 The proposals for up to 215 dwellings comprised the following:
- 33% affordable housing (secured by the Section 106 agreement)
 - 10 self-build / custom plots (secured by the Section 106 agreement)
- 2.4 50% of the dwellings were proposed to meet Part M4(2): accessible and adaptable standard homes and 6no. of the proposed bungalows would be provided as M4(3): wheelchair adaptable homes. These would be secured by the Section 106 agreement.
- 2.5 All proposed dwellings would meet the Nationally Described Space Standards (NDSS). This would be secured by condition.
- 2.6 The application proposals included for the consideration of access as a detailed matter. Access for the purpose of the appeal proposal relates to the proposed vehicular access point from Froghall Road only. Footpath / cycle connections and the internal road layout are reserved matters.

Change to description of development

- 2.7 Prior to the consideration of the application by the Planning Committee, at the LPA case officer's request, the description of development was amended to remove the proposed upper limit to the quantum of development proposed (i.e. up to 215 dwellings). This was to address the case officer's concerns that the site may not be able to accommodate 215 dwellings in a policy compliant way.
- 2.8 The appeal is supported by a suite of technical reports and plans which address all environmental and technical considerations in relation to the site and proposals. Whilst the upper limit for the proposed development was removed from the description of development, the Illustrative Masterplan was prepared

on the basis of the site delivering up to 215 dwellings, and the supporting technical reports were all originally prepared on the basis the site delivering up to 228 dwellings as per the original application submission. Furthermore, the application has previously been consulted upon with the description of development stating an upper limit on the amount of development.

2.9 The Council remains of the view that the site would not be able to accommodate 215 dwellings.

Refused plans

2.10 The refused scheme comprises the following plans as identified on the decision notice:

- Location Plan (020 020 P001 Rev G)
- Parameters Plan (020 020 P004 Rev N)
- Proposed site access plan (3277 F06 Rev G)

Design and development parameters

2.11 The updated Design and Access Statement provides a detailed assessment of the application site, its context and the evolution of the proposed parameters plan and illustrative masterplan. The plan shows areas of public open space and pedestrian and cycle linkages, including links to the wider public right of way network. A green corridor would link the areas of green space proposed to the east, with Froghall Road to the west.

3. Site description

- 3.1 The site is located to the north of Cheadle, Staffordshire. It is greenfield and comprises two fields located east of Froghall Road (A521).
- 3.2 The adopted proposals map identifies the site as being located within the open countryside, albeit it adjoins the settlement boundary of Cheadle to the south. The site is not allocated for development. The below extract taken from the adopted proposals map shows the extent of the settlement boundary indicated with a purple dashed line.

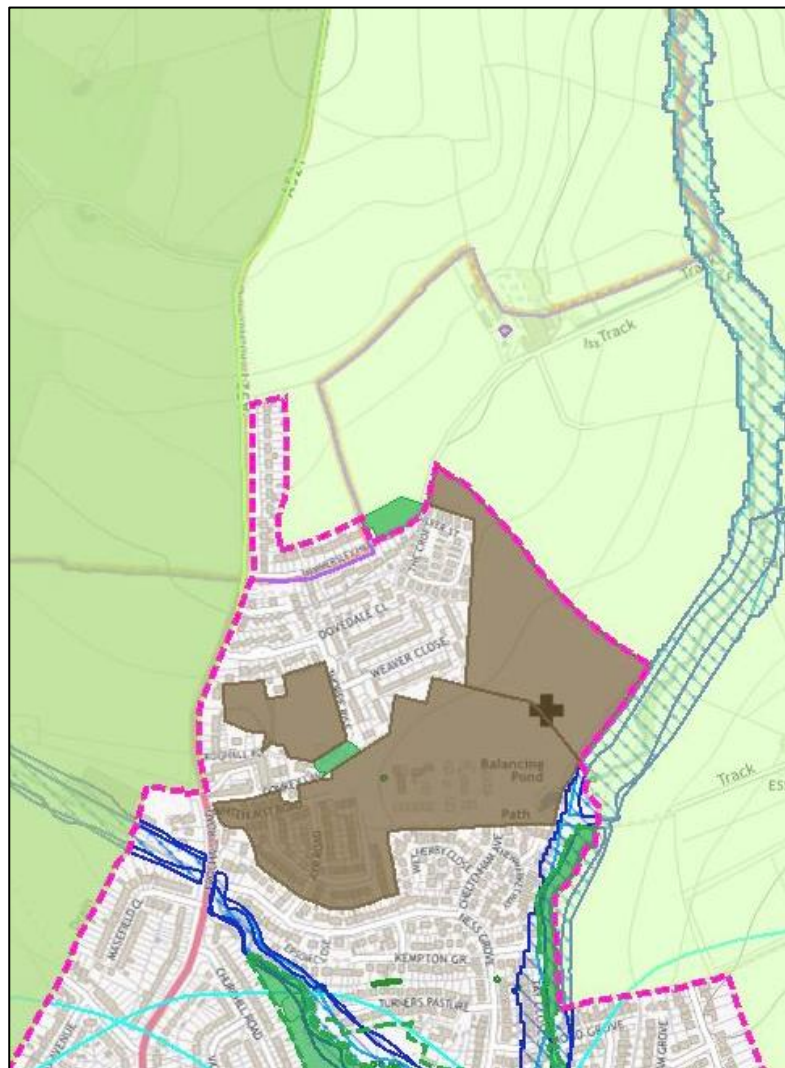


Figure 1. Proposals Map Extract

- 3.3 The site also lies within the Churnet Valley as defined on the plan on page 68 of the Local Plan.

- 3.4 The site is bordered to the south by existing residential development off Hammersley Hayes Road, and adjoins the Cheadle North Strategic Development Area which benefits from planning permission for residential development and is partly under construction. The Cheadle North Strategic Development Area is shaded brown on the proposals map extract at Figure 1 above. Located to the south of the site is an area of open space which is accessed off Hammersley Hayes Road. Broad Haye Farm is located to the east of the site and the farmhouse is Grade II Listed.
- 3.5 Cheadle is a town which is identified in the top tier of the settlement hierarchy in the Staffordshire Moorlands Local Plan (2020).
- 3.6 The site is located to the north of Cheadle town centre, with local schools, supermarkets, GP surgeries, dentists, pubs and restaurants and churches all located within walking and cycling distance. Bus stops are located on Froghall Road adjacent to the site, providing services between Hanley and Uttoxeter town centre.

4. Planning history

4.1 Prior to the appeal application, the only planning application history on the site dates back to the 1980s:

- SMD/1987/1269 - Construction of Vehicular access. Approved 4th January 1988
- SMD/1988/0767 – Site for Residential Development (52 Houses). Refused 12th September 1988¹.
- SMD/1988/0799 - Outline application for alterations and conversion of farm buildings to form golf club including bar/club room, games rooms, changing rooms, toilet, shop/office and car parking. Approved 5th May 1988
- SMD/1988/1226 - Change of use from agricultural use to golf course with conversion of buildings to form club house facilities and retention of house as dwelling. Approved 27th April 1988

¹ Note from the applicant: This application does not appear on the LPA's online mapping, and it has not been previously identified as being relevant through the pre-application discussions, the planning application, the officer's committee report or the LPA's Statement of Case. It was added to the planning history list of the Statement of Common Ground on 6/1/2024. The Appellant therefore reserves its position on this previous application, should it be referred to in the LPA's evidence.

5. Planning policy

Development plan context

Staffordshire Moorlands Local Plan

5.1 The development plan for the appeal proposals comprises the Staffordshire Moorlands Local Plan, adopted September 2020 and covers the plan period to 2033 providing the framework for development across the district. The following policies are referred to within the reasons for refusal:

- Policy SS2 Settlement Hierarchy
- Policy SS3 Future Provision and Distribution of Development
- Policy SS4 Strategic Housing and Employment Land Supply
- Policy SS10 Other Rural Areas Strategy
- Policy H1 New Housing Development
- Policy DC2 The Historic Environment
- Policy DC3 Landscape and Settlement Setting

5.2 In addition to the above, it is agreed that the following policies are also of relevance in the determination of the appeal proposals:

- Policy SS1 Development Principles
- Policy SS7 Cheadle Area Strategy
- Policy SS12 Planning Obligations and Community Infrastructure Levy
- Policy SD1 Sustainable Use of Resources
- Policy SD3 Sustainability Measures in Development
- Policy SD4 Pollution and water quality
- Policy SD5 Flood Risk
- Policy H3 Affordable Housing
- Policy DC1 Design Considerations
- Policy C1 Creating Sustainable Communities
- Policy C2 Sport recreation and open space
- Policy C3 Green Infrastructure

- Policy NE1 Biodiversity and Geological Resources
- Policy NE2 Trees, Woodland and Hedgerows
- Policy T1 Development and Sustainable Transport
- Policy T2 Other Sustainable Transport Measures

5.3 The Local Planning Authority also considers that the following policies are relevant:

- Policy SS11 Churnet Valley Strategy
- Policy H2 Housing Allocations
- Policy DC4 Local Green Space

Other material considerations

National planning policy and guidance

5.4 The following sections of the National Planning Policy Framework (the Framework) 2024 are relevant:

- Section 2 Achieving Sustainable Development
- Section 4 Decision Making
- Section 5 Delivering a sufficient supply of homes
- Section 8 Promoting healthy and safe communities
- Section 9 Promoting sustainable transport
- Section 12 Achieving well-designed places
- Section 15 Conserving and enhancing the natural environment
- Section 16 Conserving and enhancing the historic environment

Written Ministerial Statement (WMS) 30 July 2024 “Building the homes we need”

5.5 Alongside the revised draft Framework, the Government published a Written Ministerial Statement (WMS) on 30 July 2024. The Appellant considers that the WMS of 30 July 2024 should be given significant weight in the determination of this appeal. The LPA considers that it should be given weight.

6. Agreed matters: matters not in dispute

6.1 The following matters are agreed and are not in dispute.

Planning policy

6.2 The site is identified on the adopted proposals map as being located outside of the defined settlement boundary for Cheadle, and is designated as open countryside. The application does not meet any of the categories of development that are acceptable within the open countryside as listed in Policies H1 and SS10 of the Local Plan. It is agreed that there is conflict with Policies SS2, SS10 and H1 on the basis that the site is located outside of the settlement boundary, and consequently there is conflict with the development plan as a whole.

6.3 The council cannot demonstrate a five-year housing land supply. The tilted planning balance is therefore engaged (paragraph 11(d) of the Framework).

6.4 Whilst the proposal would result in less than substantial harm to the significance of a designated heritage asset (Broad Haye Farmhouse), it is agreed that this harm is outweighed by the public benefit of providing dwellings where there is a lack of supply. Therefore, it is agreed that paragraph 11(d)(i) of the Framework is not engaged. For the purposes of this appeal, the relevant part of paragraph 11 of the Framework is (d)(ii), which states that permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole”*.

Highways and accessibility

6.5 While the Planning Applications Committee had their concerns relating to the wider highways network, they accepted the advice of the Highways Authority that subject to conditions recommended by the Highways Authority the proposal would not have a severe cumulative negative impact on the wider highways network.

6.6 The site is within walking distance of Cheadle town centre and is located on the number 30 and 32 bus route. Measures to facilitate and encourage walking and public transport as a mode of travel would be secured as part of the Section 106 agreement and by condition.

6.7 The Local Highways Authority (Staffordshire County Council) raised no objection to the appeal proposal subject to conditions and a Section 106 Agreement to secure financial contributions towards monitoring of the Travel Plan, off-site highway works to improve pedestrian routes to the town centre and pedestrian

crossing facilities and improvements to bus services. These would be secured through the Section 106 agreement.

- 6.8 Subject to conditions and the proposed Section 106 obligations, it is agreed that there is no conflict with Local Plan Policies DC1, T1 and T2. Notwithstanding the planning committee's concerns regarding highways expressed as an informative to the decision notice, the LPA does not intend to bring any evidence relating to highways matters to the inquiry.

Air quality

- 6.9 An Air Quality Assessment (AQA) was submitted in support of the application. The Council's Environmental Health Officer accepts the conclusions of the AQA and does not object to the application, subject to a Section 106 contribution to improve air quality monitoring within Cheadle.
- 6.10 Subject to the proposed Section 106 contribution (the necessity of which is disputed by the Appellant), it is agreed that there is no conflict with Local Plan Policy SD4.

Education

- 6.11 In respect of primary school provision, the Staffordshire County Council's Schools Organisation Team (SOT) advised that the level of housing growth proposed for Cheadle in the Council's Local Plan will necessitate a new primary school to be delivered within one of the residential development sites. The consultation response states that a fair, transparent and consistent approach must be taken across large developments proposed in the Cheadle area. A contribution towards primary school provision is therefore sought.
- 6.12 Based on 215 houses, the proposed financial contribution is £1,815,890 (this has increased from £1,571,921.98 as set out in the committee report, due to increases in build costs which underpin the County Council's formula for calculating contributions). This contribution would go towards delivering the proposed new primary school on the Cheadle North Strategic Development Area (to the south of the appeal site), which benefits from planning permission. It is agreed that this contribution meets the CIL tests.
- 6.13 During the application, the Appellant proposed an additional contribution towards primary education of £1,028,078.02. However, it is agreed that the additional contribution is not necessary to make the development acceptable in planning terms, and as such it does not meet the CIL tests, and it cannot be given any weight in the determination of this appeal.
- 6.14 In respect of secondary education, the SOT advised in its consultation response to the planning application that high school provision at Cheadle Academy is projected to have sufficient space to accommodate the

likely demand from pupils generated by the proposed development, together with other committed development and the Local Plan allocations.

- 6.15 Subject to the proposed contribution towards primary education of £1,815,890, it is agreed that there is no conflict with Local Plan Policy C1.

Health facilities

- 6.16 The Staffordshire and Stoke on Trent Integrated Care Board has sought a contribution of £192,762 to support the development of primary care services in the area to mitigate the impact from the development on local healthcare services. It is agreed that the additional contribution is necessary to make the development acceptable in planning terms, and as such meets the CIL tests.
- 6.17 Subject to the proposed contribution to be secured by way of planning obligation, it is agreed that there is no conflict with Local Plan Policy SS12.

Contaminated land

- 6.18 The application was accompanied by a Desk Study Report (DSR) by Betts Geo dated June 2021. The Council's Environmental Health Officer (EHO) considers that the DSR is an acceptable assessment of the potential contamination risks associated with the site.
- 6.19 The WHO, the Coal Authority and the Environment Agency raise no objection to the application, subject to the imposition of conditions.
- 6.20 Subject to conditions, it is agreed that there is no conflict with Local Plan Policy SD4.

Flood risk & drainage

- 6.21 The Local Lead Flood Authority (LLFA) is satisfied with the proposal provided that the development proceeds in accordance with the approved strategy and that a condition also be imposed to secure a surface water management plan for the construction period. No objection has been received from Severn Trent Water subject to a standard drainage condition.
- 6.22 Subject to conditions, it is agreed that there is no conflict with Local Plan Policy SD5.

Ecology & biodiversity

- 6.23 Subject to the imposition of conditions, the proposed development would not have an unacceptable impact upon any protected species.

- 6.24 The statutory requirement for a 10% BNG does not apply to this proposal.
- 6.25 The application proposals would achieve a measurable net gain in biodiversity, through the delivery of a detailed landscaping scheme. This can be secured by condition.
- 6.26 Subject to conditions, it is agreed that there is no conflict with Local Plan Policy NE1.

Residential amenity

- 6.27 Subject to the details to be secured at the reserved matters stage, it is agreed that a detailed design can be achieved that would not have an unacceptable impact on the residential amenity or overlooking of any neighbouring properties.
- 6.28 A Noise Assessment is provided with the application. The Council's EHO does not object subject to a condition to secure noise mitigation in the properties adjacent to the Froghall Road.
- 6.29 Subject to conditions, it is agreed that there is no conflict with the relevant parts of Local Plan Policies DC1 and SD4.

Design

- 6.30 The appeal proposals are made in outline, with only the proposed vehicular access point from Froghall Road being considered in detail at this stage. It is agreed that an acceptable design can be achieved at the reserved matters stage.

Open space

- 6.31 Subject to the details to be secured at the reserved matters stage, it is agreed that a detailed design can be achieved that would provide a policy compliant level of open space, such that there would be no conflict with Local Plan Policy C2.

Self-build

- 6.32 The proposal would secure by way of planning obligation the marketing of 10% of the total number of units within the development as Self-Build/Custom-Build for a period of 12 months. These are plots for which there is a local need. This is a benefit of the proposed development.

Other matters

- 6.33 The appeal proposals would not result in any issues that would warrant refusal in relation to climate change, public rights of way (save for disagreement over the impacts on views – see the landscape SoCG),

archaeology, trees & hedgerows, subject to the imposition of appropriately worded conditions where necessary.

7. Principal matters in dispute (planning)

7.1 The following matters are not agreed / in dispute between parties:

- Whether there is conflict with Local Plan policies SS3, SS4, and DC3, and the weight to be attached to any conflict².
- In the context of paragraph 11(d)(ii) of the Framework, whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Signed on behalf of the appellant



John Coxon Position **Planning witness** Date **7th January 2025**

Signed on behalf of local planning authority



Jo Gregory Position **Planning witness** Date **7th January 2025**

² The Council clarifies that it does not allege conflict with Policies SS1, SS7 and DC2, but considers that these are relevant to the planning balance. The Council also clarifies that Policy DC2 remains a reason for refusal, but is primarily considered within the planning balance as the harm is outweighed by the public benefits of the proposal.