

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**7 MARCH 2019**

Application No:	SMD/2018/0700	
Location	Land adjacent to no. 10 Oxpasture, Cheddleton	
Proposal	Outline planning application for residential development.	
Applicant	L&C Homes Ltd	
Agent	Sammons Architectural Ltd	
Parish/ward	Cheddleton	Date registered: 05/11/18
If you have a question about this report please contact: Rachael Simpkin tel: 01538 395400 ex 4122 <a href="mailto:rachael.simpkin@staffsmoorlands.gov.uk">rachael.simpkin@staffsmoorlands.gov.uk</a>		

## **REFERRAL**

This is a major application and locally contentious.

### **1. SUMMARY OF RECOMMENDATION**

<b>APPROVE, subject to conditions and completion of s106 planning obligation securing matters of on site affordable housing provision and education contributions.</b>
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### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The greenfield 'amenity grassland' site extends to 0.8 ha and forms a broadly triangular shaped parcel of land which lies to the northwest of the Cheddleton centre within the village development boundary. It further adjoins VOS to the site's eastern and northern boundary (excluding a small section, which accommodates nos 6 and 8 Ox Pasture). No.8 Ox Pasture accommodates a group TPO (SM113G003), which affects a small section of the site's eastern boundary. Individual TPOs are featured along the site's southern boundary and to the rear of no. 47 Ostlers Lane. Existing residential development to the south (Ox Pasture) and west (Ostlers Lane) adjoin the application site boundary. A PROW (Public Right of Way) commences at no.10 Ox Pasture and is routed along the site's eastern boundary towards Fold Terrace in a northerly direction.

2.2 The application site is designated as VOS (Visual Open Space) and is located within the development boundary of the larger village of Cheddleton as contained within the 1998 Adopted Local Plan. These remain in force until such time as they are reviewed and adopted through the site allocations process.

### **3. DESCRIPTION OF THE PROPOSAL**

3.1 The revised submission constitutes an outline planning application seeking approval for the principle of development only at this stage. As a consequence, matters relating to access, layout, scale, landscaping and appearance are reserved for a later date. A red line block plan showing the extent of the site boundary, together with point of access and red line location plan form the submitted plan documents for the scheme. No specific housing numbers are sought within the application description, although an indicative plan has been submitted which shows a potential layout of the site. However this has now been withdrawn following the applicant's decision to reserve matters of access.

3.2 As access has now been withdrawn from the planning application scheme; the applicant therefore is only required to define the point of access into the site. The point of access is proposed from Ox Pasture and would involve taking a strip along the existing garden of no.10 Ox Pasture along its eastern edge. The access would then be aligned with its eastern boundary of no.10 between the existing route of the private access drives to nos. 6 and 10 Ox Pasture and PROW route into the site.

3.3 Future access matters will need to address: "the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network" as defined by Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3.4 The application also includes a Planning Statement, Ecology Report and latterly submitted drainage details. Members are advised to consider all of these documents prior to the meeting.

3.5 Details of the application scheme can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=126996>

3.6 The applicant has also confirmed Heads of Terms in relation to required education contributions and on site affordable housing provision as set out in the report below.

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

4.1 No recent or relevant site history.

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

5.1 The Development Plan comprises of:

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

## Staffordshire Moorlands Local Plan (1998)

5.2 Development boundaries within the 1998 Adopted Local Plan are still in force until such time as they are reviewed and adopted through the site allocations process.

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

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

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS6 Rural Areas
- SS6a Larger Villages Area Strategy
- SD1 Sustainable Use of Resources
- SD3 Carbon-saving Measures in Development
- SD4 Pollution and Flood Risk
- H1 New Housing Development
- H2 Affordable and Local Needs Housing
- DC1 Design Considerations
- 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

## Emerging Local Plan

5.4 The existing plan for the Staffordshire Moorlands does not include any allocations for housing and other types of land uses. The new plan will include sites for developments and boundaries. It will be a single document that will take a fresh look at the development needs of the district for the next 14 years to 2031. As well as early public engagement, the Council have undertaken public consultations on the draft plan site allocation options during 2015, preferred options and boundaries in 2016 and preferred options in 2017. The comments received in response have been used to prepare, publish and consult upon the final Local Plan draft 'submission' version, which was examined by the Inspector during sessions held in October 2018.

5.5 The Inspector's post hearing advice in respect of main modifications and related matters was published on the 11<sup>th</sup> January 2019. The Green Infrastructure Designations have been commented upon by the Inspector, which is of particular relevance to the application proposal. In these regards, he states:

"The Landscape, Local Green Space and Heritage Impact Study (2013) considered whether areas protected as Visual Open Space (VOS) within the existing LP should be subject to Local Green Space (LGS) designations within this LP. It appears to me that the majority of VOS designations have been carried forward to LGS

designations despite the high bar set by paragraph 77 of the Framework in relation to LGS – ‘demonstrably special to a local community’.

As an example, the two areas that were discussed in Cheddleton and Werrington and which I saw on site have some attributes in providing visual relief and views beyond the settlement. The fields at Ox Pasture are attractive. However, I do not consider that their designation as LGS is justified on the basis of them being ‘demonstrably special.’ In addition both villages are hemmed in by Green Belt with few opportunities for infill development (windfalls). Similar considerations would apply in other settlements. Providing the equivalent of Green Belt protection to land within settlements which is not ‘demonstrably special’ would limit opportunities for windfalls and would run counter to the Council’s objective of delivering at least 30 dpa through windfalls in the rural area (some 45% of the net housing requirement for the sub-area).

I would recommend that these two designations be deleted and that other LGS designations are reviewed in the light of this advice (MMs). In this respect I note the summary and recommendations in Table 9.1 and Appendix 2 to SD22.5 setting out why the LGS designation was considered appropriate for each site. However, in the light of my recommendations I would ask for each LGS to be reviewed applying the criteria within paragraph 77 of the Framework. A summary table of the Council’s conclusions on each site following this review should be provided”.

5.6 In response, the Council will be consulting on a draft Housing Implementation Strategy and related details to examination participants only. This took place between the 17<sup>th</sup> January and 8<sup>th</sup> February 2019. Consultation on main modifications to the plan will follow the local elections. The Local Plan is expected to be adopted by the end of 2019.

5.7 In this context, the Council’s position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as discussed above.
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question.
- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

### Emerging Policies

5.8 The following policies (including their weighting) are considered to be relevant to this application:

- SS1 Development Principles (Moderate)
- SS1 a Presumption in Favour of Sustainable Development (Significant)
- SS2 Settlement Hierarchy (Limited)
- SS3 Future Provision and Distribution of Development (Limited)

- SS4 Strategic Housing and Employment Land Supply (Limited)
- SS8 Larger Villages Areas Strategy (Limited)
- SS10 Other Rural Areas Strategy (Limited)
- SS12 Planning Obligations and Community Infrastructure Levy (Limited)
- SD1 Sustainable Use of Resources (Limited)
- SD3 Carbon-saving Measures in Development (Moderate)
- SD4 Pollution and Water Quality (Significant)
- SD5 Flood Risk (Significant)
- H1 New Housing Development (Limited)
- H3 Affordable Housing (Limited)
- DC1 Design Considerations (Moderate)
- DC3 Landscape and Settlement Setting (Significant)
- DC4 Local Green Space (Limited)
- C1 Creating Sustainable Communities (Moderate)
- C2 Sport, Recreation and Open Space (Moderate)
- C3 Green Infrastructure (Significant)
- NE1 Biodiversity and Geological Resources (Moderate)
- NE2 Trees, Woodlands and Hedgerows (Significant)
- T1 Development and Sustainable Transport (Moderate)
- T2 Other Sustainable Transport Measures (Moderate)

Supplementary Planning Document

Space about Dwellings (1996)

Supplementary Planning Guidance

Staffordshire Moorlands Design Guide (2018)

National Planning Policy Framework (NPPF) revised.

National Planning Policy Guidance

## **6. CONSULTATIONS**

6.1 Expiry date:

Press Notice: 12<sup>th</sup> December 2018

Site Notice: 8<sup>th</sup> January 2019

Neighbours: 3<sup>rd</sup> December 2018

Revised Neighbours: 2<sup>nd</sup> March 2019

A total of some 170 objections have been received, which are summarised as follows:

## Principle of Development

- Lack of facilities and infrastructure to support further housing;
- There are many more suitable sites if demand for housing is a priority in this village;
- The site should continue to be protected as a Local Plan protected VOS (Visual Open Space) for present and future generations;
- There are strong reasons why the Council has designated this land as a VOS, including to protect and retain the village integrity;
- It is also the last rural green space in the centre of Cheddleton village, and is adjacent to the conservation area;
- Such tracts of land need to be retained as set out in CS policy DC3 Landscape and Settlement Setting;
- The land is zoned as Local Green Space in the submission version of the Local Plan and it should not be developed, especially when other parcels of land have been identified as suitable for residential development;
- Proposed LGS designation states: "It is considered that the site provides very attractive views from the footpath on southern boundary out towards wider countryside (including the church and roaches). It is also tranquil and there is wildlife value in hedgerows. It is recommended that the whole site is designated as LGS".

## Highway Safety

- The proposed access from Ox Pasture is on a sharp bend, which is already a hazard to drivers owing to visibility;
- Scheme is not supported by any transport assessment or statement (as required by para 111 of the NPPF 2018);
- The plans do not demonstrate whether acceptable visibility splays could be achieved for any vehicles entering/exiting the site;
- Without these, it is unclear how the Council can determine the application;
- It conflicts with the shared drive access of nos. 6 and 10 Ox Pasture;
- I have experienced several near miss collisions on the blind bend;
- The site is adjacent to a pedestrian walkway, which is the main walking route to and from the local primary school;
- The proposed site access would no longer segregate this section of the PROW creating an added safety risk for such users;
- There would be noise / pollution / heavy traffic behind my house;
- Further traffic would add more pressure on road maintenance in the future;
- Should planning permission be granted, then the number of dwellings should be restricted due to the size of the site and access, for utility vehicles such as refuse collectors and emergency service vehicles, where exiting guidelines stipulate access distances and turning facilities for these vehicles to operate safely;

### PROW (Public Right of Way)

- The public footpath that runs behind the properties on Ox Pastures has been a PROW for the past 60 years;
- I am concerned that the proposal includes this footpath and it is queried whether there are there plans to redirect it;
- It is particularly well used for journeys to and from the school aided by a crossing assistant on the main A520, south of the junction with Ox Pasture;
- The unsurfaced footpath adjoining the southern boundary of the field offers uninterrupted views across the old village, Peak District National Park and the Roaches, which would be lost if the development were to proceed;
- I am concerned that I will not be able to get to St Edward's Church in Hollow Lane and Hollow Lane is a narrow, steep and busy with traffic both ways;
- The proposed scheme would have an adverse impact on the PROW adjacent to the site;
- NPPF para 98 states that: "Planning policies and decisions should protect and enhance public rights of way and access";
- The location of the proposed access road adjacent to the existing public footpath (the gully) would neither protect or enhance this public right of way;
- Instead it would erode and undermine the character of this PROW and consequently the safety of its users;
- The Parish Council has been making enquiries in respect of purchasing the footpath, however, this 3<sup>rd</sup> party has not been consulted;

### Character and Appearance

- The application site is very special being an important part of the green buffer; it separates the old village to the north from larger newer developments to the south, supporting the conservation area and character of the old village;
- The managed agricultural grassland adds to the rural feel of the village;
- Pockets of 'green open space' around the village are important to retain the village's character and appearance;
- The houses that surround the proposed development were built back in the 1940/50s and the scheme would be an eyesore for the old part of the Cheddleton village;
- This lovely green space does not need spoiling with housing;
- The scheme would not be sympathetic to its surroundings and would be visually intrusive within the landscape contrary to CS Policies DC1 and DC3 and the NPPF;

### Heritage

- The site is prominent in the wider landscape offering views and public access to the historical heritage centre of Cheddleton village, which is part of the Cheddleton Conservation Area and home to the Church of St Edward the Confessor (Grade II) and up to 12 Grade 2 listed structures, monuments and buildings;
- Development of any kind would have an adverse impact on the character and appearance of the heritage area;

### Ecology/Nature

- The extent of the wildlife supported by the application site and its importance has been understated in the application and ecological appraisal;
- The site is home to valuable wildlife including bats, hedgehogs and a host of bird life;
- Development would destroy the ecosystem within the Local Green Space and hedgerows would be at greater risk of being removed by purchasers of individual dwellings;

### Local Flooding / Drainage

- During heavy rains the grids overflow with open sewerage out onto the Cheadle Road and this has been reported several times in the past and photos have been submitted to the local Parish Council;

### Amenity

- The access road appears to run immediately adjacent to an existing dwelling and therefore a noise impact assessment should also be undertaken to determine the impact on residents at existing dwellings;
- Any development in the areas marked on the outline plan would inhibit the privacy of residents who occupy properties on Ostlers Lane and Ox Pasture;

### General

- The scheme would severely reduce value of properties which at present have uninterrupted views across the Churnet Valley towards Onecote and Grindon, and,
- The land ownership section and declaration has not been filled in or signed should be a planning application requirement.

### Cheddleton Parish Council

Cheddleton Parish Council strongly object to this application on the grounds that the site is designated Visual Open Space and to build on this open space would remove a welcome green space in the village with the loss of wildlife. The access proposed is not viable as it would create more traffic on an already busy road and make it extremely dangerous for existing properties to gain entry and leave their properties. It would also invade on the gully which is used by many people on foot to access the school and other parts of the village. There is also a further pathway which runs between the gully and Ostlers Lane, which the access road would run straight through and spoil the picturesque views of the church and village beyond. The infrastructure of schools and roads are not able to cater for further development.

### Local Highways Authority

Revised comments (26/02/19):

Conditional Response: This revised response is based on multiple discussions and on notification and that the application is to be considered on the basis of all matters being reserved. This response supersedes the previous response dated 4th December 2018.

There are no objections on highway grounds to the proposed development subject to the following conditions:

1. Layout and disposition of roads and buildings; details of access; details of intervisibility between proposed access, existing footway Cheddleton 1R/2575 and existing adjacent accesses to 4, 6 and 8, Ox Pasture; provision of parking, turning and servicing within the site curtilage; means of surface water drainage; surfacing materials; pedestrian routes to and through the site; arrangements for future maintenance of the hedge between site access and existing footway Cheddleton 1R/2575.
2. Development access point will need to achieve 2.4m x 43.0m visibility splays which shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

#### Ecology Officer

No objections: A preliminary ecological appraisal was carried out on the 24th September 2018. The survey did not find any significant ecological impacts likely to result from development. There were records of hedgehog, a species of conservation concern listed under the NERC Act 2006. In addition hedgerows are a NERC Act 2006 habitat of principal importance and were present along site boundaries. Protection and enhancement of habitats and species of principal importance is a duty under the NERC Act 2006. An updated badger survey was recommended within three months prior to the commencement of any development work. Other precautions relate to the timing of work to avoid impacts on breeding birds and working methods to avoid impacts on badgers or hedgehogs. These surveys and the timing of works can be conditioned as part of any application for full planning permission. I would suggest the following conditions: Badgers (an updated survey for badgers shall be carried out within three months before any construction work) and a Landscape Management Plan (creation, enhancement and management of semi-natural habitats).

#### Environmental Health Officer

No objections: Potential Areas of Environmental Concern relate to: Noise (during construction); Dust during construction; Foul Drainage; Asbestos (advisory) and Waste. The proposed development is near to existing properties so care needs to be taken during the construction phase to ensure these activities do not cause unreasonably disruption to the neighbour's enjoyment of their properties. If consent is granted the following conditions are recommended: Construction and Demolition Works; Construction and Demolition: Construction Method Statement; Unexpected Contamination; Importation of Soil/Material and Waste Management.

## Conservation Officer

Awaited. Members will be updated at the meeting.

## Arboricultural Officer

Revised Comments 26/02/19:

I understand that the application has been amended by withdrawal of the previously submitted indicative layout plan and internal road proposal, but maintaining the access road detail from the corner of Ox Pasture taking in the side garden of 10 Ox Pasture into the field.

In turn, I maintain my previous comment to note that the existing garden hedge along the eastern boundary of 10 Ox Pasture is shown to be largely retained, but also to still suggest that the proposed pavement along the western side of the new access road could be omitted to allow an increased buffer strip along the western side of the retained garden hedge with the existing tarmac surfaced public footpath IR/2575 ("the gully") serving as the access road pavement but separated from the carriageway by the retained hedge and buffer strip. On-going ownership/maintenance of this retained hedge would need to be provided for.

I now have no specific comments on internal layout, but would highlight that the existing field hedgerow and its trees along the eastern boundary, the off-site groups of protected trees directly across the gully footpath to the east, a few mature Hollies at the western boundary, and the very large mature protected Beech trees across the unregistered footpath to the southern boundary would all impose some degree of constraint at detailed layout design stage, both in terms of avoiding direct impact on roots/branches and responding to shading/over-bearing effects. A tree survey and arboricultural impact assessment report in accordance with BS 5837:2012 taking full account of these issues would be required in support of subsequent reserved matters layout proposals if outline planning permission is granted. However, given the largely open field character of the main part of the site, it is evident that some residential development could be accommodated, and served by the new access road off Ox Pasture as indicated, without detrimental impact on trees, and I therefore have no in-principle objection to this outline application with approval of access details also sought.

Where visible, the development itself would generally be seen from within the developed village boundary, and against/in the context of existing development – in particular properties along Ostlers Lane. Views into the site from the gully public footpath IR/2575 are at best filtered and in places obscured by the existing field boundary hedgerow (even at this time of year), and where such views are available they are directly towards the Ostlers Lane properties with their sometimes visually hard/abrupt rear garden boundaries to the field. It is therefore perhaps fair to say that the proposed development would not have significantly harmful visual impact on close range views from this public footpath – subject to a certain degree to some subsequent detailed considerations such as proximity to the hedge of taller building elevations and any hard garden boundary features such as fences and walls.

From the Ox Pasture to Ostlers Lane footpath along the southern boundary of the site, which is currently un-hedged and separated from the site itself only by a low and partially broken down post and wire fence and some intermittent Bramble scrub, the development would be in much more prominent view. However, in itself it would again largely be seen in the context of existing dwellings/gardens/structures along Ostlers Lane.

Of more significant consideration than any views of the proposed development itself, in their context, is the fact that possibly any residential development of this site would be likely to disrupt or even obscure the currently largely open views down the site from the Ox Pasture to Ostlers Lane footpath, looking towards the village centre and the heart of the Conservation Area and to the mid-range/longer range countryside landscape beyond. It could be suggested that the site provides a notable undeveloped open space over which views from within the built up area are available to appreciate the setting particularly of the historic core of the village and its relationship with its surrounding rural area.

#### Operations Manager – Open Space

Contributions requested are based on a threshold of over 20 properties. Due to the close proximity of Cheddleton Recreation Ground and Pointon's Sports Facility, the Council would seek off site contributions for both play and playing pitches. Cheddleton Recreation Ground is owned and managed by Cheddleton Parish Council and without wishing to prejudice the impartiality of the Parish Council, we do consider that the play contribution should be targeted to enhancements to the existing play area here, as the site will be accessed by the new residents. The Football Association have developed a Football Facilities Plan for Staffordshire Moorlands, which has identified the need for improvements to the grass pitch at Pointon's Sports Facility, as well as the grass pitch at the recreation ground. We would therefore seek off site contributions towards playing pitch improvements at either of these sites. The current formula for calculating these contributions is as follows: Play Space = number of bedrooms x £502.65 and Playing pitches = number of bedrooms x £627.21.

#### Local Lead Flood Authority (LLFA)

Revised comments are awaited in respect of drainage information as contained drawing reference 2018-2352-04A submitted by the applicant on the 13<sup>th</sup> February 2019. Members will be updated at the meeting.

#### Original Comments (13/11/18)

Insufficient information: We have reviewed the information provided; however, as this development is classified as a major development, the applicant needs to include a drainage design with the planning application, to demonstrate that there is a sufficient safe means of disposing of surface water. It should also demonstrate that the site is safe for the 1:100 year plus climate change storm event and that the flood risk to any third party is not increased as a result of the proposed development. We recommend that the SuDS Handbook Appendix A and Appendix C (available on our

website) should be completed and submitted with the application to address SuDS requirements and the proposed surface water drainage strategy.

### Severn Trent Water

I can confirm that we have no objections to the proposals subject to the inclusion of the following conditions: (1) The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and, (2) The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

### Operations Manager (Waste)

No objections. The planned access to the site will accommodate refuse collection vehicles without issue.

### County Mineral Authority

The County Council as the Mineral and Waste Planning Authority has no comments on this application as the site is: Not within or near to any permitted waste management facility; or Exempt from the requirements of Policy 3 Mineral Safeguarding in the Minerals Local Plan for Staffordshire (2015 - 2030); or is development subject to our standing advice for development proposals within mineral safeguarding areas.

### SCC Education

This development falls within the catchments of St Edward's C of E Academy Cheddleton, St Edward's Church of England Academy and Westwood College. The development is scheduled to provide 24 dwellings. A development of this size could add 4 First School aged children, 3 Middle School aged children, 2 High School aged children and 1 Sixth Form aged child. The education contribution for a development of this size would be as follows:

4 First School places (4 x £11,031 = £44,124), 3 Middle School places (3 x £13,827 = £41,481), 2 High School places (2 x £16,622 = £33,244) and 1 Sixth Form place (1 x £18,027 = £18,027). This gives a total request of £136,876 for up to 24 houses.

However, St Edward's C of E Academy Cheddleton and Westwood College are projected to have sufficient space to accommodate the likely demand from pupils generated by the development and therefore no request will be made towards First School or High School provision. St Edward's Church of England Academy is projected to have insufficient space to accommodate the likely demand from pupils generated by this development. An Education Contribution will be requested towards Middle School provision only.

The education contribution for a development of this size would be as follows; 3 Middle School places (3 x £13,827) which gives a total request of £41,481

The above comments are based on a development providing 24 dwellings; if the number of houses or total dwellings increases a revised contribution may be necessary.

The above contribution is based on the cost multipliers published in the current EPOP which are subject to change.

#### Police Architectural Liaison Officer

There would appear to be no reason on conventional crime and disorder grounds why the proposed development site would not be suitable for residential housing. In terms of layout, rear gardens of new housing could perhaps back on to the rear gardens of Ostlers Lane to provide mutual security and the fronts of the housing/ internal road accesses perhaps address the footpath behind Ox Pasture and the Gully footpath running alongside the eastern boundary thus providing some natural surveillance over them. Any reserved matters application would need to ensure that the layout demonstrated that crime prevention and community safety had been considered and appropriate measures incorporated to minimise criminal and anti-social opportunity and provide a safe environment.

What is much less clear is whether it is possible to provide safe vehicular access into and egress from the site and furthermore whether this can be achieved without conflicting with pedestrians on the bend at Ox Pasture, using The Gully to the side of the proposed access road and where the footpath behind 10 Ox Pasture will cross the proposed access road to meet The Gully. Unfortunately, the documentation accompanying this application does not attempt to do so, which given this application seeks approval for the access element of the proposals is striking. There is a conspicuous absence of detailed drawings to demonstrate what vehicle site access/egress is proposed and how potentially conflicting pedestrian and vehicular movements could be safely accommodated or a transport statement to demonstrate that Ox Pasture (and local road network?) can absorb the additional vehicle traffic likely to be generated. In addition, while it is clear a strip of 10 Ox Pasture's garden would be used to provide the access road; there is no discussion about what would happen to the existing back of pavement telegraph pole that would appear to be right in the way at the entrance of any new access road.

That is not to say that sufficiently safe solutions could not be provided. Vehicles turning into or pulling out of the new access road could have very clear visibility of Ox Pasture in both directions and thus need not have an adverse impact in terms of safety upon existing road users. A traffic calming measure across the new access road entrance could further reduce vehicle speed. The new access road would of course need to accommodate two-way vehicle movement to prevent congestion on Ox Pasture. One presumes vehicle movements from No. 6 and 8 Ox Pasture are low and in any event such vehicles currently have to exercise extreme caution when crossing the pavement particularly because of pedestrians exiting The Gully from behind the hedge that separates The Gully from the No.6/8 access road. Having to

consider vehicles entering or exiting the new access road need not present new dangers above those that currently exist.

For pedestrians using the Ox Pasture pavement and passing behind the railings outside No.4 before entering The Gully, the new access road should not present any difficulty, assuming there is some form of safe barrier along the length of the new access road separating it from The Gully. From observations made, pedestrians looking to use The Gully and approaching the bend on the opposite pavement (outside no. 3-11) or coming from Hillside Road direction appear to converge and cross the road at or close to the inside of the bend (seemingly the safest point), where it is possible to see Ox Pasture in both directions. From this position, it should also be possible to clearly see straight up the new access road and assess for traffic coming from that direction as well. Admittedly, pedestrians going in the opposite direction may need to exercise greater caution.

These observations obviously do not cover all permutations of pedestrian movement, but demonstrate that there may be scope to address the very real concerns that local residents clearly have regarding this issue, which is one among many. However, the application as submitted falls a very long way short of demonstrating that such potential conflicts have been considered, let alone workable solutions can be provided for all possible vehicular and pedestrians traffic flows and as such Staffordshire Police are unable to support the application in its current form.

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

### **Policy**

7.1 The determination of a planning application should be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the Local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the Staffordshire Moorlands Core Strategy.

7.3 The revised National Planning Policy Framework (NPPF) was issued on the 24th July 2018. The NPPF is considered to be a mandatory material consideration in decision making. The applicable contents of the revised NPPF will be referenced within the relevant sections of the officer report as detailed below.

7.4 Once again achieving sustainable development sits at the heart of the NPPF as referred to within paragraphs 10 and 11. As before, achieving sustainable development requires the consideration of three overarching and mutually dependant objectives being: economic, social and environmental matters where they

are to be applied to local circumstances of character, need and opportunity as follows:

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering a well designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well being; and,
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making the effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.5 Core Strategy policy S1a establishes a presumption in favour of sustainable development as contained within the NPPF. Paragraph 11 of the NPPF requires decision makers to apply a presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay; or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless:-

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. (Para 11 NPPF July 2018).

7.6 It is acknowledged that the Council cannot demonstrate a five year supply of deliverable housing land and as at 31<sup>st</sup> March 2018 the figure was 1.8 years. Recent case law has established that the application of the test in paragraph 14 (now paragraph 11) is a 'tilted balance' which is predisposed in favour of granting planning permission unless there are 'significant and demonstrable' adverse effects unless NPPF para 11(i) would apply.

7.7 Section 5 of the NPPF seeks to deliver a sufficient supply of homes, section 6 seeks to build a strong, competitive economy and section 8 seeks to promote healthy and safe communities.

7.8 The policies contained in the Framework are supplemented by the National Planning Practice Guidance (NPPG), which is also a material consideration in the determination of applications.

7.9 A list of key policies, guidance and other material considerations is provided above (section 5).

### **Principle of Development**

7.10 The main issue is whether or not the proposed development on land identified as 'Visual Open Space' is justified.

7.11 The district's Town and Village development boundaries from the 1998 Local Plan have been 'saved' and will remain in force for decision making purposes until they are superseded by the new Local Plan. Cheddleton is considered to be a larger village as defined by CS Policy SS6a 'Larger Villages Area Strategy' as a settlement with a role as a rural service centre providing for the bulk of local housing needs. On the village inset map for Cheddleton, however, the application site is part of a larger site identified as Visual Open Space (VOS). CS Policy DC3 'Landscape and Settlement Setting' seeks to protect and where possible enhance local landscape and the setting of settlements within the district by (4) "Identifying through the Site Allocations DPD and protecting from inappropriate development, areas of visual open space where the intention will be to retain the land's open and undeveloped appearance. Where appropriate the Council will seek public access agreements with the land owners and seek proposals for the enhancement or improvement of these areas as part of the green infrastructure network in accordance with CS Policy C3. In exceptional cases, limited development of areas of visual open space may be acceptable where this will bring about overriding improvements to the open space itself ...".

7.12 The Local Plan evidence base 'Landscape and Settlement Character Assessment (2008)' has assessed existing areas of VOS. For Cheddleton, the application site forms VOS CN01 / Ox Pasture and is recommended as suitable for these purposes. The site description is as follows: "The site forms a break in development when combined with the adjacent VOS. The rural character is visible locally with a public footpath alongside its hedgerow boundary". CN02 / Land adjacent to the Vicarage have also been recommended as suitable VOS as follows: "The site is an important break in development in this part of Cheddleton, particularly when combined with the adjacent VOS. It is also valuable as visual amenity, providing a strong rural feel".

7.13 In August 2016, a 'Landscape, Local Green Space and Heritage Impact Study' for the district was published by the Council and assessed the landscape sensitivity / heritage impacts of the proposed development allocations. As well, a review of the VOS designation against national planning policy was undertaken to ensure compliance with the NPPF.

7.14 In terms of policy background, the application site is designated as VOS (Visual Open Space) as contained within the 1998 Adopted Local Plan. These remain in force until such time as they are reviewed and adopted through the site allocations process and fall under CS Policy DC3 as detailed above. The VOS designations were carried through from Policy R5 allocations of the previous Local Plan into the current Adopted CS Policy DC3. The preamble and justification to the previous

Policy R5 stated: “These may be areas of land which are not essential as part of the ‘public’ open space provision in a settlement but which form valuable functions within towns and villages. These include forming a visual break between areas of development, contributing to local character, protecting attractive views and enhancing the setting of a public amenity such as a footpath. Such sites are considered worthy of protection from development as far ahead as can be foreseen. Paragraph 27 of former PPG note 3 ‘Housing’ indicates that such informal open spaces can be of great importance to the character of a neighbourhood and states that planning policies should identify sites, which need to be protected.”

7.15 As set out above, the VOS designation has been carried through into CS Policy DC3 as is discussed above. Within the NPPF, open space is defined as “All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity”.

7.16 The application site is not considered to be afforded protection in respect of CS Policy C2 ‘Sport, Recreation and Open Space’ and relevant national planning policy guidance. It has been discounted on the basis that it is not included within this study and there are no significant gaps in provision identified from catchment mapping for amenity greenspace across the District, which would be the classification of this site if it had been deemed suitable for such purposes. Consequently, due to these factors, it is considered that it has not been conclusively established that the site comprises amenity greenspace for the purposes of the Council’s Open Space, Sport and Recreation Study or that the development as proposed would detrimentally affect the supply of such space within the Cheddleton area. In these circumstances, the Council’s Project Officer confirms therefore that the focus would be for recognised and existing amenity greenspaces to meet relevant quality standards e.g. Cheddleton Recreation Ground. On this issue, it is found that the proposed development would cause no material harm to the provision of amenity green space within the area.

7.17 In respect of the emerging local plan, the ‘Landscape, Local Green Space and Heritage Impact Study’ (2016) evidence base has reviewed the existing VOS designations against national planning policy and was undertaken to ensure its compliance with the NPPF. This review identified that the LGS (Local Green Space) designation as detailed within the NPPF would be a more robust designation to take forward within the emerging plan. As a result, the VOS designation element of CS Policy DC3 is considered to be inconsistent with the NPPF and instead such spaces need to meet the strict LGS criteria as detailed below. The existing VOS allocations and relevant section of CS Policy is considered to be inconsistent with the NPPF and therefore attract significantly reduced weight in these regards when assessing the ‘titled’ planning balance of the scheme against housing benefits.

7.18 In relation to the designation of LGSs within the emerging Local Plan, NPPF paragraph 99 states: “The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green

Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period”.

7.19 Furthermore, at NPPF para 100: “The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land”.

7.20 The ‘Landscape, Local Green Space and Heritage Impact Study’ (2016) has found that the previously identified sites were found to be suitable for designation as Local Green Space: Ox Pasture (west – the application site) “High tranquillity and visual amenity value, some ecological and recreational value” and Ox Pasture (east) “High tranquillity and visual amenity value, some ecological and recreational value” and have been designated as such in the emerging Preferred Options Local Plan.

7.21 As set out in more detail within the relevant policy section above, the Local Plan Inspector whilst considering the fields at Ox Pasture to be attractive; does not consider them to be ‘demonstrably special’. In these circumstances, he considers that awarding the equivalent of Green Belt protection to land within settlements which is not ‘demonstrably special’ would limit opportunities for windfalls and would run counter to the Council’s objective of delivering at least 30 dpa through windfalls in the rural area. In these circumstances, he has recommended that two LGS designations be deleted, including Ox Pasture and that other LGS designations are reviewed in the light of this advice. As stated above, LGS can only be designated when a plan is being prepared or updated. The Inspector’s objections indicate a direction of travel and are yet to be concluded. Notwithstanding this, the emerging Local Plan has not reached an advanced stage and therefore only limited weight can be attached to this LGS designation within the context of a tilted planning balance.

7.22 This is an outline application with matters of access, scale, appearance, layout and landscaping reserved for future consideration. It is considered that where visible, the development itself would generally be seen from within the developed village boundary and against / in the context of existing development – in particular properties along Ostlers Lane. There are considered to be no significantly harmful visual impact on close range views from the public footpath (IR/2575). From the Ox Pasture to Ostlers Lane footpath along the southern boundary of the site, the development would be in much more prominent view, however, this in itself it would be seen in the context of existing dwellings / gardens / structures along Ostlers Lane. In these circumstances, there is no reason why an appropriate, high quality scheme, that has an affinity and resonance with its village context and the local architectural vernacular could not be secured at a detailed design stage should Members be minded to approve the scheme. Particular consideration will need to be given to a spacious layout to reflect the grain of the locality and an appropriate two storey scale of development. There will also need to be detailed considerations in relation to hard garden boundary features such as fences and walls. Accordingly, it is acknowledged that the development of this area of attractive grassland would irreversibly change its character as a result of built development, however, would not constitute a harmful

visual impact to conflict with CS Policies SS6a, DC1 and DC3 in particular and relevant national planning policy guidance.

7.23 It has been suggested that the site provides a notable undeveloped open space over which views from within the built up area are available to appreciate the setting particularly of the historic core of the village and its relationship with its surrounding rural area. The scheme cannot be considered to constitute Local Green Space at present as is discussed above. The views of the Council's Conservation Officer have been sought as to whether the scheme constitutes heritage harm in the terms of CS DC2 and the NPPF. Accordingly, Members will be updated at the meeting.

7.24 With regard to specific tree and hedgerow matters, the Council's Arboricultural Officer has suggested that the proposed pavement along the western side of the new access road could be omitted to allow for a greater buffer to the retained garden hedge. It is also highlighted that the existing field hedgerow and its trees along the eastern boundary; the off-site groups of protected trees directly across the gully footpath to the east and mature Hollies at the western boundary, and the large mature protected Beech trees across the unregistered footpath to the southern boundary would all impose a degree of constraint at a detailed layout design stage, both in terms of avoiding direct impact on roots / branches and responding to shading / over-bearing effects. In these circumstances, a tree survey and arboricultural impact assessment report in accordance with BS 5837:2012 taking full account of these issues would be required in support of subsequent reserved matters layout submission.

7.25 The balance of considerations is returned to at the end of the report. Firstly, however, the other technical issues are discussed and analysed under the sub headings below.

### **Accessibility / Sustainable Travel**

7.26 The application site cannot be regarded as highly sustainable in the context of the larger settlements within the district. Cheddleton, however, does offer alternatives to car travel. Walking and cycling opportunities are available and there is a regular bus service to offer opportunities for sustainable travel modes to accord with the relevant parts of CS Policy T1 and the NPPF.

### **Access**

7.27 Approval of access is no longer sought at this stage. The application has therefore been amended by withdrawal of the previously submitted indicative layout plan and internal road proposal, but maintaining the access road detail from the corner of Ox Pasture taking in the side garden of 10 Ox Pasture into the field. The views of the Local Highway Authority confirm that the proposed access point and proposals are acceptable. On this basis, there are no grounds that the scheme would compromise highway safety, subject to those conditions as detailed below. Moreover despite concerns raised by local residents about the impact on the surrounding public right of way, the development would not encroach on or prevent use of these pedestrian routes. There is considered to be no conflict therefore, with CS Policy T1 which requires, among other things, that all new development is

located where the highway network can satisfactorily accommodate traffic generated by a proposed development and the NPPF.

### **Drainage**

7.28 The small scale major application has now been accompanied by a Flood Risk Assessment (FRA). It is expected that it will show that drainage is not a technical constraint to the development of the site. The comments of the Lead Local Flood Authority are outstanding; however, these are due shortly. In these circumstances, a Member update will be provided in respect of scheme compliance with the relevant part of CS Policy SD4 and the NPPF.

### **Biodiversity / Ecology**

7.29 The application is accompanied by preliminary ecological appraisal. The comments of the Ecology Officer confirm that the survey did not find any significant ecological impacts likely to result from development. It was reported that there were records of hedgehog, a species of conservation concern listed under the NERC Act 2006. In addition hedgerows NERC Act 2006 habitats of principal importance were present along site boundaries. Protection and enhancement of habitats and species of principal importance is a duty under the NERC Act 2006. An updated badger survey has been recommended within three months prior to the commencement of any development work. Other precautions relate to the timing of work to avoid impacts on breeding birds, and working methods to avoid impacts on badgers or hedgehogs. These surveys and the timing of works can be suitably conditioned as part of any detailed application scheme. Accordingly, the scheme is considered to comply with the relevant part of CS Policies DC1, NE1 and the NPPF.

### **Residential amenity (including noise, air quality and contamination)**

7.30 The amenity of existing and future residents is a material planning consideration as supported by CS Policies DC1 and SD4, both of which seek to minimise pollution and protect residential amenity and relevant NPPF guidance. In any event, such matters would fall within the scope of the reserved matters application(s), which will include the detailed scheme's assessment against the Council's 'Space out Dwellings Guidance'. Given the location of the site close to existing properties care needs to be taken during the construction phase and post construction to ensure site related activities do not cause unreasonably disruption to the neighbour's enjoyment of their properties, which can be suitably conditioned. With the imposition of suitable conditions where reasonable and necessary, the proposal scheme would comply with Policies DC1 and the relevant parts of SD4 and the NPPF.

### **Affordable Housing**

7.31 In accordance with CS Policy H2, the applicant is offering 33% of the total number of dwellings to be affordable homes. The application makes no reference to tenure, however, this should be a 70% rent and 30% shared ownership / intermediate tenure split. The Council's expectation is that the affordable dwellings will be built to NDSS minimum space standards and be adequately pepper potted across the site to ensure a sustainable community. The affordable housing

contribution / details would need to be secured through a Section 106 agreement should Members be minded to grant planning permission.

### **Developer Contributions**

7.32 As advised above, the SCC School Organisation Team is requesting a financial contribution to mitigate the impact on school capacity arising from this development. In addition the Councils Open Spaces officer considers that off site contributions for both play and playing pitches, to be directed towards Cheddleton Recreation Ground should be secured. Together with on site affordable housing provision, and the above off site contributions the development would accord with CS Policy C1, and secured in a Section 106 Obligation.

### **Planning Balance & Conclusions**

7.33 As set out above, the Local Planning Authority must determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'.

7.34 The NPPF is a mandatory material consideration in decision making. It sets out a presumption in favour of sustainable development. For decision taking it says at paragraph 11 that where those policies which are the most important for determining the application are out of date, the tilted balance applies i.e planning permission must be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Footnote 7 confirms that 'out of date' includes applications for the provision of housing where the Council cannot demonstrate a 5 year supply of deliverable housing sites. The tilted balance applies as the District has less than 2 years of supply.

7.35 There is some conflict with CS Policy DC3 in respect of those elements which relate to the site's VOS (Visual Open Space) designation. The application site is a designated visual open space within the adopted Core Strategy, however, it does not form an 'amenity' greenspace within the Council's Open Space, Sport and Recreation Study nor does the standards paper consider that there is a deficit of such space to be protected under relevant open space planning policy. Notwithstanding the recent Inspector's comments as set out above, the site cannot be considered to be a designated Local Green Space owing to the status of the emerging local plan. Clearly, the weight to be afforded to the visual open space designation element of CS DC3 is reduced in these circumstances owing to its out of date nature and conflict therefore with the NPPF. As discussed above, the development for housing would result in an acceptable level of visual harm to the character and appearance of the area to comply with CS Policies SS6a, DC1 in particular and NPPF.

7.36 The small scale scheme would appropriately provide for a suitable level of housing for a larger village and rural service centre such as Cheddleton within the defined village settlement boundary and is considered to be accessible to relevant services and facilities. The provision of housing in circumstances of a chronic housing under supply attracts significant weight in the overall planning benefit

contributing to the sustainable objective of sustainable development as defined by the NPPF. The proposal would deliver economic benefits through the construction of the dwellings and once completed through extra spending power in the local economy and increased Council tax receipts. Moderate weight is attached to these economic benefits. There would be social benefits with the provision of additional housing and the provision of affordable housing.

7.37 The application proposal has been found to be acceptable on matters of highway safety, nature conservation and residential amenity and is considered to be neutral factors in the planning balance. It is unlikely that the scheme would result in a scale of heritage of harm to outweigh the benefits of housing provision in the context of the titled balance. The conservation officer's views will be reported to Members at the meeting. Matters of flood risk are to be concluded and again Members will be updated at the meeting.

7.38 In conclusion, the 'titled' planning balance judgement is that the development of a Visual Open Space allocation, as defined by the previous local plan and the limited visual impact would not constitute significant and demonstrable harm in the terms of the NPPF to outweighs the clear benefits of a small scale housing scheme within the larger village and rural service centre of Cheddleton. In these circumstances, the social and economic benefits are considered to outweigh any limited environmental harm. A recommendation of approval is therefore made.

## **8. RECOMMENDATION**

**A. That planning permission be APPROVED, subject to conditions and the completion of s106 planning obligation securing matters of on site affordable housing provision, education contributions and off site play and playing field contributions:**

### **Time Limits**

- 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.**

**Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.**

- 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 and thereafter the development shall only be carried out in accordance with the details as approved.**

**Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.**

- 3. Details of the Access, appearance Layout, Scale, Appearance and Landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority**

before any development is commenced and thereafter the development shall only be carried out in accordance with the details as approved.

Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Articles 4 and 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. The development hereby approved shall be carried out in accordance with the following submitted plans
  - Location Plan ref. 2018/2351/01Reason:- To define the permission and in the interests of proper planning.

### Dwelling Type and Size

5. The reserved matters application(s) shall be based on the Nationally Described Space Standards Technical Housing Standards.  
Reason: - To ensure dwellings of adequate size in line with national policy.
6. The type / mix of units at the reserved matters stage shall reflect the Council's Strategic Housing Market Assessment (SMHA).  
Reason: - To ensure an appropriate mix of units in line with national policy.
7. A detailed Arboricultural Method Statement to include a scheme for the retention and protection of trees and hedges on or adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority with the first reserved matters application. Development shall be carried out in accordance with the approved Statement and protection scheme for the site and in particular:
  - a) No trees or hedgerows shall be cut down, uprooted or destroyed, cut back in any way or removed without the written approval of the Local Planning Authority;
  - b) If any tree, shrub or hedge plant is removed without such approval, or dies or becomes severely damaged or diseased within 5 years from completion of the development hereby permitted, it shall be replaced by another tree, shrub or hedge plant of similar size and species, planted at such time as may be specified in writing by the Local Planning Authority;
  - c) No operations shall commence on site (including soil moving, temporary access construction and/or widening or any operation involving the use of motorised vehicles or construction machinery) unless the protection works required by the approved protection scheme are in place;
  - d) No excavation for services, no storage of materials or machinery, no parking of vehicles, no deposit or excavation of soil or rubble, no lighting of fires and no disposal of liquids shall take place on the site

within any area designated as being fenced off or otherwise protected in the approved protection scheme, and,

- e) All protective fencing erected in accordance with the approved scheme shall be retained intact for the full duration of the construction of the development for that phase of the site hereby permitted and shall not be moved or repositioned, without the prior written approval of the Local Planning Authority.

Reason:- To retain important existing trees and hedgerows in the interests of the character and appearance of the area.

8. 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 (nominally 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 wild birds. The existing hedgerow including hedgerow trees along the eastern boundary of the site with public footpath IR/2575 shall be permanently retained.

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

### Biodiversity/Ecology

9. No development including site clearance shall take until a Construction Environmental Management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). This must include:

- Risk assessments of potentially damaging construction activities.
- Identification of biodiversity protection zones.
- Practical measures during construction to avoid or reduce impacts during construction (may be provided by method statements).
- The location and timing of sensitive works to avoid harm to biodiversity.
- Confirmation that there will be no clearance of trees, shrubs, tall ruderal or brambles between 31<sup>st</sup> March and 31<sup>st</sup> August inclusive unless a competent ecologist has undertaken a careful detailed check of vegetation for active birds nests, immediately before vegetation removal, and provided written confirmation that no birds will be harmed and/or appropriate methods are in place to protect nesting bird interest on sites. Any such written confirmation should be submitted to the LPA for its written approval before any clearance of trees, shrubs, tall ruderal or brambles.
- Suitable methodology for the removal of Japanese Rose before any work is undertaken on the hedgerows.
- Lighting used during construction to minimise impacts on wildlife.

- Open excavations or pipes to be sealed at night. Ramps / planking to be installed to permit wildlife to escape being trapped in structures during construction.
- The role and responsibilities of an ecological clerk of works or similar competent person.
- Disposal of waste material on site.
- Use of protective fences, exclusion barriers and warning signs.

The CEMP shall be implemented and adhered to throughout the construction period strictly in accordance with approved details.

Reason:- In the interests of protected species and habitats during construction

10. The first reserved matters application shall be accompanied by an Ecological Management Plan (EMP) addressing mitigation and enhancement. The EMP should include:

- Purpose and conservation objectives of the proposed enhancements.
- Detailed designs and/or working methods to achieve stated objectives.
- Extent and location of proposed works on appropriate plans and scale maps.
- Type and source of material used where appropriate e.g. native species of local provenance.
- Creation and enhancements of semi natural habitats linked to Staffordshire and UK biodiversity Action Plan priorities prioritising the enhancement and creation of hedgerows and associated buffer strip (up to 2m from hedgerows).
- Timetable for the implementation of works demonstrating that works are aligned with the proposed phases of the development. This should include a ten year plan detailing implementation, monitoring and remediation and habitat maintenance measures
- Creation of bird nesting features for bats, house martin and house sparrow within new buildings.
- A lighting design plan and technical specifications to minimise light spill into surrounding hedgerows and the adjacent countryside. Lighting must demonstrate acceptable impacts on foraging or commuting bats that may use adjacent hedgerows and allow birds species to exhibit undisturbed behaviour patterns.
- Garden planting to benefit pollinating insects including climbing species to create green infrastructure.
- Persons responsible for implementing the proposed works.

The EMP shall be implemented in accordance with the approved details and all features shall be retained in that manor thereafter.

Reason: In order to secure a net gain in biodiversity.

### Drainage

11. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The

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

Reason:- This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

### Construction/Demolition

12.No development (including site clearance) hereby permitted shall take place until a Demolition and Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

- i. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
- ii. the arrangements for prior notification to the occupiers of potentially affected properties;
- iii. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- iv. a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;
- v. a scheme for recycling/disposal of waste resulting from the construction works;
- vi. the parking of vehicles of site operatives and visitors;
- vii. the loading and unloading of plant and materials;
- viii. the storage of plant and materials used in constructing the development;
- ix. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- x. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works.

All works shall be carried out in accordance with the approved details.

Reason: To protect the amenities of the area.

### Unexpected Contamination

13.In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority and

subsequently implemented. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason :- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

### Soil Importation

14.No soil shall 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 first submitted to and approved in writing 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 validatory evidence submitted to and approved in writing to by the Local Planning Authority.

Reason :- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

### Waste Management

15.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.

### Highways

16. Details of access as part of any reserved matters shall include:

- layout and disposition of roads and buildings;
- details of access;
- details of intervisibility between proposed access, existing footway Cheddleton 1R/2575 and existing adjacent accesses to 4, 6 and 8, Ox Pasture;
- Provision of parking, turning and servicing within the site curtilage;
- Means of surface water drainage
- Surfacing materials;
- Pedestrian routes to and through the site;
- arrangements for future maintenance of the hedge between site access and existing footway Cheddleton 1R/2575

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

**Reason: In the interests of highway safety**

**17. Details of access, as part of any reserved matters application shall comprise 2.4m x 43m visibility splays. 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 prior to the development being brought into use.**

**Reason: In the interests of highway safety**

**B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Operations Manager - Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

### **Informative**

- 1. A sustainable development has been negotiated which complies with the National Planning Policy Framework.**

