

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

28th March 2023

Application No:	SMD/2023/0496	
Location	The Old Bowling Green, Leek Road, Cellarhead, ST9 0HX	
Proposal	Construction of 9 extra care units/dwellings (C2), communal lounge/office building and associated works.	
Applicant	Bagnall Heights Ltd	
Agent	Emery Planning	
Parish/ward	Cheddleton	Date registered: 03.10.2023
If you have a question about this report please contact: Chris Johnston tel: 01538 395400 ext. 4123 christopher.johnston@staffsmoorlands.gov.uk		

REFERRAL

The application is before committee due to the large number of representations received and it is a departure from Green Belt policy.

1. SUMMARY OF RECOMMENDATION

APPROVE subject to S106 and Conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site is on the eastern edge of the built-up part of Cellarhead and lies to the east of A520, Leek Road and to the north of A52 Kingsley Road which runs along the south boundary of the site. It comprises a flat, green and open plot of land, roughly rectangular, which was formerly a bowling green and part of the garden to a former pub, to the south-west of the site, the buildings of which were converted a considerable time ago into a clinic with associated offices ("Sub-4"). The site is considered to historically have been within the curtilage of the former pub. The north, east and south boundaries of the application site are marked by hedgerows and there is a new close-boarded timber fence, marking the west boundary. The access is the current "Sub-4" clinic car park off Leek Road to the west. The clinic buildings are next to the traffic light junction for the two main roads and also a short distance along Kingsley Road, next to the road. The buildings are outside of the application site but part of the car park, next to the car park entrance is included within the site and links the road to the plot further to the east. There are rows of dwellings on the opposite sides of each road, to the west and south of the site and which face the road. Open land and fields lie to the north and east of the site. An access track runs along the east boundary serving two residential properties which lie to the north-east of the site. There are large mature trees along the north boundary of the site and another tree in the south-east corner of the site. The site has an area of 0.49 hectares.

2.2 The site is within the North Staffordshire Green Belt. The development boundary for Cellarhead/Werrington runs along Leek Road and all the land to the east of it is within the Green Belt.

2.3 The route of a Public Right of Way runs from Leek Road to the south of the car park access and crosses the car park diagonally towards the north-east and through the north boundary of the application site. However, despite the presence of a Public Footpath sign next to the road there is no actual path accessible.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 This is a full planning application for nine brick-and-tile detached 2-bed bungalows and a single-storey communal and office building in matching materials, for an existing over-55's residential care complex, "Bagnall Heights", near Bagnall. The operators of the complex have acquired the site in Cellarhead for the proposal as an alternative to extending the current Bagnall Heights site, to provide additional care dwellings that they claim are in demand.

3.2 The development would be laid out in a cul-de-sac formation with the existing "Sub 4" entrance off Leek Road used as a shared access leading to an access road across the current car park to the old bowling green plot where it would then turn southwards forming a straight cul-de-sac with bungalows either side to the west and east all facing the road. The facilities building would be placed at the end, on the east side of the turning head and adjacent to Kingsley Road with the flank wall facing the road. The bungalows would have an identical form and design (but with some "handed"), which along with the facilities building would comprise red bricks and grey tiles on a fully hipped roof, with front and rear hipped gable projections and stone quoins and bands to add detailing and visual interest. The bungalows would have small front and rear gardens. There would be two parking spaces per dwelling. The facilities building would appear as an elongated version of the bungalows, nearly twice the size but with the same depth and height and with front and rear gable projections at both ends. This would accommodate a large communal lounge for the residents, a kitchen, toilets and a staff office. A bin store building would sit opposite the facilities building to the other side of the turning head. There would be a pedestrian access at the end of the cul-de-sac onto Kingsley Road where bins can be collected and which is also adjacent to a bus stop.

3.3 The new access road would provide a new entrance to the "Sub 4" car park. The north side of the access road would be grassed over and the row of mature trees on the north boundary would be retained. This would be supplemented by new tree planting in between along with wildflower seed mix areas and within the development plot, new native hedge planting, ornamental hedge planting and new tree and shrub planting in accordance with a detailed landscaping drawing with details of species and planting sizes.

3.4 The submitted Planning Statement gives more details about the current Bagnall Heights care complex and its operation, as follows:

The applicant operates Bagnall Heights extra care complex providing

specialist accommodation for people aged 55 and over who are in need of care. The units would be operated as an annex to the applicant's existing extra care development at Bagnall Heights. The applicant owns and operates Bagnall Heights care village. Bagnall Heights was constructed in 2006 following the grant of planning permission in 2004 for the redevelopment of the former Bagnall Hospital. A further planning permission was granted in 2017 for an extension to the care complex to provide an additional 14 single storey units for the provision of residential accommodation and care to people in need of care. The existing care village is just under 3 miles from the application site.

Bagnall Heights comprises a total of 65 properties incorporating 36 bungalows, 22 two-bedroom apartments and 7 one-bedroom apartments. There is a 24-hour reception and a communal lounge. At present there are approximately 80 residents living on site. The apartments and bungalows are either available to purchase on a 99-year leasehold or short term let. The freehold is retained by Bagnall Heights. Bagnall Heights employs 27 management and care staff including trained nursing staff with an additional 2 gardeners.

The care model operated by Bagnall Heights promotes independent living in a rural location. The specialist accommodation on offer enables individuals and couples to live independently in their homes with the benefit of a domiciliary care package to suit their specific needs. The needs of residents are regularly re-assessed. Each residential unit provides independent living facilities including kitchen, accessible bathroom, 1-2 bedrooms and lounge. The properties each have an air phone which connects directly to the 24-hour reception. In the case of emergency, the reception provides a first response service and alerts additional services if necessary. The properties are designed to be accessible and accommodating to those living with dementia through the use of dementia friendly signage and appropriate floor coverings amongst other things. Many of the residents at Bagnall Heights are living with dementia and the staff are fully trained to provide the level of care needed, allowing people to live more independently and freeing space in nursing homes for those with more acute needs. A full spectrum of domiciliary care is on offer at Bagnall Heights from short visits to help with domestic chores such as cleaning, shopping and odd jobs through to full delivery of personal care and end of life care. A separate laundry service is available through reception. The site is visited on a regular basis by local services such as newsagents, fishmonger, milkman, chiropodist, dentist, doctors and pharmacy.

3.5 The Planning Statement gives the rationale behind the proposal and the need for the expansion of the care complex as follows:

The accommodation at Bagnall Heights is full. At present there are 15 individuals on the waiting list for a rental property and 5 on the waiting list for a property to purchase. In January 2023 there were 7 individuals on the waiting list for a rental property and 4 on the waiting list for a property to purchase and there has therefore been a significant increase. Bagnall Heights has also started a waiting list for people interested specifically in the site

subject to this application and there are currently 3 people on the waiting list. Bagnall Heights frequently has enquiries from social services on behalf of people who are no longer able to live completely independently in their own homes. The applicant has identified a strong need to expand which is supported by evidence from Staffordshire County Council and has for some time been searching for an alternative site.

The existing site at Bagnall Heights has previously been expanded to accommodate an additional 14 units as set out above. There is an undeveloped area of land to the north east of the existing buildings at Bagnall Heights. This area is not proposed for the expansion of Bagnall Heights for a number of reasons:

- 1. It comprises the landscaped setting for the existing properties which is one of the key features of the existing residences. The retention of a landscaped setting is important from a commercial perspective;*
- 2. This area of the site accommodates the surface water attenuation basin to the west and also existing drainage below ground;*
- 3. The land falls away to the north east and is not flat.*

The applicant has explored new sites within the Staffordshire Moorlands that could be operated as an annex to Bagnall Heights and within 3 miles of the existing site. The logic behind this search area is as follows:

- 1. The new site would operate as an annex to the existing care village at Bagnall Heights and it is essential that the new site would share care teams, staff, gardeners etc with the existing provision at Bagnall heights. 85% of existing staff live within 3 miles of Bagnall Heights. The relationship with the existing care provision is key to the site search and has been a key factor in selecting this site. From an operational perspective, this enables the applicant to provide the necessary domiciliary care to the residents at the existing and proposed sites;*
- 2. The site needs to be flat for obvious reasons;*
- 3. The applicant also requires a site that is accessible by public transport for two reasons. First, this provides some independence for mobile residents who may not drive. Second, many staff are dependent upon public transport to deliver the domiciliary care and accessibility is also important in this regard.*

The Old Bowling Green at Cellarhead, a former public house, is the only site the applicant has found which meets the operational requirements for the business and was purchased to pursue proposals for an annex to the existing scheme.

3.6 The Planning Statement also includes a review of all alternative available sites in the District considered for the Bagnall Heights care complex extension.

3.7 The Planning Statement gives further details about the proposed development and how it would operate:

The residential accommodation proposed at The Old Bowling Green would operate as an annex to Bagnall Heights and would provide extra care accommodation to the over 55s. It would operate in the same manner as Bagnall Heights offering specialist accommodation to individuals and couples allowing them to live independently in their homes with the benefit of a domiciliary care package to suit their needs.

The same spectrum of domiciliary care and services would be available as at Bagnall Heights and the site would be served by the same staff as Bagnall Heights. Staff would travel between the sites in a coordinated manner either directly from home by public transport or by car sharing via private car. The site would also be visited by local services in the same manner as Bagnall Heights. The airphones within the accommodation would link to reception at Bagnall Heights reception and in the case of emergency, the reception would provide a first response service and alert additional services if necessary. The provision of care would meet the particular requirements of the individual residents. The domiciliary care package would be registered with the Care Quality Commission and available to all occupants of the units via the domiciliary care service on the same basis as it is for the existing residents at Bagnall Heights.

Residents would benefit from their own communal lounge and would also be able to take advantage of the events on offer in the main lounge at Bagnall Heights. Residents would be made aware of these events via the Bagnall Heights newsletter and would be able to register to attend through reception (in the same way as residents at the main site). Communal transport would be arranged where needed either through staff or the community bus service.

Like Bagnall Heights the properties would be available for sale on a leasehold basis or to rent. The monthly maintenance fee and building insurance charge would apply. The terms of the leasehold make a clear distinction between normal residential properties and those with the provision of care.

3.8 The application was also submitted with an Arboricultural Impact Assessment Report (with tree protection methods), A Preliminary Ecological Report and a Transport Statement. Later on in the application process, an Air Quality Assessment Report, Biodiversity Net Gain document and Great Crested Newt Technical Note were submitted.

3.9 The application files including the drawings, reports and other details of the proposal together with consultation and notification responses can be viewed on the Council website at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=174584>

4. RELEVANT PLANNING HISTORY

Pre-application advice was given for the proposal under ref PAD/2023/0006.

A Permission in Principle (PIP) application for the proposal was refused last year (21.2.23) on the grounds of it being deemed to be inappropriate development in the Green Belt and also due it being deemed to be a significant intrusion into the countryside resulting in harm to the character and appearance of the area (ref: SMD/2023/0021).

Other planning applications relating to the Old Bowling Green site are as follows:

SMD/2020/0299: Proposed erection of single storey commercial building (B1 light industrial) for the production of nutraceuticals products for Sub 4 Health. Approved 15.1.21. This was approved in the south part of the current application site adjacent to Kingsley Road.

Adjacent to the site affecting the former public house buildings:

12/01070: Construction of extension to provide an orthotics manufacturing facility and offices in association with existing Health and Wellbeing Centre. Approved in Jan 2013.

10/00468/FUL: Change of use of the public house into a to a sports Injury/podiatry clinic and a single storey side extension. Approved Dec 2010.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises:

Adopted Staffordshire Moorlands Local Plan - Sep 2020

5.2 The following Local Plan policies are relevant to the application:-

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS8 Large Villages Area Strategy
- SS10 Other Rural Areas Strategy
- SD1 Sustainable Use of Resources
- H1 New Housing Development
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport

National Planning Policy Framework (NPPF).- December 2023

Para 11: Presumption in Favour of Sustainable Development
Section 2: Achieving Sustainable Development
Section 4: Decision Making

Section 5: Delivering a Sufficient Supply of Homes
Section 12: Achieving Well Designed and Beautiful Places
Section 13: Protecting Green Belt Land

6. CONSULTATIONS

6.1 A site notice was posted and displayed on Leek Road a short distance to the south of the site access on 14.11.23 inviting comments within 21 days from the date it was posted. Letters were also sent out to adjacent properties shortly after the application was received and 21 days was given for comments in response. A Press Notice was issued on 10.10.23 as development affecting a Public Right of Way.

Public response to consultation

6.2 Letters of objection were received from seven nearby households. The points raised are as follows:

- Loss of view of open land from bedroom windows
- Loss of Green Belt land
- Loss of greenfield land
- Harm to wildlife especially bats, birds and great crested newts
- Would add to pressure on local facilities e.g. doctors surgery
- Would exacerbate air pollution at the traffic light crossroads
- Would exacerbate traffic congestion problems at the crossroads
- No details as to how the Public Right Of Way will be managed
- No foul sewage proposals
- No proposals for the disposal of waste

6.3 One further letter has been received from a local resident not objecting to the application as housing for the elderly is preferable to the approved factory unit for the site but requests that the tree in the SE corner is protected along with hedges and also that works are not undertaken at anti-social hours and that the road is resurfaced.

6.4 One letter of support has been received.

Cheddleton Parish Council

6.5 Objection raised as the site falls within Greenbelt land with no special circumstances and there are other sites which could meet the needs.

SCC Highways Authority

6.6 Recommendation Summary: Conditional

Site Visit Conducted on: 20-Nov-2023

Personal Injury Collisions:

Current records show that there were 2 personal injury collision (PIC) on Leek Road junction with Kingsley Road and Cellarhead Road within 50 metres of the property access and 1 PIC on Kingsley Road from 01/01/2019 to 31/12/2021. Although all PICs are regrettable, the overall volume of collisions does not suggest there are any existing safety problems that would be exacerbated by the proposed development.

Background:

The development site is located on Leek Road and connects with Kingsley Road and was previously a bowling green facility. The site is located within the residential area of Cellarhead and close to Werrington (approx.1 mile) where there is a doctor's surgery, dentist, grocery store, library, village hall, schools and other amenities that are walkable or accessible by bus.

The access to the site is approx. 60m north of the crossroads with Leek Road (A0520), Kingsley Road and Cellarhead Road (A0052). All are A classified roads which are subject to a 30-mph speed limit and have streetlighting and footways. The access currently provides vehicular access to the carpark of a commercial unit (Sub 4). A continuous footway is provided along Leek Road (south of the access to the development) to Kingsley Road and the signalised pedestrian crossing points. There is a footway along Kingsley Road and Cellarhead Road.

Previous Application:

SMD/2023/0021 - Permission In Principle (PIP) for the construction of up to 9 residential units with care (C2), communal lounge/office and associated works – Acceptable to Highway Authority.

Description of Proposal:

Construction of 9 extra care units (C2), communal lounge/office and associated works.

Pedestrian Access

The site should link to the pedestrian access on to Leek Road. The new proposed footway within the site as shown in revised Drg No. 23-124-02 Rev B and Drg No. 23-124-02 Rev D (running along the northern boundary of the site onto A520 Leek Road) does not lead/connect to an existing footway and leads to a grass verge however the previously proposed footway on the south side as shown in submitted Drg No.

23-124-02 connects to the existing footway on Leek Road.

The proposal has been revised and an additional pedestrian access has been proposed from the site onto Kingsley Road detailed in Drg No. 23-124-02 Rev D. It is noted that a bus shelter with a regular service throughout the day to Upper Tean and Uttoxeter is a short walk away from the pedestrian access.

Vehicular Access

Vehicular access to the dwellings would be via the existing access off Leek Road currently to Sub4 carpark. The access will be shared with Sub4 and the new development. Visibility to the north and south from the site access is good. However, the submitted plans show a radius kerb and a dropped kerb access off Leek Road, clarification is required.

Car Parking

Parking 2 spaces for each property is proposed, this meets with Staffordshire Moorlands Parking Standards which state; Detached/Semi-detached property of up to 3 bedrooms requires 2 spaces (2.4 x 4.8m each space) for residents and visitors. Parking for the lounge is also proposed, 4 spaces are detailed on submitted plan Drg No. 23-124-02 Rev D.

It is considered the proposal would not have a detrimental impact on the highway. I therefore have no objection to the proposal (application number SMD/2023/0496) subject to the following being conditioned:

The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved Drg No. 23-124-02 Rev D. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.

Notwithstanding what is shown on the submitted drawings clarity on the access proposal is required on the following;

- The access improvement shows both a radius kerb and dropped kerb.
- The access drive proposed is 5.5m wide – the width between the existing gate pillars is 4.6m, the submitted drawings do not show modifications to the gate pillars, fencing or gates.
- Confirmation if the access drive is to remain private or adopted.

REASONS

To comply with NPPF; to comply with SMDC Core Strategy Policy DC1 and T1; in the interests of highway safety.

Note to Planning Officer:

Revised information received on 22/01/2024 – (Drg No. 23-124-02 Rev D – Public footpath amended) provides better connectivity for pedestrians accessing the A0052 Kingsley Road. This change to the application would not have a detrimental impact on the adopted highway comments/conditions previously applied Form X dated 18/01/2024 still apply.

If the access road were to be constructed in block paving and adopted the commuted sum would be considerable.

The submitted drawings aren't clear, the access improvement shows a radius kerb and dropped kerb. The access drive is proposed at 5.5m wide however the measurement taken between the gate pillars is 4.6m wide, details have not been supplied as to modifications to the pillars or fencing or gates. The new proposed footway (running along the northern boundary of the site onto A520 Leek Road) does not lead into a grass verge or connect with a footway. The previously proposed footway (running south of the new proposed footway onto A520 Leek Road) would connect with an existing footway on Leek Road. It is not clear as to whether the access drive is to be private or adopted. The current proposals however are not adoptable as the proposed footway does not connect to the existing adopted footway (Leek Road).

Environmental Health

6.7 In the original consultation response, a refusal was recommended as the Application is adjacent to the Cellarhead Air Quality Management Area (AQMA) and parts of the site (near to the road) may potentially be unsuitable for development as they could introduce new exposure to poor air quality. It was also considered not clear how traffic movements associated with the development will affect the air quality within the AQMA, which has been improving in recent years. It was requested that An Air Quality assessment should be submitted with the application to establish the suitability of the site for the proposed development and any potential additional impacts on the wider AQMA

6.8 In response to the submission of an Air Quality Assessment Report, EH removed its objection to the application, commenting as follows:

The report is considered to be an appropriate assessment, considering both the site suitability and impacts on the wider network during the a construction and operational phases.

Mitigation measures (section 7) for onsite plant machinery has been provided and these should be included as a requirement for the construction management plan, which should also include provisions for dust management (not included here). Impacts due to the scheme in the operational phase have been screened out due to the low number of vehicles and a statement from the transport consultants that the development is not anticipated to result in changes to existing vehicle speeds, or impact on / result in changes to overall timings of / absolute queue lengths on the surrounding local highway network. This has been accepted by the highways authority. This is therefore tentatively accepted.

While it is noted that the air quality assessment has screened out further assessment due to a predicted negligible impact on the road network, this is not entirely conclusive at this stage (it is only a prediction), notably during construction. The applicant has also not noted any other additional mitigation / enhancements that may further reduce the AQ impacts of the development (e.g. travel plans, EV infrastructure). Therefore, although the development is unlikely have any significant negative effect it is also does not contribute to any AQ improvements or benefits.

As part of the air quality action plan for the area, SMDC are seeking to install real time monitoring in the AQMA (NO_x and PM₁₀) to better inform potential actions to improve AQ in the area. It is recommended that the applicant therefore, makes a financial contribution towards the ongoing costs of real time monitoring of air quality within the Cellarhead Air Quality Management area. We would therefore seek a contribution of £1500 to cover the ongoing (not purchase) costs of one sensor for one year, to cover the construction and implementation period of the development. This should either be as a condition of the planning permission or secured via a s.106 agreement. In addition; the applicant is reminded that they will be required to install EV / EV infrastructure in accordance with [Approved Document S: infrastructure for charging electric vehicles](#)

Sound Insulation: The site is adjacent to a busy main road and junction. There are

also commercial units next to the proposed housing. The residential units are set back from the road behind a communal lounge but are likely to be impacted by road traffic noise. We would advise a sound insulations scheme is submitted prior to development commencing and that a pre-commence compliance test is undertaken to ensure the requirements of BS8233:2014 and the PROPG: New Residential Development are achieved in the new residential units. Additionally the communal lounge should be included in any noise assessment submitted to ensure noise break out or any associated plant/machinery is considered.

Site Construction Nuisance: The proposed development is close 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. All construction activities should pay due care to the advice set out in BS 5228:1 and 2 in order that noise and vibration impacts are minimised during site preparation and construction phases.

6.9 The EH recommended conditions to be imposed on any permission granted to require a Construction and Environmental Management Plan (CEMP) to be submitted for approval and adhered to during the construction phase and also a sound insulation and lighting scheme to also be submitted for approval and implemented. Other conditions recommended related to the testing of any imported soils and dealing with any unexpected contamination during the construction phase.

SCC Public Rights of Way (PROW) Section

6.10 The Definitive Map of Public Rights of Way for Staffordshire shows a public right of way crossing the application site. From the submitted information, it appears it will be directly impacted by the proposed development. The following should be brought to the attention of the applicant and noted in the planning consent if granted: Public Footpath No.55 Cheddleton Parish runs across the application site, crossing the site access and existing car park .

NPPF 100. states that: *Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*

The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or its obstruction (temporary or permanent).

The term obstruction, in this context, also applies to items such as gates or stiles which are regarded as licenced obstructions which must be sanctioned by the highways authority.

Users of the path must be able to exercise their public rights safely and at all times and the path be reinstated if any damage to the surface occurs as a result of the proposed development.

Peak & Northern Footpaths Society

6.11 Use of the PROW and the safety of users must not be affected by the development, nor during the work taking place.

Ramblers

6.12 P.R.O.W Cheddleton 53 could be affected if these plans go ahead. There seems to be no mention of what will happen to the path, if it will be diverted e.t.c. This must be a priority if and when work is started.

SCC Health and Care Directorate - Older People and Physical Disabilities Commissioning Team

6.13 SCC in principle have no objection to this application as it is a satellite site to Bagnall Heights.

SCC Local Flood Authority

6.14 *"No further comments to offer."*

SCC Education/School Organisation

6.15 "No comments to make."

Staffordshire Wildlife Trust

6.16 Original consultation response:

The proposed will result in the loss of semi-improved grassland. To determine if the proposed landscaping plan provides adequate compensation to offset the habitat to be lost, we recommend the Council requests a Biodiversity Impact Assessment (Biodiversity metric 4.0). In addition, a pond is within 50m of the Site. We would recommend that further investigation should be undertaken, to determine likelihood of great crested newts to be onsite. This should include a Habitat Suitability Index and Rapid Risk Assessment to be undertaken, and/or application towards a District Level Licence.

6.17 In response to the submitted Biodiversity Impact Assessment and GCN Statement, the comments of SWT are awaited and will be reported at the Committee meeting.

Severn Trent Water

6.18 No objection subject to a condition requiring details of foul and surface water drainage to be submitted to the Council for approval before works commence.

Staffordshire Police Designing Out Crime Officer

6.19 No objection but recommends further measures to improve security including the provision of a hedge along the western boundary of the site, moving the communal lounge and office building to the middle of the development and installing CCTV.

SMDC Waste Collection Service

6.20 No issues regarding waste collections.

SMDC Trees and Landscape Officer

6.21 Comments awaited and will be reported at the Committee meeting.

7. OFFICER COMMENT AND PLANNING BALANCE

Introduction

7.1 Paragraph 11 of the National Planning Policy Framework (NPPF, 2023) promotes a 'presumption in favour of sustainable development'. For decision takers this means:

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless:

i) the application of policies in the 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 the Framework taken as a whole.

7.2 Paragraph 8 of the NPPF (2023) identifies three dimensions to sustainable development as being economic, social and environmental. In accordance with policies SS1 and 1a of the Staffordshire Moorlands Local Plan, the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protect, and where possible, enhancing the environment. When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (2023).

7.3 The main issues with the proposal are as follows:

- Whether or not the proposal amounts to inappropriate development in the Green Belt and if so, whether or not there are any "very special circumstances" to outweigh the harm to the Green Belt.
- The overall principle of the development in this location and sustainability.
- The impact on air quality.
- The impact on the character and appearance of the area.
- The impact on residential amenity.
- The impact on highway safety.

- The impact on the ecological value of the area.

Whether or not the proposal amounts to inappropriate development in the Green Belt.

7.4 Although the site is very close to what could be determined as the built-up area of Cellarhead, the site is outside of the Development Boundary for the village, as defined in the Local Plan. This boundary runs along Leek Road to the west and then along Cellarhead Road towards Werrington. The site is therefore deemed to be in the “countryside” for the purposes of the Local Plan and is also within the Green Belt.

7.5 Policy SS10 of the Local Plan, the strategy for the countryside, states there will be strict control over inappropriate development in the Green Belt. The NPPF in paragraphs 154 and 155 lists the exceptional types of development which are not inappropriate in the Green Belt and which are therefore by definition in the NPPF not deemed to be harmful to its openness. New-build residential care buildings or dwellings for tourist/visitor accommodation purposes are not listed. Limited infilling in villages is listed but it is not considered that the site could be classed as “infill” as the site does not sit in an identifiable small gap between buildings and mostly open land exists to the north and east and most of the land to the west of the proposed development is a car park. Furthermore, the provision of a cul-de-sac development of ten buildings is not deemed to be “limited” in this case.

7.6 The applicant claims that the site could be described as “previously developed land” (PDL) also known as “brownfield” land as the site is deemed to be within the curtilage of the former pub which has a number of extensions and buildings and a car park associated with the new use as a sports clinic with associated offices and manufacturing. Planning permission was granted in 2021 for a new building for Sub 4 on part of the application site. The NPPF lists the redevelopment of PDL sites as not being inappropriate. However, this is only providing the proposed development would not have a greater impact on the openness of the Green Belt than the existing development. The application site itself is completely open. The provision of nine dwellings and a communal building over the whole of the former bowling green and beer garden plot which is completely open and free of buildings will without doubt have a greater impact on the Green Belt than the existing development. There is no existing development on the site and the adjacent Sub 4 buildings are not proposed to be removed.

7.7 The proposed development therefore does not fall under any of the categories listed in paras 154 and 155 of the NPPF and is therefore deemed to be inappropriate development. By definition in the NPPF, inappropriate development in the Green Belt is harmful to its openness and should not be approved unless there are “very special circumstances”. The NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Very Special Circumstances

7.8 It must therefore be determined if there are any very special circumstances (VSC) with the proposal which could be deemed to outweigh the individual level of harm to the openness of the Green Belt. The application agent has put forward a number of VSC in the Planning Statement which are summarised as follows:

1. The critical need to provide housing for older people;
2. The specific need for specialist elderly accommodation within Staffordshire Moorlands;
3. There are no alternative sites outside of the Green Belt which are suitable, available or deliverable;
4. The provision of social and wellbeing benefits;
5. Absence of a 5-year land supply;
6. Economic benefits.

7.9 With regards to Points 1 and 2 above, The District, in line with national demographics, has an increasing proportion of older people and therefore an increasing demand for suitable accommodation preferred for older people and couples, typically small single-storey units and also retirement complexes. Whilst this in itself is certainly a very important need to be addressed, in itself it would not particularly amount to a “very special” circumstance. However, there does appear to be a relative significant additional need for the ageing population in Staffordshire Moorlands which would add significant weight in favour of the scheme. According to Staffs County Council Strategic Delivery Manager who has been involved in the pre-application discussion, the District has one of the highest elderly populations in the County. The Staffordshire Moorlands Strategic Housing Market Assessment states that there is projected to be an increase of 63% of older people (75+) living alone in the District between 2014 and 2030. The projected increase in population per age group in the District from 2018 to 2043 is 52% (aged 75 to 79), 64% (80 to 84) and 79% (85 to 89). The Planning Statement also states that the Council has provided the agent with data on care home numbers in the District. It identified 168 care units in the District but that the identified extra care need in Staffordshire Moorlands in 2020 was recorded at 310 units and therefore only just over half the need for such units in the District is met. Furthermore, the Strategic Delivery Manager from SCC at the pre-application meeting outlined a gap of an additional 121 units in the Staffordshire Moorland to bring the level of provision to the county average by 2027 taking into account planned extra care schemes.

7.10 With regard to Point 3, regarding the lack of more suitable sites outside of the Green Belt, a review of the Council’s Strategic Housing Land Availability Assessment (SHLAA, 2015) had been undertaken to assess possible alternative sites. The applicant investigated sites with a capacity of 10 to 15 dwellings/units in the District (bearing in mind that the applicant proposes nine dwellings with additional space required for the communal/facilities building) and the SHLAA outlines 42no. such sites available. Sites with a capacity of less than 9 units were ruled out as these would not be able to accommodate the proposed development. Similarly, SHLAA sites with a capacity of more than 15 units were ruled out as these would be too large to accommodate the proposed development and would represent an inefficient use of land, contrary to Policy SD1 of the Local Plan and the NPPF. Of the 42 sites, those already within the Green Belt or within Conservation Areas were discounted.

7.11 The applicant requires a site within three miles of the existing care complex at Bagnall Heights. This is considered essential to the whole operation of the care complex for the reasons set out in para 3.5 of the Committee report. There were no sites identified in the SHLAA which meet the distance from the existing facility and size of site criteria once the Green Belt and Conservation Area sites were removed.

7.12 Existing Local Plan Housing Allocations were investigated. There were 8 found with a suitable size regarded by the applicant as being between 0.4ha and 1.0 ha. The application site is 0.49ha. However, after discounting sites which were over three miles from Bagnall Heights or were already approved to be built on, this left one site, in Endon, but this has a predicted capacity of 22 units and the care home extension development on that site would not represent an efficient use of land, which is a material consideration given the current less than five year supply of housing land which puts the Council under greater pressure to maximise the potential of the allocated sites to address the current undersupply of housing.

7.13 Local estate agents and commercial land agents have also been approached but with regard to the number of commercial sites available on the market, none were within the 3-mile zone of Bagnall Heights.

7.14 With regard to the rest of the “very special circumstances”, listed as points 4,5 and 6 above, the Planning Statement outlines the benefits to health and wellbeing arising from communal care living and retirement complexes, both those with dementia and without and on this point concludes that extra care housing plays an important role in meeting the healthcare needs of older people whilst reducing the financial burden on the NHS. On the five year housing land supply argument, the Planning Statement concludes that significant weight should be given to the provision of the extra care units proposed and to the effect of releasing under occupied housing as retired residents move into the new accommodation. Finally, with regard to economic benefits, the Planning Statement states that *“the proposal would deliver benefits to the economy through the creation of jobs during the construction and operational phase. It is anticipated that the proposal would be serviced by the existing team at Bagnall Heights. Although this will not lead to the creation of a large number of new jobs, it will consolidate the existing jobs, which should be given some positive weight in the planning balance.”*

7.15 Officers consider that although points 4,5 and 6 would not count as “very special circumstances”, they would add to the benefits provided by the proposal. On the whole, the clear need and demand for more suitable care accommodation for the older age groups in the District is considered to add to greater weight in favour of the proposal and that together with the demonstration that no more suitable site exists outside of the Green Belt (and in consideration of the operational needs of the care facility), it is considered that the proposed development on this particular Green Belt site would amount cumulatively to very special circumstances required to allow it to be approved. Whether this outweighs the identified particular level of harm to the openness of the Green Belt and also whether there are any other harms identified with the proposal, for example, impact on the character and appearance of the area, residential amenity, highway safety and other environmental impacts is explored further on in this report.

The overall principle of the development against policies SS8 and SS10 of the Local Plan.

7.16 The site is outside of the Development Boundary for Werrington and Cellarhead and therefore the proposal must be determined against Policy SS10 'Other Rural Areas', the strategy for the countryside, as a whole. However, it could also be regarded as being on the edge of the built-up part of the village as there is adjacent development attached to the Development Boundary and therefore the proposal should be viewed against Policy SS8, the strategy for the Large Villages. Policy SS10 restricts new build housing development in the countryside to that which has an essential need to be located in the countryside. Policy SS8 aims to meet the housing requirements of large villages by, inter alia, giving consideration to limited infilling on the edge of settlement boundaries, subject to the criteria set out in Policy H1 'New Housing Development'. Regarding large villages, Policy H1, new housing development is allowed where it will adjoin the boundary of a larger village and be well related to the existing pattern of development and surrounding land uses. Although it could be argued the proposal would relate well to the existing pattern of development in that there are adjacent rows of houses including new cul-de-sac housing developments on the opposite side of Kingsley Road (built on previously developed/former industrial sites), which are also within the Green Belt, the site does not adjoin the actual Development Boundary of the village which runs along Leek Road.

7.17 There is an allowance in the policies for new housing on previously developed i.e. brownfield land, but as argued above in the Green Belt section of this report, the site is not regarded as being brownfield as it is a green and open space, once a pub garden and bowling green, despite the allowance of commercial building for Sub 4, but this was on a small part of the site next to the current Sub 4 buildings.

7.18 The proposal does not comply with policies SS8 or SS10. However, matters with regard to the supply of housing and housing need still need to be taken into account and the ongoing issue of a deemed "undersupply" of housing in the District. With regard to the issue of there being less than a five-year supply of housing land, new housing schemes submitted before 19th December 2023 have to be determined against para 11 of the NPPF which gives a presumption in favour of sustainable development if a Development Plan was deemed to be "out of date" due to the inability of the Council to demonstrate a 5 year supply unless the site was affected by "areas of assets of particular importance" e.g. Green Belts or, would lead to adverse impacts which would outweigh the benefits of the scheme. In this case the site is within the Green Belt and therefore the presumption in favour of sustainable development does not apply in this case.

Sustainability

7.19 Whether or not the site is in sustainable location is also a material consideration. Although the site is outside of the village development boundary it is adjacent to two bus routes with regular services and there bus stops nearby. There is one adjacent to the site on Kingsley Road with services to Werrington and Stoke. A pedestrian path is proposed onto Kingsley Road at the end of the proposed cul-de-

sac to link the development to this. The bus stop on the route to Leek on Leek Road is opposite the Sub 4 car park. Village services within a mile of the site that are likely to be used by the proposed residents such as food stores, eating places and a doctors surgery (although some level of healthcare is also offered by the applicants), can be reached via a safe and level, lit footway along the main road. There are pedestrian crossings at the traffic light crossroads. It is also a convenient and short cycle ride into the centre of the village. Due to the type of accommodation of offer, restricted mostly to persons of or near to retirement age and many of whom will require the care on offer by the applicant, the number of vehicle movements would be likely to be lower than that generated by a scheme of nine unrestricted dwellings.

7.20 There will also be visiting staff although the applicant states the proposal would not create a significant number of jobs in addition to the 30 working at the current complex and car sharing is easily achievable for transport to and from Bagnall Heights, in addition to the ability of staff to be able to reach the site from larger centres of population via public transport.

7.21 Overall, the Council considers the site is in sustainable location for a care orientated residential development of nine houses and is in a far more sustainable location than the current Bagnall Heights complex which is not connected to bus services or safe footways to the nearest shops and services which are also a much further distance away. The sustainability benefits of the site location should be afforded some weight in the overall consideration of the proposal.

The impact on air quality

7.22 Policy SD4 of the Local Plan states “The Council will protect people and the environment from unsafe, unhealthy and polluted environments by ensuring proposals avoid potential adverse effects; and only permitting proposals that are deemed (individually or cumulatively) to result in pollution (including air/ water/ noise/ vibration/ light/ ground contamination) if after mitigation, potential adverse effects are deemed acceptable. This may be achieved by the imposition of planning conditions or through a planning obligation.”

7.23 Due to the presence of two main roads which meet at a crossroads junction in the village, the area is included in an Air Quality Management Area (AQMA). The Environmental Health (EH) Section of the Council requested an Air Quality Assessment and this has been undertaken and a report submitted. EH largely concurs with the findings of the report which states that there would not be any significant additional impact on air quality as a result of the scheme due to the relatively low numbers of vehicle movements arising from the care accommodation scheme and that this would also have no bearing on current vehicle speeds on the main roads and level of queuing at the traffic lights. EH also accepts the measures proposed during the construction phase to minimise emissions from plant, vehicles and other machinery (which can be secured via the use of a standard condition requiring a Construction and Environment Management Plan to be submitted and approved before works commence) and although details of dust management during the construction phase have not been included, a standard condition can be imposed requiring those details to be submitted for approval before works commence.

7.24 However, no details of mitigation to reduce impacts on air quality have been put forward in the assessment report to help reduce and minimise the predicted impacts as required in Policy SD4. The proposal would also not contribute to any improvements. This can be rectified by a financial contribution towards the installation of real time monitoring in the AQMA e.g. sensors, which is proposed by the Council, to better inform potential actions to improve air quality in the area. The applicant has agreed to contribute a sum of £1,500 towards to a sensor for the period of one year to cover the construction and implementation period of the development. This can be achieved either by imposing a planning condition requiring this or a Section 106 Agreement attached to any planning permission for the development.

7.25 Overall, it is considered that with the safeguard of conditions and a contribution towards the monitoring of air quality in the area through the construction and implementation phases, the proposal would not give rise to any additional significant impact on air quality in the area and would comply with Policy SD4 of the Local Plan.

The impact on the character and appearance of the area.

7.26 Policy DC1 'Design Considerations' of the Local Plan states that new development should, inter alia, be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance. Policy DC3 looks to protect landscapes and the rural settings of villages and towns in the District.

7.27 It is accepted the development of nine dwellings and a facilities building on a green and open site outside of the Development Boundary will have a significant visual impact. There is development to the south and west of the site but the land to the north and east is largely open with fields. To the north of Kingsley Road, there are no buildings further north than the Sub 4 buildings and so the cul-de-sac development would be an encroachment into the open countryside to the north and east. However, it is considered the level of harm is restricted by virtue of the development being no further north of the built up part of the village, largely to the west of Leek Road and no further east of the village development to the south of Kingsley Road. When approaching the traffic lights along Kingsley Road from the east, a modern cul-de-sac development and ribbon development of houses facing the road are easily visible before going past the application site. This gives the impression of reaching the built-up part of the village before going past the site. There is also a larger cul-de-sac development of modern houses opposite the site to the south before reaching the traffic lights. When approaching the traffic lights from the north along Leek Road, suburban development on the west side of the road is reached before the Sub 4 access which will lead to the application plot. The site is visible to the other side of a tarmac car park. The area immediately to the north and east of the traffic lights can be easily described as semi-urban rather than rural.

7.28 Due to the flatness of the site and the thick hedge screening along the north, south and east boundaries, the site itself is not easily visible from the north along Leek Road and from the east along Kingsley Road. A proposed development of bungalows with a standard eaves height and a ridge height of 4.2 metres, would not be harmfully prominent when approaching the village along the main roads, with only

the fully hipped roofs being visible. From the north the development would be seen against backdrop of two-storey development along Kingsley Road.

7.29 A new single storey building for Sub-4 was approved along the southern edge of the site facing the road which would have added to the urbanising impact of the approach into the village from the countryside to the east.

7.30 For the above reasons, although there is existing development on two sides of the site, to the west and south, due to the site being a green open site next to rural fields to the north and east of the more open parts of the countryside, there would be some level of harm to the character and appearance of the area and the rural setting of the village, but it is considered the level of harm is limited due to the existing semi-urban character and appearance of the area to the east of the traffic lights along Kingsley Road and also the more suburban west side of Leek Road and the presence of the Sub-4 buildings and the car park between the village edge and the application site.

7.31 In visual and landscape terms, it is considered preferable to build on this new site in Cellarhead than extend the current Bagnall Heights care home complex into the surrounding open countryside. Bagnall Heights is in area with a far more rural character and unlike the Cellarhead site has open land on three sides. It cannot expand to the south or east due to the presence of country lanes. To the west is a golf course. To the north of the buildings is open green amenity land which forms part of the grounds of the complex (each unit does not appear to have its own garden) and further to the north is open fields and development here would also be highly prominent from School Lane approaching Bagnall Village (due to only low level screen hedging along the road) and would result in significant harm to the rural character and appearance of the area (the current complex is largely screened from both adjacent roads by large numbers of perimeter trees). It is considered the development of the Cellarhead site would be less harmful to rural character and appearance than the expansion of the current complex.

7.32 With regard to design and layout, the design of the buildings, reflects styles found traditionally in the area, with red bricks and grey tiled roofs and the shape and design of the fenestration on the primary elevations harmonises with the design of the bungalows. There are features such as stone quoins to add some interest to the conventional form of the buildings. Overall, the proposed design of the bungalows and facilities building would harmonise with character and appearance of the area, which to some extent has a mix of styles, both old and modern and no real consistency in the street scene along Kingsley Road and Leek Road. Along Leek Road there are several bungalows with hipped roofs and the proposed bungalows would to some extent reflect their form and appearance. With regard to landscaping, the existing hedges and trees along the site perimeters would be retained and new tree and hedge planting would be provided. The comments of the Council's Tree and Landscaping Officer are awaited regarding the suitability of the landscaping and the impact on trees (although there does not appear to be any new buildings or surfacing close to the existing trees) and the comments will be reported at the Committee meeting.

7.33 Overall, the design and landscaping of the development, subject to the

comments of the Trees and Landscape Officer, would be acceptable in this location and would comply with Policy DC1.

The impact on residential amenity

7.34 Policy DC1 'Design Considerations' of the Local Plan states that new development should, inter alia, protect the amenity of the area, including the creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution.

7.35 It is considered the low level height of the bungalows and facilities building would avoid any harms to the residential amenities of existing nearby residents. The nearest dwellings are to the south of Kingsley Road and which face the application site. These are recently built two-storey terraced dwellings either side of the new Cherry Close cul-de-sac. However, from the upper front rooms of those dwellings, the view would be the flank elevations of the two rows of buildings over the existing hedge (which provides effective screening at ground floor level). The flank walls do not have windows and so the privacy of the Kingsley Road residents would not be compromised. The buildings would be placed about 20 metres (the east row) or 30m (the west row) from the front of the Kingsley Road houses which is sufficient to avoid leading to any overbearing impact or loss of light provision.

7.36 With regard to the living conditions of the proposed occupants, the floorspace for each bungalow would exceed the standards set out in the governments Nationally Described Space Standards for single-storey 2-bed 3-person dwellings. The garden lengths are short at an average of 6.5m. However, the Council's Space About Dwellings SPG states that where occupation is guaranteed via a legal agreement to be for elderly persons, a mean length of 6.1 metres is acceptable. It is considered a legal agreement would be excessive and unreasonable given that the bungalows are clearly aimed at elderly persons and that this could be achieved via planning condition. The SPG is guidance rather than policy requirement and in any case, the overall garden areas would still exceed the 65 sq.m threshold due to the garden widths.

7.37 In respect of noise, the site is adjacent to a busy main road and junction. There are also commercial units next to the proposed housing (Sub 4). The residential units are set back from the road behind a communal lounge but according to Environmental Health are likely to be impacted by road traffic noise although not to the extent that the living conditions of the occupants would be harmed providing that sound insulation is applied to the dwellings in line with details to be submitted and approved before works commence. This would be secured via a planning condition, which would also require a compliance test once the dwellings are built and before occupation with the results also submitted for approval. The communal lounge would also need to be included in any noise assessment submitted to ensure noise break-out or any associated plant/machinery is considered.

7.38 Overall, it is considered the proposed development would not harm the residential amenities of the existing residents of the area and would provide acceptable residential amenities and living standards for the eventual occupants of

the bungalows. The proposal would comply with Policy DC1 in this respect.

The impact on highway safety

7.39 Policy DC1 'Design Considerations' of the Local Plan states that new development should, inter alia, provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use.

7.40 Although nine new dwellings are proposed, using a shared access off Leek Road, due to the nature of the dwellings as 2-bed care dwellings for over 55's, the number of vehicles movements is expected to be less than nine unrestricted dwellings. The local highways authority has not objected to the application and the proposal is not considered to lead to significant additional traffic in relation to current traffic levels along Leek Road and Kingsley Road. The access onto Leek Road is considered to be safe with good visibility from the access to the north and south along Leek Road.

7.41 The Highways Authority comments regarding a lack of connection between the site and Leek Road for pedestrians, has been addressed by the submission of Revision E of the Site Plan (02E) which shows a continual footway running from the dwellings along the whole of the north side of the cul-de-sac up to Leek Road. This also continues southwards to the front of the new dwellings and facilities building and links to the pedestrian access onto Kingsley Road and the bus stop. Although Highways comment that the width between the current gate posts at the access is less than the 5.5m of the proposed access road, the agent confirms that the gate posts would be removed and this can be achieved by way of a planning condition.

7.42 There would be two parking spaces per dwelling in accordance with the Council Parking Standards. The parking space and turning area dimensions are meet the standards. A further four spaces would be provided in front of the facilities building for excess staff and visitor parking.

7.43 Overall, the proposal would not lead to exacerbate existing traffic on nearby roads or lead to any detriment to highway safety in accordance with policies DC1 and T1 of the Local Plan.

The impact on the ecological value of the area

7.44 Policy NE1 of the Local Plan requires that development does not lead to harm to protected species or the overall ecological value of the area and also states where possible that the development should lead to a Net Biodiversity Gain through its design, layout and landscaping.

7.45 The application included a Preliminary Ecological Appraisal Report (PEA) which outlined the site had a low value for protected species. There was one tree on site identified as having potential for roosting bats and there is a pond outside of the site, 46m from it which would have potential for great crested newts. The trees and hedges on site are suitable for nesting birds. In response, Staffordshire Wildlife Trust (SWT), as the Council's ecology consultants stated the proposal would lead to the loss of "semi-improved grassland" and requested a Biodiversity Impact

Assessment Report is submitted. The applicant has provided this information and also a Great Crested Newt Technical Note outlining development methods which protect any great crested newts on or around the site. Although not essentially required under current planning policies, a Biodiversity Net Gain Report was also submitted along with a landscaping plan which shows the inclusion of new trees and native hedges to be planted and wildflower seed planting areas. Staffordshire Wildlife Trust has been consulted for comments on whether this is sufficient to protect the ecological value of the area and also lead to a Net Biodiversity Gain. The response from SWT has not yet been received but will be reported at the Committee Meeting.

7.46 It is apparent that bats and birds would be protected as the trees and hedges would be retained and new ones planted. The PEA also outlines measures for further protection including, for example, not undertaking works during the ground nesting bird season. As no direct harm to protected species would occur with the safeguard of standard measures to protect bats, birds and great crested newts (SWT will comment on whether these measures are effective), subject to the comments of SWT, there is potential for Policy NE1 to be complied with.

Other Points

7.47 With regard to the Public Right of Way (PROW) crossing the site, the comments of SCC PROW Officer are noted. However, despite there being a Public Footpath sign a short distance to the south of the site access on Leek Road, there is no actual footpath and the PROW route from the Leek Road footway is blocked off by the fences at the edge of Sub 4 Car Park. The proposed development will have no additional impact on the PROW. However, despite this, it is considered reasonable and necessary that the route of the PROW is taken into account. There is an opportunity to create a gap in the vegetation along the north boundary of the application site next to the access road where the current PROW route enters the application site from the open land to the north. A stile or gate could also be provided through the fence / boundary into the Sub-4 Carpark.

7.48 It is acknowledged that the fence along Leek Road currently prevents users from walking along the route of the PROW which crosses the Sub 4 car park as this area of land is within different ownership. This will be reported to SCC PROW team as a potential enforcement issue. However, path users from the north could also effectively walk along the proposed footway along the access road through the site access (where gates would be required to be removed via a condition recommended by the local highways authority on highway safety grounds) and onto the existing footway along Leek Road, where the PROW appears to start (and vice versa). A condition can be added requiring this together with details of any other works or features that may be required for the operation of the PROW e.g. a stile or small gate on the boundary (if needed). The SCC Public Rights of Way Section would be consulted on such details.

7.49 The Staffordshire Police Designing Out Crime Officer recommends further measures to improve security including the provision of a hedge along the western boundary of the site, moving the communal lounge and office building to the middle of the development and installing CCTV. It is considered the addition of a hedge

along the west boundary to be reasonable and this would also further enhance the appearance and ecological value of the site and can be achieved by way of a planning condition. However, it is considered that the communal building should be left in the same position as its re-siting would move dwellings closer to Kingsley Road which raises the concern over road noise impacts on the occupants of the resultant end dwelling. Security of the communal building could be improved by moving the offices to the front of the building (swapping with the kitchen and toilets) to increase natural surveillance of the access road and pedestrian access off Kingsley Road, as also suggested by the Crime Officer. Informatives could be added requesting this and the installation of CCTV along with other crime prevention measures that were recommended.

7.50 With regards to the points raised in the letters from local residents in response to the application notification, comments regarding the Green Belt, wildlife, air pollution, traffic and the PROW are addressed above in this report. With regard to the loss of view of open land from bedroom windows, whilst planning policies seek to protect local residents privacy and natural light, there is no right to a view. With regard to pressure on local facilities e.g. doctors surgery, it is not considered that the addition of nine 2-bed care units, with healthcare provided to some extent by the applicant, would significantly add to the pressure. With regard to sewage, a condition will be added as standard requesting details of foul and surface water drainage to be submitted for approval before works commence. With regard to the disposal of waste, a bin store will be provided close to the Kingsley Road pedestrian access to allow bins to be collected easily from the road. The Council's Waste Collection Service which was consulted on the application, raises no objection to the application. Construction noise and disturbance can be controlled by a condition requiring adherence to a Construction and Environmental Management Plan in line with details to be submitted for approval before works commence, which is a standard condition imposed on residential developments and as recommended by Environmental Health. The re-surfacing of the main roads close to the site is not a planning matter in this particular case and the local highways authority has not raised the quality of the road surface as an issue in its comments.

8. CONCLUSION AND PLANNING BALANCE

8.1 The proposal is inappropriate development which by definition, is harmful to its openness. The NPPF states that inappropriate development should not be approved unless there are very special circumstances considered to outweigh the particular level of harm to the openness of the Green Belt identified. It is considered that the provision of further care homes for an existing established operation, in an area with a lower than average supply of such care units, (as confirmed by Staffordshire County Council) together with the demonstration that no more suitable site exists outside of the Green Belt and within a three mile radius of the current Bagnall Heights care complex, an essential requirement for the operational needs of the care complex, would amount to such very special circumstances to outweigh the harm to the Green Belt. Furthermore, it is considered the expansion of the current care complex in Bagnall, which is also in the Green Belt, would lead to the same level of harm to the openness of the Green Belt but would also lead to a greater level of harm to rural character and appearance. The Cellarhead site, although adjacent to open land on two sides, is adjacent to existing development including commercial

buildings, rows of dwellings and similar small cul-de-sac developments. It is also in a far more sustainable location adjacent to bus stops served by regular buses and within a safe walking and short cycling distance of shops and services.

8.2 The proposed housing development would not comply with policies SS10, SS8 or H1 in that it would not be adjoining the Development Boundary of a large village and despite the semi-rural or suburban character of its surroundings would still lead to some degree of harm to the character and appearance of countryside via encroachment of the village towards the more open parts of the countryside, but it is considered this level of harm is limited and there are no other harms identified other than the harm to the openness of the Green Belt. It would not lead to any significant harms to residential amenity, highway safety or the ecological value of the site.

8.3 The main aim of the NPPF is to achieve sustainable development, which has three overarching objectives, a social, an economic and an environmental objection. It is considered that the proposal would have significant social benefits and some limited economic benefits and that this would outweigh the environmental harms identified.

8.4 For the above reasons, the proposal is recommended for approval.

8. RECOMMENDATION

A. That the application be APPROVED, subject to a S106 Agreement to secure a £1500 contribution towards the implementation of an air quality sensor for one year to cover the construction and implementation period of the development and also subject to the comments of the Trees and Landscape Officer and Staffordshire Wildlife Trust and in accordance with the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:-

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

2. The development hereby permitted, including building materials specified, shall be carried out and completed in accordance with the following amended approved plans:

23 124 01 Revision B Location Plan

23 124 02 Revision E Site Plan

23 124 03 Revision A House Type 1

23 124 04 Revision A House Type 2

23 124 05 Revision A Lounge/Offices Floor and Roof

23 124 06 Revision A Lounge/Offices Elevations

23 124 07 Bin Store

7063 02 Revision C Landscaping and Biodiversity Net Gain

Reason:-

To ensure that the development is carried out in accordance with the approved

plans, for clarity and the avoidance of doubt.

3. Before any further development above damp course level, details of all facing, roofing, fenestration, rainwater goods and hard-surfacing materials in terms of type, colour and texture shall be submitted to and approved in writing by the local planning authority and the approved materials shall be used in the construction of the development.

Reason:-

In the interests of the character and appearance of the area.

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

Reason:-

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and also in the interests of the ecological value of the site and achieving a Net Biodiversity Gain.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no further development as specified in Part 1 Class(es) AA, A, B, C, D and E or Part 2 Class(es) A to C shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area and to protect the residential amenities of neighbouring residents.

6. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plan 23 124 02 Revision E. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.

Reason:-

In the interests of highway safety.

7. Notwithstanding the details on the approved drawings, before the development is first brought into use, the access shall be built in accordance with details of radius kerbs and dropped kerbs to be submitted to and approved in writing by the local planning authority.

Reason:-

In the interests of highway safety.

8. No development hereby permitted shall take place except for works of site clearance and demolition until a Construction and Environmental Management Plan 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 method and duration of any pile driving operations (including expected starting date and completion date);**
- III. pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;**
- IV. the arrangements for prior notification to the occupiers of potentially affected properties;**
- V. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;**
- VI. a dust management plan containing the measures to ensure no activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely adjacent residential properties and/or other sensitive uses and/or the local environment. There shall always be the appropriate means and sufficient water resources on site for dust suppression. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape.**
- VII. a scheme for recycling/disposal of waste resulting from the construction works;**
- VIII. the parking of vehicles of site operatives and visitors;**
- IX. the loading and unloading of plant and materials**
- X. the storage of plant and materials used in constructing the development;**
- XI. 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;**
- XII. the details of any generator/s to be used on site. They should be sufficiently attenuated so that any noise generated shall be inaudible inside any nearby noise sensitive premise,**

- XIII. during construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.**
- XIV. Emissions from Construction Phase Plant / NRMM shall be mitigated in accordance with the measures outlined in section 7 of the submitted an Air Quality Assessment produced by SLR (Ref: 402.065154.00001).**

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

Reason:-

To protect the amenities of the area.

9. The external artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation. Details of all external artificial lighting to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority prior to installation

Reason:-

To protect the local amenities of the local residents by reason of excess of illuminance.

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

11. No top soil or fill material is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development, a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will

be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validity evidence submitted to and approved in writing to by the Local Planning Authority.

Reason:-

To ensure that 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.

12. Except for works of site clearance and demolition, no phase of the residential development hereby permitted shall take place until a site specific noise assessment and scheme for protecting the proposed residential units for that phase of the site from external noise has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall have due regard for the British Standard 8233:2014 (Sound insulation and noise reduction for buildings) and the PROPG: Planning and Noise: New Residential Development. It should be designed to achieve noise levels of less than 30 dB LAeq in bedrooms (23:00 to 07:00), 35dB LAeq in bedrooms (07:00 to 23:00), less than 40 dB LAeq in living areas and less than 55 dB LAeq in outdoor living areas. Pre-completion tests shall be carried out to verify compliance with this condition. A report shall be produced containing all raw data and showing how calculations have been made. No dwelling within that phase hereby permitted shall be occupied until the approved works to that dwelling have been completed in accordance with the approved details.

Reason:-

To protect occupiers from noise and safeguard their residential amenities.

13. The development shall be occupied only by persons of 55 years of age or older.

Reason:-

To address the demand for specialist care housing for the older age groups in the District.

14. A hedge shall be planted along the west boundary of the site within the first available planting season following the commencement of works and in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason:-

In the interests of the character and appearance of the area.

15. Before the development is first brought into use, the existing access gates within the site adjacent to Leek Road shall be removed. No further gates shall be provided at the site at any time within the application site unless approved in writing by the local planning authority and in accordance with details to be submitted and approved in writing.

Reason:-

In the interests of highway safety.

16. The lounge and office building shown on the application drawings shall be used only for the purposes of offices and communal floorspace for the

residents of the development approved in connection with the operation of the care home development by the applicant and no part of it shall be used for commercial purposes or sold off or rented out for residential, commercial, business or commercial storage purposes.

Reason:-

To protect the character and amenities of the area.

17. The pedestrian path adjacent to Kingsley Road as shown in the application drawings shall be provided before the development is first brought into use and shall not be fenced off, blocked or obstructed at any time during the lifetime of the development.

Reason:-

To encourage sustainable travel and more convenient access to local services including public transport.

18. Before the development is brought into use, an access suitable for pedestrians, onto the Public Right of Way to the north of the site shall be provided in accordance with details of works to be submitted to and approved in writing by the local planning authority.

Reason:-

In the interests of the amenities of the area and encouraging sustainable travel.

19. Any other conditions recommended by the Trees and Landscape Officer and Staffordshire Wildlife Trust.

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/in formatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of 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.

Location Plan

