STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE

15th June 2017

<table>
<thead>
<tr>
<th>Application No:</th>
<th>SMD/2016/0811</th>
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<tbody>
<tr>
<td>Location</td>
<td>Land off Tenford Lane, Upper Tean</td>
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<tr>
<td>Proposal</td>
<td>Outline planning application for residential development with some matters reserved (except access) for a residential development of up to 40 houses (resubmission of SMD/2016/0200)</td>
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<tr>
<td>Applicant</td>
<td>Mr A R Alcock</td>
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<tr>
<td>Agent</td>
<td>Miss Natalie Hewitt</td>
</tr>
<tr>
<td>Parish/ward</td>
<td>Cheadle</td>
</tr>
<tr>
<td>Date registered</td>
<td>07/04/2017</td>
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If you have a question about this report please contact: Rachael Simpkin
tel: 01538 395400 x4122 or rachael.simpkin@staffsmoorlands.gov.uk

REFERRAL

The application is before committee because it is a major planning application, which is locally contentious.

1. SUMMARY OF RECOMMENDATION

APPROVE, subject to planning conditions and a s.106 legal agreement.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The 4.33 ha application site constitutes agricultural grazing land fronting Tenford Lane and borders the northern edge of the larger village of Upper Tean. Land levels rise gently along the road frontage and more steeply towards the northern end of the site. Site boundaries are mainly defined by hedgerows with some intermittent hedgerow trees. There are also some protected trees (TPOs) along the Tenford Lane frontage. A further hedgerow is set at a right angle to Tenford Lane, which serves to loosely divide the application site towards the western end.

2.2 The site's northern boundary is partly defined by the edge of the woodland, which forms part of Mobberley quarry. This broadly linear area of land, which runs from east to west, is excluded from the application site but falls within the applicant's ownership. To the south of Tenford Lane is the development boundary of the larger village of Upper Tean, which is characterised by more recent residential development, including community leisure facilities. Agricultural land borders the eastern boundary of the
2.3 The application site is designated as open countryside in respect of the ‘saved’ Local Plan development boundaries.

2.4 The application, the details attached to it, including the plans, comments made by residents and the responses of consultees can be found on the Council’s website at:–

http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=110317

3. DESCRIPTION OF THE PROPOSAL

3.1 The ‘revised’ scheme is in an outline form with only access sought at this stage and seeks residential development for up to 40 units. The resubmitted scheme proposes that the main area of open space be relocated to the western end of the site to create a greater separation distance between the proposed dwellings and the adjacent kennels. This is intended to address the noise issues forming the reason for refusal of the previous application ref. SMD/2016/0200. All other matters of layout, appearance, scale and landscaping would be subject to future reserved matters application(s). The existing access point off Tenford Lane at the most westerly end of the site would be retained and widened.

3.2 The revised illustrative layout details how the application site could accommodate the 40 dwellings sought. This would be on a developable area of 2.61ha to result in a 15.3 dph (dwellings per hectare) ‘low’ density scheme. The scheme still shows the internal access road running parallel to Tenford Lane, then connecting to cul-de-sac type estate roads, which are orientated in a south / north direction. The Design and Access Statement confirms that the proposed scheme is brought forward on the basis that the dwellings would be provided with off road parking and generous gardens to preserve general amenity standards across the site. The statement further confirms that the proposed dwellings would be 2-storeys in height and that the scheme would offer a varied range of house types reflective of Upper Tean’s village character. The illustrative proposals also show a large 1.72ha public open space within the western part of the site and would act as an intended buffer area in respect of the adjoining kennels use.

3.3 The applicant has committed to Heads of Terms in respect of the provision of the following planning obligations:-

- 13 no. onsite affordable housing units,
- Offsite financial contributions towards public open space, including formal sports provision of £95,186.42 and play facilities of £76,281.80,
- 1.72ha managed onsite public open space, and,
Financial contributions of £88,248 towards 8 primary place provision.

4. RELEVANT PLANNING HISTORY

4.1 Recent or relevant history sited is as follows:

SMD/2016/0200 Outline planning application for residential development of up to 49 houses with all matters reserved except access. Refused.

4.2 Pre-application discussions have been undertaken with the Council’s Environmental Health Department in respect of the application’s site relationship with the adjoining rescue kennel facility.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises:-

- Staffordshire Moorlands Local Plan (Adopted 1998)
- The Staffordshire Moorlands Local Development Core Strategy (Adopted March 2014)
- Staffordshire & Stoke-in-Trent Joint Waste Core Strategy (Adopted March 2013)

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. Public consultation on specific site allocations is underway. The Council aims to publish the Preferred Options Local Plan for public consultation during July 2017, together with details of the timetable and future public consultations.

Adopted Staffordshire Moorlands Local Development Framework (LDF) – Core Strategy Development Plan Document (26th March 2014)

5.3 The Staffordshire Moorlands Local Development Framework (LDF) is a District wide development plan which replaces the Staffordshire Moorlands Local Plan to provide a framework for delivering development up to 2026. The Core Strategy is the key LDF document. It is a strategic District wide plan which influences how and where the Staffordshire Moorlands will develop in the future. It sets out what the Council would like to achieve in each of the main towns and the rural areas outside of the Peak District National Park. The Core Strategy provides the framework for future LDF documents which will then identify specific sites for development in the District (Site Allocations
Development Plan Document) and provides detailed guidance to supplement the policies (Supplementary Planning Guidance).

5.4 The Core Strategy sets out the overarching spatial strategy for development across the District. This includes a settlement hierarchy with specific policy requirements for each of the tiers in the hierarchy as identified below. The appropriateness of scale of specific developments should be considered on a case-by-case having regard to the Spatial Strategy and feedback from consultees with responsibility for infrastructure and services in the area. Conclusions must also be taken in the context of the presumption in favour of sustainable development.

5.5 This approach seeks to focus growth in the towns (CS policies SS5, SS5a, SS5b and SS5c) with the bulk of development in the Rural Areas (CS policy SS6c) taking place in the Larger Villages (CS policy SS6a) to help retain and enhance their role as local service centres. In essence, the Core Strategy makes provisions for a relatively modest scale of housing development in the Smaller Villages (CS policy SS6b) when compared to the Towns and Larger Villages.

5.6 Appendix J to the Core Strategy provides an assessment of each of villages in terms of their population, services and facilities. This assessment helped to determine the classification of each of the villages as either “large” or “small”. The Development Capacity Study which formed part of the evidence base for the Core Strategy also informed the wider Spatial Strategy by assessing infrastructure and accessibility of settlements with a population of 1000 or more. It is important to note that the adopted Core Strategy does not specify housing requirements for individual villages within the Rural Areas. Whilst a housing requirement for the Rural Areas is set out in policy SS6 for “around 1680 new dwellings”, it is not expressed as a maximum.

5.7 The following CS (Core Strategy) policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS6a Larger Villages Area Strategy
- SS6c Other Rural Areas Area Strategy
- SS7 Churnet Valley Area Strategy
- SD4 Pollution and Flood Risk
- H1 New Housing Development
- H2 Affordable and Local Needs Housing
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- C1 Creating Sustainable Communities
- C2 Sport, Recreation and Open Space
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures
Supplementary Planning Guidance (SPG)

- Churnet Valley Masterplan (2014)
- Developer/Landowner Contributions SPG (2004)
- Housing for Local People and Affordable Housing SPG (2005)
- Public Open Space SPG (2004)
- Space about Dwellings (September 1998 – Appendix 3 Local Plan)

National Planning Policy NPPF

National Planning Policy Guidance

6. CONSULTATIONS CARRIED OUT

6.1 A total of 45 immediate residents have been notified by letter. The expiry date for comments is the 6th February 2017.

<table>
<thead>
<tr>
<th>Site Notice Posted</th>
<th>Expired.</th>
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<tr>
<td>Press Notice Published</td>
<td>Expired</td>
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6.2 As a result of the consultation undertaken, some 58 individual representations of objection have been received. Key issues raised are summarised as follows:-

Policy

- The Crown at Mobberly and the Old Fole Dairy site would be better locations for housing development.
- The local facilities (schools, GP surgeries, etc.) would not be able to adequately support additional resident numbers.
- There is no need for additional housing in the area, as there is already permission for over 70 dwellings to be built off Cheadle Road less than 200 metres away from the proposed development site.
- The land is classed as ‘constrained’ on the Local Plan and should be considered protected.
- The Local Plan 2011 – 2031 stated that 100 new dwellings were needed for the Tean area. The 67 from Cheadle Road and the 6 from Gorsty Hill means that the 49 dwellings from the proposal are not required and would therefore exceed this quota.
- There are a number of vacant properties in the area, mainly Tean Hall Mills.

Highways

- During Local Plan consultations, the Local Highways Authority expressed concerns over access to the site from Tenford Lane.
- The infrastructure of the area would not support the additional 49 houses proposed, plus potentially 100 plus additional cars.
The increase of traffic from the proposal would increase the risk of accidents, especially in winter as Tenford Lane is dangerous in ice and snow conditions.

Tenford Lane is narrow and is already used as a rat-run. The increase in traffic from this application and the one approved at Cheadle Road would mean that the nearby roads / junctions would be gridlocked at peak times.

This revised application does not appear to address any of the previous highway issues raised.

The application provides for an additional 112 parking spaces, however, in reality the number of vehicles on the site would be likely to exceed this given the nature of the development being proposed.

Children attending secondary schools are unable to walk safely to Cheadle due to the narrow and dangerous pavement.

The road is of an insufficient width and struggles to cope with existing traffic use.

In the mid 1990s, the construction of one dwelling on the same side of the road as the proposal was rejected by the County Council on traffic grounds.

Landscape Character

- Building 3-storey properties on the site would be visually overbearing.
- The views of the fields and greenery would be lost.
- The indicative design of some of the proposed dwellings would not match the character of the area.
- The development of the land would represent a further encroachment of green belt land.
- The proposal site is unsuitable for development due to the topography of the landscape.
- It would negatively impact upon the character of the neighbourhood.
- The area is already overdeveloped.
- There are 5 TPOd trees adjacent / on the site, which would be at risk during construction and through the increased population of the area.

Nature Conservation

- The proposal would have a detrimental affect on local wildlife, which includes the protected species of great crested newts and bats.

Noise from the Kennels

- The noise report commissioned is based on levels taken on the 6th and 7th October 2016, which is possibly the quietest time of the year for the kennels.
- The previous application was refused on the grounds of unacceptable noise levels from the nearby kennels. The noise levels have not reduced and never will.
- The proposed resiting of the dwellings further up the lane and away from the kennels would not alter noise impacts.
New residents from the proposal may complain about the noise impacts from the kennels, which could lead to the closure of a vital public service.

The sound report suggested a sound barrier fence, which has not been considered.

The applicant suggests that residents adjacent to the proposed dwellings could keep their windows closed, however, this would not be a viable solution.

**Flooding / Drainage**

- The existing drainage infrastructure would not cope with the additional sewerage and rainwater run-off.
- The bottom of Tenford Lane floods and an additional 49 houses could increase the risk of local flooding.

**Miscellaneous**

- The proposal would negatively impact upon the quality of life of all local residents.
- There is potential damage to existing properties during and post construction, such as rainwater runoff, superficial damage from earth removal and noise levels.
- Reduced value of existing properties in the area as a result of the scheme.
- There would be a loss of light and privacy for existing residents.
- The proposal would change the nature of the Tenford community into a dormitory town.

6.3 Immediate residents have been re-notified by letter in respect of the revised plans, which has reduced the scheme to 40 dwellings. The expiry date for comments is the 27th April 2017.

6.4 As a result of the consultation undertaken, a further 12 individual representations of objection have been received. Additional issues raised not above are summarised as follows:-

- The lack of a footpath on the North Side of Tenford is a serious safety issue,
- The application has been rejected previously (unanimously) and should be rejected again, and,
- The working quarry directly behind the site may be a huge danger to any children living on the site if they decided to go off site and play/explore their environment.

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<tr>
<th>Consultee</th>
<th>Comment</th>
<th>Officer response</th>
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<tr>
<td>Cheadle Town Council</td>
<td>Object on the following grounds:</td>
<td>These concerns will be discussed</td>
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Noise – this application was previously refused as occupants would have to keep their windows closed due to the noise from the nearby kennels. The applicants have submitted revised plans for this application leaving a 90m buffer zone for green space, however, when people are in the green space area, it is likely that the dogs will be barking even more. In any event, people can hear the noise from the kennels from around 200m-400m away.

Highways – the Council has concerns regarding highway safety implications. Tenford Lane is very narrow and in parts impassable for two vehicles leaving pedestrians at risk.

Impact on flora and fauna – the site is greenfield pastureland with mature trees, hedgerows and woodland with no doubt an abundance of wildlife and it is hoped that this can be preserved.

Elevated site – which leads to an invasion of privacy to existing houses.

Flooding – the surface water from the development could have a flooding impact on locations downstream from the river Tean.

Greenfield site – In the local plan consultation, Tean is said to have identified sites to meet the housing needs in the Core Strategy. Approval has already been given for housing on Cheadle Road for approximately 67 houses. In addition, 3 to 4 years ago, the Fole Dairy site was given permission for approximately 80 dwellings and as at today’s date no development has been started. These sites should be developed prior to those not identified in the local plan as being a preferred site.

Checkley Parish Council

It is stated that the Parish Council’s reasons for objecting to this application has not changed from the previous As above.
submission in early 2016 as follows:

Although it is noted that the above application is located in the Cheadle southeast ward, the proposal, if approved, will have a huge and direct impact on Upper Tean and therefore it is imperative that our views are taken into account when determining this application. It is to be noted that the Parish Council, along with a large number of local residents strongly object to this opportunistic planning application.

Reasons are summarised as follows: Local Environment; Visual Impact; Increased Flood Risk; Ecology and Local Plan Considerations; Foul Water Sewerage System; Highway Issues and Pressure on Local Services.

| Staffordshire County Council (SCC) Local Highways Authority | No objections (conditional). Recommended conditions: layout and disposition of roads and buildings, provision of parking, turning and servicing within the site curtilage; means of surface water and surfacing materials; implementation of visibility splays and details of the following highway works: bellmouth access; footway connections into the proposed site from the existing network and dropped crossings with tactile on both sides of Tenford Lane. | Refer to Highways Section. |
| Environment Agency (EA) | No objections. In summary, whilst the site is in a sensitive location, the EA conclude that there is unlikely to be a significant source of contamination present given its current state and use. The EA therefore require no further investigation to be carried out and have no detailed comments to make in respect of the proposal. | Refer to Technical Considerations Section. |
| SCC LLFA (Lead Local Flood Authority) | No objections (conditional). There are no major flood risk constraints to prohibit development on this site, but given the fall across the site, the proposed use of soakways have the potential to increase the risk of springs | As above. |
lower down the site. The proposal should consider incorporating contour land drains at the southern red line boundary to help capture overland flows at Tenford Lane. The detailed design should also consider providing a high level overflow outfall on the soakaways should the site encounter storm events in excess of the 100yr plus 30% climate change storm event.

Recommended conditions: Surface water for dwellings shall be disposed to a soakaway system designed and constructed in accordance with BS 8301: 1985 (Section 8.4). The soakaway arrangements shall be maintained over the lifetime of the development, and, Finished floor levels shall be set no lower than 150mm above surrounding ground levels.

Environmental Health Officer

The removal of a strip of housing and increase in a buffer zone is an improved plan ensuring amenity protection for future occupiers. All houses where possible should be west / kennel facing so that the rear gardens are afforded protection from noise. A 3.0m acoustic fence / bund and comprehensive sound insulation should also be a requirement of the development as set out in the report. Additionally, a pre-completion test to validate the sound insulation effectiveness should also be undertaken and where there is failure, that upgraded glazing and insulation be installed. The consultants for the development confirm that amenity can be achieved for future occupiers and therefore pre-completion testing can validate this position. There remains some concern that noise to an extent may impact future houses, however, as there is already a greater number of properties pre-existing within a 125.0m radius of the kennel facility then the justification for objection is eroded.

Recommended conditions: construction/demolition noise,
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<th><strong>Department</strong></th>
<th><strong>Feedback</strong></th>
<th><strong>Notes</strong></th>
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<tr>
<td>STW (Severn Trent Water)</td>
<td>No objections. Recommended conditions: Standard drainage condition to be applied and a suggested informative to state that there may be public sewers crossing the site.</td>
<td>As above.</td>
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<tr>
<td>SCC (Minerals)</td>
<td>Awaited.</td>
<td>Members will be updated at the meeting.</td>
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<tr>
<td>Staffordshire Police</td>
<td>Summary: whilst the Initial Site Proposal drawing is only indicative at this stage, a layout broadly along these lines would address typical concerns that relate to the commission of burglary, vehicle crime and anti-social behaviour. Whilst not all rear gardens would back onto other rear gardens or other robust existing boundaries, there would be scope for them to be made secure with appropriate boundary treatments. Such a layout would facilitate good natural surveillance throughout the site in the main, however, the public open space would need improvement and in-curtilage or garage parking is suggested.</td>
<td>Discussed within the Landscape Impact section.</td>
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<tr>
<td>Trees Officer</td>
<td>No objections on tree protection grounds. Visual impact issues are discussed within the main body of the officer report.</td>
<td>As above.</td>
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<tr>
<td>Countryside Officer</td>
<td>No objections subject to the following condition for an Ecological Construction Environmental Management Plan (ECMP).</td>
<td>Discussed within the Nature Conservation Section.</td>
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<tr>
<td>Housing Officer</td>
<td>The application under CS Policy H2 would be required to provide a 33% affordable housing contribution equating to 13 units (based on the outline application of 40 dwellings). It is not appropriate to confirm the affordable housing mix at this outline stage. The Council requires a 70% rent and 30% shared ownership/intermediate tenure split across the affordable housing units although the affordable housing</td>
<td>Discussed within the Planning Obligations Section.</td>
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statement submitted by the applicant makes no reference to the proposed tenure split.

It is the Council’s expectation that the affordable dwellings will be built to the HCA former Design and Quality Standards and Housing Quality Indicators and will meet the specified size criteria: 2x2b4p dwellings are 67-75m², 3b5p dwellings are 82-85m² and should be adequately pepper potted across the site to ensure a sustainable community.

| SCC Education | Revised comments are awaited in respect of the reduced scheme. Based on a development of 40 Dwellings the primary school places would reduce from 10 to 8. Therefore the new request would be 8 x £11,031 = £88,248. Cheadle Academy are still projected to have capacity for the foreseeable future. | As above. |
| Horticultural Officer | Revised awaited. Conditional Response - Using the Council’s current formula for calculating off-site financial contributions, the figures would be as follows: Play at £76,281.80 and Playing fields at £95,186.42. This should be targeted towards upgrading the existing play equipment which is limited and outdated and improving the existing playing pitch both at The Wentlows open space (subject to Parish Council approval). | As above. |
| SCC Archaeology | Awaited. Refer to Archaeology section. |

7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE

Policy Framework

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

7.2 Core Strategy Policy SS1a establishes a ‘Presumption in Favour of Sustainable Development’ as contained within the National Planning Policy Framework (NPPF) where: (1) planning applications that accord with policies within the Core Strategy will be approved without delay and (2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:

I. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or,

II. Specific policies in that Framework indicate that development should be restricted.

7.3 Paragraph 47 requires the Council to identify a five-year supply of deliverable housing land sites, including a 5% buffer to allow for choice and competition in the market for land increased to a 20% buffer where there is a persistent under-delivery in past years. Paragraph 49 requires all housing applications to be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

7.4 The policies contained in the NPPF as supplemented by the National Planning Policy Guidance (NPPG) are also material considerations in the determination of this application.

Principle of Development

7.5 The Adopted Core Strategy (CS) replaced the previous Local Plan, the Staffordshire Moorlands Local Plan (adopted in 1998), with the exception of the settlement boundaries as set out on the Policies Map. The application site lies outside of, but adjacent to the settlement boundary for Upper Tean within land comprising of countryside. CS policy SS6c ‘Other Rural Areas Area Strategy’ states that such countryside areas will only provide for development, which meets an essential local need. For housing, this would mean restricting new build housing development in the countryside to that which is essential to local needs, including affordable housing.

7.6 CS policy SS6a ‘Larger Villages Area Strategy’ identifies Upper Tean as a larger village amongst others. The policy states that these settlements shall retain and enhance their role as rural service centres, providing for the bulk of the local housing needs of the rural areas and also for limited employment needs of a scale and type appropriate to each settlement having regard to
local needs (including those of its local market), infrastructure, capacity and character. For local housing needs it states that: where development is required to be met on land outside the built-up area this will only be of a small scale and on sites which relate well to the built-up area, can be assimilated into the landscape and have good access. In addition Policy R2 ‘Rural Housing’ further permits specific forms of development within the rural areas outside of the settlement and infill boundaries of the towns and villages.

7.7 It remains the case that the Council can only demonstrate a 1.87 year deliverable supply of housing against its five year target, as is required by the NPPF. It therefore follows from paragraph 49 of the NPPF that relevant policies for the supply of housing cannot be considered to be up-to-date as discussed above. This, however, does not alter the legal status afforded to these policies as part of the development plan for the District.

7.8 The settlement boundary for Upper Tean is considered to be out-of-date as it has not yet been fully reviewed in order to accommodate the level of housing development required by the Core Strategy. In addition, those sections of CS policies that relate to the supply of housing are also considered to be out of date as per paragraph 49 requirements. In these circumstances, this reduces the weight that can be afforded to the scheme’s conflict with CS policies SS6a, SS6c, H1 and R2, which seek to constrain housing delivery in terms of form or location. Nevertheless, these policies are broadly consistent with paragraph 55 of the NPPF in terms of requiring housing in rural areas to be located where it will enhance or maintain the vitality of rural communities, unless there are special circumstances. Such considerations are therefore relevant. However, in the view of the Council’s considerable under supply of housing land, these policies can only attract limited weight. This matter will be returned to when considering the planning balance below.

7.9 As discussed above, Members will note that very little weight can be attached to the emerging Local Plan at this stage. In these circumstances, the presumption in favour of approving housing proposals applies unless there would be significant and demonstrable harm to outweigh the benefits of the proposed housing provision, which is set against a backdrop of significant housing shortfall within the district.

Accessibility

7.10 CS Policy T1 states that the Council will promote and support development which reduces the reliance on the private car for travel journeys, reduces the need to travel generally and helps deliver the priorities of the Staffordshire Local Transport Plan, where this is consistent with other policies. Paragraph 34 of the Framework says that decisions should ensure developments that generate significant movement are located where the need to travel can be minimised and the use of sustainable transport modes can be maximised. Paragraph 38 of the Framework identifies primary schools and local shops as key facilities that should be located within walking distance of most residential properties. Paragraphs 94 and 95 of the Framework in
discussing climate change, also state that local authorities should adopt proactive strategies that plan for new development in locations and ways that reduce greenhouse gas emissions.

7.11 Upper Tean has a wider range of facilities/services, including a dentist, doctors, small supermarket and two primary schools, as well as play and public open space provision. The site is also within walking distance to a frequent Cheadle-Uttoxeter bus route. In these regards, Government advice in the publication ‘Manual for Streets’ suggests that walking offers the greatest potential to replace short car trips, particularly those under 2.0 kilometres. It is considered that a favourable topography and lit pavements would encourage walking from the application site to the nearest services/facilities in Upper Tean. In addition, the site would be within a short cycling distance of this larger village settlement.

7.12 In these circumstances, the site does offer opportunities for walking, cycling or using public transport instead of future occupiers being wholly reliant on the private car, with any such journeys being relatively short, given the location close to a sustainable settlement. As such, this site would not be considered to be located within an unacceptably remote location, with future occupiers having reasonable access to shops and services. As a consequence, there is considered to be no fundamental conflict, with policy T1 of the Core Strategy, as well as the NPPF, which seeks, among other things, to reduce reliance on the private car for travel journeys and reduce the need to travel generally.

Highways

7.13 Paragraph 32 of the NPPF states: ‘Plans and decisions should take account of whether: the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe as is reflected within CS Policy T1 ‘Development and Sustainable Transport’.

7.14 A Transport Statement has been submitted in support of the resubmitted application. The revised proposal seeks matters of access to be approved at this stage on the basis of a scheme for up to 40 dwellings. The existing access point off Tenford Lane is positioned at the most westerly part of the site. The new vehicular access to the site would replace the existing access point in a broadly similar location. Appendix 2 of the Transport Statement shows how the access to the scheme would be provided through the introduction of a simple priority controlled junction with a 5.5m wide carriageway and 2.0m wide footways on both sides of the access. A visibility splay of 2.4m x 43.0m could be further achieved in accordance with Manual for Streets (MfS) for a 30mph road. However, this would require a modest setback of the adjoining hedgerow.
7.15 Evidently, the revised scheme would result in a short length of internal access road to the Tenford Lane frontage of the proposed public open space. Any re-siting of the proposed access “east” would, however, result in a significant loss of hedgerow owing to the road alignment of this section of Tenford Lane. The Local Highways Officer, as before, supports the scheme proposing a single vehicular access point from Tenford Lane and considers that the surrounding highway network can satisfactorily accommodate traffic generated by the development. He sets out that the submitted indicative plan is taken as “indicative” and that the internal layout and access to individual plots has not been assessed in detail as these are matters, which would be fully considered at the reserved matters stage.

7.16 In these circumstances and subject to recommended planning conditions as detailed within the highway consultee section above, there would be no significant conflict with CS Policy TR1 or with the guidance of the NPPF.

Landscape Impact

7.17 CS Policy SS1 ‘Development Principles’ states that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements of the Staffordshire Moorlands and ‘development should be undertaken in such a way that protects and enhances the natural and historic environment of the District and its surroundings both now and for future generations …’.

7.18 CS Policy SS6c ‘Other Rural Areas Area Strategy’ comprises the other rural areas comprising of the countryside and the Green Belt outside of the development and infill boundaries of the towns and villages and therefore is directly relevant to the application site. It seeks to ‘Enhance and conserve the quality of the countryside by: Giving priority to the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape…’.

7.19 CS Policy H1 ‘New Housing Development’ states ‘all development will be assessed according to the extent to which it provides for high quality, sustainable housing … and the strategy for the area having regard to the location of the development, the characteristics of the site … All housing should be the most appropriate density compatible with the site and its location, with the character of the surrounding area …’.

7.20 The specific design and conservation policies of the CS also seek to promote local distinctiveness by means of good design and the conservation, protection and enhancement of historic, environmental and cultural assets along with the District’s landscape and the setting of its settlements. Policy DC1 sets out design criteria relating to new development to reinforce local distinctiveness and positively contribute to the area. Policy DC2 covers the protection and enhancement of the historic environment. The proposal does
not form historic landscape setting and no buildings or features of heritage significance have been identified within the site's context. Accordingly, as a result of the proposal there is considered to be no resultant conflict with CS Policy DC2.

7.21 Policy DC3 sets out measures to protect and enhance the local landscape and setting of settlement. In detail, Policy DC3 ‘Landscape and Settlement Setting’ states ‘The Council will protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands by: 1. Resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement and important views into and out of the settlement as identified in the Landscape and Settlement Character Assessment; 2. Supporting development which respects and enhances local landscape character and which reinforces and enhances the setting of the settlement as identified in the Landscape and Settlement Character Assessment …’. The County assessment identifies the general landscape character type as Dissected sandstone cloughs and valleys with a policy objective of Landscape maintenance. The application site and immediate adjoining land is not identified within the Landscape and Settlement Character Assessment for the “Upper Tean setting”.

7.22 Other relevant landscape CS policies include Policy SS7 ‘Churnet Valley Area Strategy’ which stipulates ‘The consideration of landscape character will be paramount in all development proposals in order to protect and conserve locally distinctive qualities and sense of place and to maximise opportunities for restoring, strengthening and enhancing distinctive landscape features’.

7.23 The Council’s Trees and Woodlands Officer has been consulted in respect of the proposal on matters of both tree/landscape impact. In relation to tree impact issues, he refers to the indicative layout and tree survey report submitted in support of the proposal. He states that existing trees are located intermittently within the road frontage hedgerow to Tenford Lane and in a continuous belt extending into off-site woodlands along the northern boundary of the site and continuing into off-site woodlands beyond, which are associated with the adjacent Mobberley Quarry. The majority of the existing trees to the road frontage are protected as individual trees under TPO No. SM.71 and are identified on the applicant’s tree survey. In addition, the trees adjacent to the western third of the northern boundary are protected as Woodland W1 under TPO No. SM.107. There are existing mature/over mature/unmanaged hedgerows along the site’s western boundary and intermittently along a north-south incomplete field boundary transecting the site. There is a managed field hedgerow along the eastern boundary of the site.

7.24 The Trees Officer anticipates that the proposed access point, together with associated visibility splays would require the removal of a short stretch of the Tenford Lane frontage hedgerow within the southwest corner of the site. It is, however, stated that there are no significant trees within the total stretch of the road frontage hedgerow, which are likely to be affected by access and
visibility proposals. Further, any such removal to accommodate the new access could be readily replaced in the medium term by a new native hedgerow set back behind the visibility splays. In addition, the Trees Officer states that new landscaping opportunities for the development (particularly associated with the open space areas) would offer the opportunity to provide an overall net gain/enhancement of hedgerow habitat throughout the application site. Other than for access/visibility requirements as noted, it is confirmed that the indicative layout plan shows that the form of layout illustrated in terms of dwelling/drive positions, new roads and parking areas would not require the removal of, nor extend within the Root Protection Areas (RPAs) of existing trees and hedgerows. It is further noted that there appears to be spatial flexibility for soakaway positions within plots to avoid encroachment within RPAs in relation to trees nos. 53, 55, 56 and 57.

7.25 Previously, the retention of existing hedgerow H2 was shown as forming the back-to-back garden boundaries between plots in relation to the indicative layout for the refused scheme. The Trees Officer raised some concern that this hedgerow may be replaced with panel fencing owing to future occupiers wanting to gain additional garden area or for better securing owing to its gappy and leggy form. This has been overcome by the revised indicative layout, which shows hedgerow H2 acting as the limit to development, which is shown separated from development by a driveway and has been facilitated by the reduction in housing numbers from 49 to 40.

7.26 The layout shows a long run of plots backing onto Tenford Lane and the provision of panel fencing for privacy and security purposes, which would present a dead frontage to the highway. The detached house backing onto Tenford Lane between trees nos. 56 and 57 may also suffer from shading and overbearing impacts to the rear. These are matters that can be appropriately dealt with at the reserved matters stage, although they have, in part, been overcome by the revised submission for up to 40 dwellings.

7.27 Overall, the Trees Officer confirms that the proposed development of up to 40 houses can be accommodated generally on the application site without direct loss of or harm to existing trees and hedgerows. As a consequence, there is no objection in principle to this application on tree impact grounds subject to tree protection conditions should Members be minded to approval the application.

7.28 In relation to matters of landscape impact, the Council’s Trees Officer’s visual impact comments were set out in detail within the 3rd November 2016 committee report in relation to the previously refused scheme for up to 49 dwellings and remain broadly relevant to the resubmitted scheme. He considered that the proposed development would not have any material visual impact on views from the north towards the site. This was owing to the rising ground to the north of the site, with mature tree and woodland cover along and beyond this edge, as well as the lack of public access into Mobberley Quarry. Evidently, the outlook from the existing houses along the southern side of Tenford Lane is presently across open fields and it was confirmed that this would fundamentally change in character as a result of built development.
on a greenfield site. This effect, however, is still considered to be an inevitable consequence of major development against the edge of existing settlements.

7.29 The Trees Officer noted that in terms of the character of the lane itself at this point, there was already continuous residential development along one side of the road against the backdrop of Upper Tean and therefore this context could not be regarded as existing undeveloped countryside. It was also discussed that from higher up Tenford Lane to the east of the site, the proposed housing development would impinge into presently undeveloped views, where existing housing is well screened by trees and hedges. At this point, it was considered that there would be a clear view into the application site and that the indicative layout allowed little if any opportunity for substantial new screen planting along the eastern boundary of the application site. It is considered that this aspect of the scheme can be suitably addressed at the reserved matters stage to allow a linear open space along the eastern edge suitable to accommodate substantial new tree planting.

7.30 The Council’s Trees Officer has commented on the resubmitted scheme, which proposes that the main area of open space be relocated to the western end of the site to try and address the noise issues forming the principle reason for refusal of the previous application. In landscape / visual impact terms, he considers that the revised arrangement would accommodate a greater number / concentration of new trees at the western end of the site, therefore, providing better mitigation of visual impact on viewpoint receptors to the west. This would, however, result in the development being concentrated within the higher eastern end of the site and therefore such new tree planting starting from lower elevations would not be as effective at screening or would take notably longer to become as effective as screening on higher ground. On balance, its resultant effect would amount to a slightly ‘greater’ visual impact in the short-term. However, a slightly ‘less’ visual impact would be achieved in the long-term in comparison terms.

7.31 Fundamentally, it is considered that the applicant’s submitted information demonstrates the recognition and ability of the application site to accommodate and provide appropriate structural landscaping to reduce and mitigate visual impact on external views from the surrounding area to an acceptable level as well as appropriately accommodating the quantum and scale of development sought i.e. up to 40 dwellings of a two-storey scale. Detailed layout and design issues are clearly matters for the reserved matters submission. An appropriately worded planning condition in conjunction with layout matters would require an agreed strategic landscaping scheme to reduce the visual impact of the proposed built development and 3.0m high acoustic barrier to an acceptable level whilst assisting in assimilating the development within the wider countryside as required by CS Policy DC3 ‘Landscape and Settlement Setting’.

7.32 It is an inevitable consequence of built development that the proposal would irreversibly change the character of this agricultural greenfield site. The proposal cannot be said to protect or enhance the local landscape to create a
conflict with CS Policy DC3. This matter is returned to within the planning balance as set out below. Accordingly, there would be some further conflict with CS Policies SS1, SS6c and S7 in respect of landscape harm.

Amenity

7.33 National planning policy dictates that at the heart of its core principles, planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This is further re-iterated in CS Policy DC1, which seeks to protect residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping as informed by the Council’s ‘Space about Dwellings’ SPG. The illustrative layout and additional section provided demonstrates that the lower density scheme can provide adequate amenity standards both within the site whilst maintaining satisfactory standards for those existing residents fronting Tenford Lane. These matters are acceptable in principle and would be assessed in detail at the reserved matters stage. The potential adverse noise impacts in relation to the East Mount kennels facility is discussed in detail below.

7.34 In these circumstances, the proposal accords with such requirements in relation to CS Policy DC1 and the NPPF.

Other Technical Considerations

7.35 CS Policy SD4 ‘Pollution and Flood Risk’ states that the Council will ensure that the effects of pollution (air, land, noise, water, light) are avoided or mitigated by refusing schemes which are deemed to be (individually or cumulatively) environmentally unacceptable. This is further reinforced by paragraph 120 of NPPF which states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Furthermore, the effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account in decision making.

7.36 Paragraph 123 of the NPPF states that amongst other things, planning policies and decisions should aim to ‘avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development’ and ‘recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

7.37 Members will recall that noise issues and business viability in relation to the previously proposed housing development’s location adjacent to the licensed East Mount kennels formed the principle reason for refusal of application ref. SMD/2016/0200.
7.38 The Council’s Environmental Health Officer discusses that the dog boarding and rescue kennels are the primary noise source close to the proposed development. Furthermore, that these kennels operate as a temporary boarding facility for all stray and lost dogs under the responsibility of the District Council, including offering an “out of hours” facility for the public to reclaim and drop off animals. This means that the dogs are very often disturbed throughout the day and into the evening, causing bouts of barking randomly throughout this period. The kennels also operate as a Rottweiler Rescue Centre and regularly houses a number of these animals pending rehousing. In addition, it also operates as a Staffordshire bull terrier boarding facility. The Officer states that the Rottweilers can be particularly loud with maximum noise levels from these dogs being in excess of 100Lamax. These kennels although constituting a potential noise source are considered to be an important facility within the area by providing an essential boarding facility for stray animals or those, which become parted from their owners.

7.39 Initially, the resubmitted scheme proposed that the main area of open space be relocated to the western end of the site, in order to create a greater separation “buffer” distance between the proposed dwellings and the adjacent kennels. This was intended to address the noise related issues forming the reason for refusal of the previous application. In these circumstances, a site specific noise assessment was required to establish whether an appropriate mitigation scheme can be incorporated into the development. The applicant submitted an updated noise report to support the revised application, which has been assessed in detail by the Council’s Environmental Health Section.

7.40 The Council’s Pollution Officer concluded that the revised layout by removing only a single line of housing to create a greater buffer area to address concerns regarding noise impacts was insufficient to ensure that a reasonable standard of amenity could be enjoyed by future occupiers of this proposed noise sensitive housing development as well as protecting business viability in relation to the adjoining kennel facility. These issues once again have maintained a substantive objection to the scheme. Specifically and notwithstanding the proposed acoustic fencing, the buffer distance between the proposed housing and the kennels was insufficient and the proposed mitigation of mechanical ventilation was inappropriate for a residential development sited within a rural location. In these circumstances, Officers considered that the operation of the boarding kennels would be compromised by the proposed housing scheme and that future occupiers of the proposed residential properties would not be able to enjoy reasonable standards of amenity owing to adverse noise impacts resulting from these kennels.

7.41 In seeking solutions to problems, as encouraged by the NPPF, the applicant was advised to increase the buffer distance between the proposed dwellings and the kennels. This would clearly assist in mitigating against the resultant adverse noise impacts from the kennel facility and in turn protect business viability to overcome scheme objections. This could only be achieved within the application site by further alterations to the layout to increase buffer distance requiring a material reduction in proposed dwelling numbers. Subsequently and as a result of further discussions between the
applicant and Council Officers, a revised scheme for up to 40 dwellings has been submitted. The buffer separation distance has been increased by curtailing development to the west of the established hedgerow (H2), which lies perpendicular to Tenford Lane.

7.42 The Council’s Environment Health Section have considered this further revision and have commented that the removal of a further strip of housing and increased buffer zone is an improvement to ensure amenity protection for future occupiers. It is advised that all houses where possible should be west/kennel facing so that rear gardens are afforded adequate protection from noise and this would be agreed at the reserved matters stage. Furthermore, a 3.0m acoustic fence/bund and comprehensive sound insulation package should be a further requirement of the development as set out in the submitted acoustician’s report. Additionally, a pre-completion test to validate the sound insulation effectiveness should also be undertaken and where there is any failure, then upgraded glazing and insulation will be required to be installed to affected properties. The submitted noise report confirms that adequate amenity can be achieved for future occupiers and therefore it is considered that pre-completion testing can validate this position. These matters can be confidently secured through appropriately worded planning conditions should Members be minded to approve the scheme. There remains a concern, however, that noise to an extent may impact upon future occupiers of the scheme’s houses. Of consideration is that there are already a number of properties pre-existing within a 125.0m radius of the kennels and therefore the justification for objection has been somewhat eroded. This issue will be returned to in the balance section below.

7.43 The site is greenfield with some known contamination. However, this is not considered to be significant enough to prevent development. In these circumstances, the Environmental Health Section recommend a pre-commencement contamination and gas risk assessment to be carried out to establish the precise nature of the risk. Further, as the proposed development is near to existing properties, care needs to be taken during the construction phase to ensure that these activities do not cause unreasonable disruption to the neighbour’s enjoyment of their properties. These matters can be adequately secured via suitably worded planning conditions attached to any consent.

7.44 The site falls within Flood Zone 1, which has a low probability of flooding. Staffordshire County Council LLFA (Lead Local Flood Authority) confirms that there are no major flood risk constraints to prohibit development on this site. It has been advised, however, given the fall across the site, that the proposed use of soakways have the potential to increase the risk of springs lower down the site. In these circumstances, the LLFA recommend that the proposal should consider incorporating contour land drains at the southern boundary to help capture overland flows at Tenford Lane. The detailed drainage design should also consider providing a high level overflow outfall on the soakaways should the site encounter storm events in excess of the 100 year plus 30% climate change storm event. In addition, finished floor levels are recommended to be set at no lower than 150mm above
surrounding ground levels. These matters can be adequately secured via suitably worded planning conditions at the consent stage of development.

7.45 It is clear that the revised application does not present any significant local flood risk, land instability, groundwater or contamination constraints. In addition, further contamination work, measures for controlling construction and site drainage details can be adequately dealt with by way of appropriately worded planning conditions to accord with CS policy SD4. There remains, however, some conflict with CS policy SD4 and paragraph 123 of the NPPF in relation to adverse noise impacts from the kennels to future occupiers, which in turn may impact upon business viability. This issue will be returned to within the planning balance section below.

Nature Conservation

7.46 The conservation and enhancement of the natural environment is a core principle of the NPPF where planning policies should promote the preservation, restoration and re-creation of priority habitats and ecological networks. In determining planning applications, permission should be refused if significant harm resulting from development cannot be avoided, adequately mitigated or, as a last resort, compensated for. Similarly, CS Policy DC1 promotes the maintenance, enhancement, restoration and re-creation of biodiversity and geological heritage, where appropriate, in accordance with CS Policy NE1 'Biodiversity and Geological Resources'.

7.47 Amongst other matters, Policy NE1 requires that development, where it is appropriate, produces a net gain in biodiversity and ensures that any unavoidable impacts are appropriately mitigated for whilst promoting the appropriate maintenance, enhancement, restoration and/or re-creation of biodiversity through its proposed nature, scale, location and design.

7.48 The application is supported by a Preliminary Ecological Appraisal dated September 2015. The views of the Countryside Officer have been sought in relation to the nature conservation interests on and around the site in relation to the submitted report. He states that the survey has indicated that the vegetation on site was recorded as species poor grassland with intact species hedgerows, scattered trees and scrub. The Officer advises, however, that a number of further surveys are required and these should accompany any reserved matters application. These relate to a: badger survey; reptile survey; survey of ponds within 500m of the development suitable to support populations of great crested newts (a full survey for great crested newt will be required if ponds are suitable) and a survey for roosting and commuting bats. It is also stated that the results and implications of these surveys should be incorporated into an ECMP (Ecological Construction Management Plan) and EDS (Ecological Design Strategy), which would detail mitigation, compensation and enhancement opportunities for the application site to be achieved.

7.49 In this case, the requirement for further surveys of these identified species groups is not a constraint to granting planning permission and the
Countryside Officer has suggested suitable planning conditions relating to such further survey work and mitigation in the new development should planning consent for an outline application be granted.

7.50 The Countryside Officer previously referred to the proposed site plan, which showed “back to back” gardens enclosing hedgerow H2. It was advised that the landscaping and enhancement of the hedgerow would provide an additional movement corridor/linear habitat and should therefore be located within an area of open space and similarly applied to hedgerow H1. The revised plan has responded to this issue whereby development is now clearly set away from hedgerow H2. It was further discussed that the areas within the blue land to the north of the scheme have the potential for habitat creation. He advised that any increased areas of woodland and or species rich grassland to the north of the scheme should reflect local priority BAP habitat types and use information available on nearby SBIs (Sites of Biological Importance) and would be secured by the EDS.

7.51 In conclusion, the suggested layout of up to 40 units allows adequate space for the provision of habitats and mitigation to add biodiversity value to the application site as advocated in both the NPPF and CS Policy NE1.

Section 106 Matters

7.52 CS Policy H2 ‘Affordable and Local Needs Housing’ requires the application proposal to deliver 33% affordable housing on site. C1 ‘Creating Sustainable Communities’ states that the Council will 'only permit new development where the utility, transport and community infrastructure necessary to serve it is either available, or will be made available by the time the development needs it. C2 ‘Sport, Recreation and Open Space’ states that the Council will promote the provision of high quality recreational open space by implementing and supporting schemes that will protect and improve the quantity, quality and accessibility of open space and outdoor sports, leisure and children's play facilities throughout the district.

7.53 SCC Education has confirmed a total contribution of £88,248 is required towards school places in the area. An applicable 33% affordable housing contribution is equivalent to the 13 affordable dwellings which the application proposes. The affordable housing type, size, tenure, positioning and phasing throughout the site would need to be agreed with Council’s Housing Strategy Services. This would need to incorporate 70% rented and 30% shared ownership provision.

7.54 There is no requirement for any onsite play or formal sports provision owing to the size of the development. As well, there is also a play area and adjacent playing field at The Wentlows close by. Using the Council’s formula for calculating play and playing pitch contributions, the scheme would generate an off-site financial contribution of £76,281.80 for play and £95,186.42 for playing pitch provision. This figure will be reduced in view of the revised reduced scheme for up to 40 dwellings and Members will be updated at the meeting. The Council’s Project Officer advises that these
monies should be targeted towards upgrading the existing play equipment and improving the existing playing pitch at The Wentlows open space, subject to Parish Council agreement. The provision and management of any onsite open space, including strategic landscaping will be the responsibility of the developer and would need to be secured as part of any s106 agreement should permission be granted.

7.55 Currently, these matters are agreed in principle by the applicant as they are required to mitigate or compensate for the effects of the proposal and should be sought by the Council in the event that the planning application is approved. Such obligations should accord with the Community Infrastructure Levy Regulations 2010.

Archaeology

7.56 SCC Archaeology comments are awaited and will be reported to Members at the meeting. It is unlikely that significant objections will arise to the development of this site in respect of archaeological heritage assets. Should the advice be that there is a demonstrable potential for the significance of archaeological remains to be found on the application site, then it is likely that a staged archaeological evaluation will be required to be undertaken. This approach is supported by paragraph 128 of the Framework, while any works which stem from the evaluation works are supported by paragraph 141 and would be secured via a suitably worded planning application.

8. PLANNING BALANCE & CONCLUSION

8.1 Paragraph 47 of the NPPF requires the Council to identify a five-year supply of deliverable housing land sites, including a 5% buffer to allow for choice and competition in the market for land increased to a 20% buffer where there is a persistent under-delivery in past years. The Council calculates its 5-year land supply on a district basis. As at March 2016, it was 1.87 years (with a 20% buffer). The local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

8.2 Paragraph 14 of the NPPF states that where the development plan is absent, silent or out-of-date planning permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

8.3 The NPPF states that a presumption in favour of sustainable development should be seen as a golden thread running through decision-making and it is therefore necessary to examine the proposal as a whole in
8.4 In the balance, the development would make a valuable contribution towards meeting the chronic housing land supply shortfall in the District within an accessible and sustainable location. The provision of up to 13 affordable housing units would contribute towards meeting an acknowledged shortfall. Expenditure on construction would aid the local economy, local businesses would be supported and the Council would benefit through Council Tax payments and potential New Homes Bonus payments. Together, these matters amount to significant economic and social benefits which attract substantial weight in the context of a significant and chronic housing undersupply of 1.87 years.

8.5 Balanced against this, the development of a greenfield site would inevitably have a negative visual impact on the character and appearance of the countryside. The proposed buffer planting presents clear onsite ecological net benefits whilst assisting in assimilating the development into the wider countryside to an acceptable degree. The conclusions on the issue of landscape harm weighs against the scheme within the environmental strand of sustainable development. This landscape harm, however, is considered insufficient as to significantly and demonstrably outweigh the other benefits that have been described above.

8.6 The revised proposal no longer represents a significant concern regarding adverse noise impacts to future occupiers of the scheme from the adjoining large scale kennels. In turn, this has addressed the concerns of permitting a sensitive land use adjacent to a noisy use in respect of protecting business viability to prevent the closure of this valued facility, which accommodates rescue and stray dogs. These issues, therefore, on balance, no longer lead to a conflict with CS Policy SD4 and the NPPF subject to appropriately worded noise mitigation conditions. The material benefits of the proposal outweigh this more moderate harm in relation to the future occupiers of the housing scheme adjoining the kennels facility.

8.7 As such, the proposal would amount to sustainable development in the terms of the Framework and would therefore benefit from the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF.

8.8 Accordingly, an Officer recommendation of approval is given.

9. RECOMMENDATION

9.1 That planning permission is granted subject to the prior completion of a Section 106 Agreement to secure the required 33% onsite affordable housing, financial contributions towards both education and play space / formal sports, as well as management agreement for the on-site open space provision and ecological area and to the following conditions:
Standard

1. No part of the development hereby permitted shall be commenced until full details of the layout, scale, appearance and landscaping (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

2. Application for approval of the reserved matters for the development hereby permitted shall be made to the Local Planning Authority no later than the expiration of 3 years from the date of this permission and the last application for reserved matters approval shall be made no later than 5 years beginning on the date of this permission.

3. The development hereby permitted shall be carried out in general accordance with the principles set out in the indicative Framework Plan (ref 00438_AL(0)04 A) in relation to the provision of open space.

4. No more than 40 dwellings shall be built on the site.

5. Strategic landscaping scheme prior to reserved matters layout approval.

Highways

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

   - layout of roads and buildings;
   - Provision of parking, turning and servicing within the site curtilage;
   - Means of surface water drainage including longitudinal sections to SUDS principles;
   - Street lighting; and,
   - Surfacing materials.

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

7. The development hereby permitted shall not be brought into use until the visibility splays shown on plan ref. SCP/15357/F01 A have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level. The hedge shall be removed to the extent required to provide and maintain this visibility splay.
8. The development hereby permitted shall not be commenced until details of the following highway works have been submitted to and approved in writing by the Local Planning Authority: bellmouth access; footway connections into the proposed site from the existing network and dropped crossings with tactile paving on both sides of Tenford Lane - all as generally shown on drawing SCP/15357/F01 A but which shall incorporate further two-dimensional and three dimensional revisions as recommended by subsequent Safety Audits and as guided by detailed design. The highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

Amenity

9. Prior to the commencement of development, a Construction and Environmental Method Statement for the site shall be submitted to and approved in writing by the Local Planning Authority. It shall include the following details:-

I. The method and duration of any pile driving operations (expected starting date and completion date);

II. 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;

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 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;

VII. Details of wheel washing facilities. All construction vehicles shall have their wheels cleaned before leaving the site;

VIII. A scheme for recycling/disposal of waste resulting from the construction works;

IX. The parking of vehicles of site operatives and visitors;

X. The loading and unloading of plant and materials;

XI. The storage of plant and materials used in constructing the development;
XII. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; and,

XIII. Installation and maintenance of wheel washing facilities.

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

10. A site specific sound insulation scheme including specific details of an acoustic barrier and or bund shall be submitted to and approved by the LPA. The submitted scheme shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and be designed to achieve noise levels of less than 35 dB LAeq16hr (07:00 to 23:00) in bedrooms and living rooms, less than 40 dBLAeq16hr (07:00 to 23:00) in dining areas, less than 30db Laeq8hr in bedrooms (23:00 to 07:00) and 50dB LAeq16hr (07:00 to 23:00) in outside living areas. A report shall be produced containing all raw data and showing how calculations have been made. A copy of such report shall be submitted to the Local Planning Authority for its approval prior to development commencing. Prior to the first occupation pre completion tests shall be carried out to verify compliance with this condition and a corresponding report shall be produced containing all raw data and showing how calculations have been made. This report shall be submitted to the Local Planning Authority for its written approval before any of the units hereby approved are occupied.

Flooding and Drainage

11. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:-

i. A scheme for the provision and implementation of surface water run-off limitation to existing greenfield run-off rates; and,

ii. Provision, implementation and maintenance of a Sustainable Drainage (SuDs) system with storage provided up to the 100 year plus 30% climate change allowance.

Prior to commencement of development, a timetable for the implementation of the mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented in accordance with the approved timetable.

12. Finished floor levels shall be set at least 150mm above adjacent ground levels.

Site Investigation/Contaminated Land
13. If, during the course of development, any contamination is found which has not been previously identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures. Prior to bringing the development into first use, a validation report demonstrating completion of the works as set out in the approved remediation strategy shall be subject to the written approval of the Local Planning Authority prior to first occupation of the development.

Importation of Soil / Material

14. No top 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 shall be submitted to and agreed in writing by the Local Planning Authority prior to the soils being imported onto site. The methodology shall 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 prior to first occupation of the development.

Ecology

15. No development hereby permitted shall be commenced until a ‘Landscape and Habitat Enhancement & Management Plan’ prepared in accordance with Ecological Appraisal, including long term design objectives, management responsibilities, maintenance schedules over a 20 year period for the application site shown on and Location Plan drawing ref. (ref 00438_AL(0)04 A) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) within the site.

The following surveys shall be provided:

- Badger survey;
- Reptile survey, and,
- Survey of ponds within 500m of the development suitable to support populations of great crested newts (a full survey for great crested newt will be required if ponds are suitable).

The following details shall be provided:
- The extent and type of new planting (planting to be of native species wherever appropriate);
- Any new habitat created on site, and,
- Treatment of site boundaries and / or buffers around water bodies.
- Trees and shrubs planted within developed landscaped areas should be of native species of a similar composition to species identified within species rich hedgerows and the adjacent woodland.
- A Timetable for the implementation of the plan.

The approved management plan shall be implemented in accordance with the approved details.

16. Prior to commencement further detailed bat surveys shall be carried out prior to the removal of any trees identified as having high–medium potential for bats through previous bat surveys. Surveys should be carried out according to the Bat Conservation Trust Survey Guidelines 2nd Edition. Bat Conservation Trust.

Provision of 10 nesting sites for swifts, bats and other birds of Conservation Concern (as defined by the Royal Society for the Protection of Birds), such as house sparrow within the detailed design of buildings.

Full Details of how water courses located on the site will be protected from possible pollution and contamination during the construction and completed phases of the development should be submitted and approved by the Local Planning Authority.

No tree / shrub clearance work shall be carried out between 1st March and 31st August inclusive in any year, unless the relevant area has been surveyed in advance for breeding birds and confirmation of this has been provided in writing to the Local Planning Authority. Where breeding birds are identified in the relevant area, a scheme to protect the, shall be submitted to and approved in writing by the Local Planning Authority prior to the carrying out of the relevant tree / shrub clearance work and the scheme shall be implemented in accordance with the approved details.

No development hereby approved shall be commenced until details of a lighting scheme for the application site has been submitted to and approved in writing by the Local Planning Authority. The design and location of lighting shall not impact on foraging or commuting bats and shall minimise disturbance to other wildlife avoiding retained and enhanced habitat areas. The scheme shall be implemented in accordance with the approved details.
Trees

17. No development hereby permitted shall take place until a detailed Arboricultural Method Statement to include a scheme for the retention and protection of trees and hedges on or adjacent to that phase of the site has been submitted to and approved in writing by the Local Planning Authority. Development of each phase shall be carried out in accordance with the approved Statement and protection scheme for that phase, 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.

Archaeology

18. No development hereby permitted shall commence until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority and until any pre-start element has been completed in accordance with the approved scheme. The scheme shall include an assessment of significance and research questions and in particular:

- The programme and methodology of site investigation and recording;
• The programme for post-investigation assessment;
• Provision to be made for analysis of the site investigation and recording;
• Provision to be made for publication and dissemination of the analysis and records of the site investigation;

Provision to be made for archive deposition of the analysis and records of the site investigation, and, Nomination of a competent person or persons/organisation to undertake the works. No part of the development hereby approved shall be occupied until the site investigation has been implemented in accordance with the approved written scheme of investigation.

9.3 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

9.2 This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 187 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

10. APPENDICES TO THE REPORT

10.1 The link below to the Council’s website is where the detail of this application can be viewed.

http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=110317
Revised Scheme for up to 40 Dwellings: