

## Appeal Decisions

Number	Location	Application Number	Decision	Decision Notice	Location Plan
1	Land South Of Stafford Road, Gnosall	13/19587/OUT	Appeal Withdrawn	Officers Report, Decision Notice, Withdrawal Letter	See last page of Officers Report
2	Land Between Quarry Cottage To North And Health Centre To South, Knightley Road, Gnosall	13/19051/OUT	Allowed through appeal	Officers Report, Decision Notice, Inspectors Decision	586-LOC-01
3	Land Adjacent Shenley Cottage And The Butts, Main Road, Little Haywood	14/20477/OUT	Dismissed	Officers Report, Decision Notice, Inspectors Decision	See last page of Officers Report
4	Land South Of Nicholls Lane And East Of Airdale Spinney, Stone	12/17800/OUT	Dismissed	Officers Report, Decision Notice, Inspectors Decision	See last page of Officers Report
5	Land At Walton Heath, Common Lane, Stone	13/19605/FUL	Dismissed-Second Appeal Pending	Officers Report, Decision Notice, Inspectors Decision	H 6 3 4 0 : 0 2 (not approved)
6	Land At Walton Heath, Common Lane, Stone	15/21873/FUL	Refused-appeal pending	Officers Report, Decision Notice	H6340:02 A (not approved)
7	Land Between Ash Flats And A449 Mossnit, Wolverhampton Road, Stafford	13/19524/OUT	Dismissed	Officers Report, Decision Notice, Inspectors Decision	See last page of Officers Report
8	Former Castleworks, Castle Street, Stafford	11/15998/OUT	Allowed through appeal	Officers Report, Decision Notice, Inspectors Decision	CWS/020

9	Land At Old Rickerscote Lane, Stafford	13/19161/OUT	Appeal Withdrawn	Officers Report, Decision Notice, Withdrawal letter	Rev a 27.9.13 (not approved)
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<b>Application</b>	13/19587/OUT	<b>Case Officer:</b>	P Atkins
<b>Date Registered</b>	20 December 2013	<b>Target Decision Date</b>	21 March 2014
<b>Address</b>	Land South of Stafford Road Gnosall Stafford Staffordshire	<b>Ward</b>	Gnosall and Woodseaves
		<b>Parish</b>	Gnosall
<b>Proposal</b>	Erection of up to 150 dwellings, provision of open space and access works (all matters reserved except access to Stafford Road).		
<b>Applicant</b>	Staffordshire County Council		
<b>Recommendation</b>	Refuse		

## REASONS FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor Ken Williamson (Ward Member for Gnosall and Woodseaves) for the following reason:

"This application is outside the residential development boundary and will be an intrusion into the open countryside. It will have a significant cumulative impact on the character of the village and the supporting infrastructure."

### Context

This is an application seeking outline planning permission for the erection of up to 150 dwellings with all matters reserved for future approval except access.

The application site comprises 2 parcels of agricultural land amounting to about 5.56 hectares which lies outside of Gnosall's Residential Development Boundary (RDB) as defined in the Adopted Stafford Borough Local Plan 2001.

The site, which is located to the south of Stafford Road, lies adjacent to other agricultural land (within the applicants' ownership/control), established and recently built housing and consented, but as yet unbuilt, residential development and also a cemetery.

The application site currently has 2 'low key' vehicular accesses onto Stafford Road. A third access point along a track towards the southern extremity of the site also exists.

The proposal includes a single access/egress point onto Stafford Road on the western part of the site. Two pedestrian links are proposed – one onto Stafford Road (to the north-east) and one to the unmade track to the site's southern tip.

The site, which has recently been used for growing crops, supports a number of trees and hedgerows to its boundaries.

Although submitted in outline form, an 'appraisal layout' indicates how the site could be developed. The layout shows a road layout, new footpaths linking to existing routes, a variety of different dwelling sizes (1, 2, 3, 4 and 5 beds) and types including affordable housing units, on-site open spaces including a local area of play, sustainable drainage pond, retained trees and hedgerows. 105 open market units and 45 affordable units are envisaged on the site.

The application is supported by a range of documents, in particular these include:

Planning statement;  
Design and access statement;  
Ecological appraisal;  
Great Crested Newt survey;  
Arboricultural report;  
Landscape and visual impact assessment;  
Transport assessment;  
Travel plan framework;  
Flood risk assessment;  
Statement of community involvement;  
Topographical site survey;  
Habitat regulations assessment;  
Scale and massing statement;  
Building for life statement; and  
Agricultural land classification

## **Officer Assessment – Key Considerations**

### **1. Principle of Development**

The application site lies outside of Gnosall's RDB and therefore in policy terms occupies an open countryside location. Whilst new residential development in the open countryside generally conflicts with the provisions of the adopted 2001 Local Plan, the proposal should also be considered in the context of the emerging the Plan for Stafford Borough and the need to ensure that there is a sufficient supply of land for housing.

The December 2012 appeal decision allowing residential development on the Castleworks site, Castle Street, Stafford (application reference 11/15998/OUT) established that the Council could not, at that particular time, adequately demonstrate that it had the necessary 5 year + housing land supply to meet the requirements of the National Planning Policy Framework (NPPF) (paragraphs 47, 48 and 49).

Paragraph 49 of the NPPF states that “*housing applications should 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.*”

This emphasis is also made in a core principle (paragraph 17 of the NPPF) to proactively drive and support sustainable economic development to deliver homes. Whilst it states that the intrinsic character and beauty of the countryside should be recognised, paragraph 9 also states that pursuing sustainable development involves widening the choice of high quality homes.

However, the Council can demonstrate a 5 year supply of housing land, including a 20% buffer. Considerable weight should be attached to the emerging Plan for Stafford Borough which has demonstrated that for the plan period objectively assessed housing need can be fully met, as supported by Paragraphs 215 and 216 of the National Planning Policy Framework. It has an up-to-date evidence base, is at a late stage in its development and has been produced in accordance with the National Planning Policy Framework.

This application is a substantial residential proposal on a greenfield site that lies outside the Key Service Village of Gnosall. Due to the scale of the development the proposal is considered to be contrary to Spatial Principle 7(b) in the emerging Plan for Stafford Borough.

Policies and Guidance:-

National Planning Policy Framework (NPPF) – Paragraphs 9, 17 (Core Principles) Section 6 – Delivering a wide choice of high quality housing

Adopted Stafford Borough Local Plan 2001 - Saved Policies E&D7 Development in the Countryside, HOU2 Development within Residential Development Boundaries (RDBs) and HOU3 Residential Development Outside of RDBs

## **2. Landscape Character**

The submitted Landscape and Visual Impact Appraisal (LVIA) states that the site does not lie within any designations or relevance to landscape and visual matters. The site is also acknowledged as being outside the Gnosall Conservation Area.

The appraisal concludes that the anticipated effects of the proposal upon landscape character and visual amenity are not considered to be significant.

The appraisal advances that the proposal seeks to deliver a scheme that will minimise landscape impacts, incorporating existing trees and hedgerows, and is sympathetic to the urban/rural fringe. Mitigation measures are also planned to minimise impact.

Policies and Guidance:-

NPPF – Paragraph 17 – Core principles

Adopted Stafford Borough Local Plan 2001 Saved Policies E&D2 Consideration of Landscape and Townscape Setting and E&D7 Development in the Countryside

### **3. Vehicular Access, Transport and Highway Safety**

The application seeks detailed approval of a single vehicular access/egress point onto Stafford Road. The submitted transport assessment states that the proposed access arrangement has been assessed for capacity and demonstrated to accommodate the proposed traffic flows in future assessment years.

The submitted assessment submits that future residents and visitors would be afforded travel choices by all modes of transport (pedestrian, cycle, public transport and private car).

A travel plan framework that accompanies the application highlights that the profile of sustainable travel options can be raised in order to influence residents' travel choice behaviour.

The transport assessment acknowledges that reviewed accident data has not identified any patterns that highlight a highway safety issue.

The assessment advances that the proposed traffic distribution would not have a 'severe' impact.

The Highway Authority (HA) raises no objection to the proposal subject to conditions (access to be provided with binder course prior to commencement, further details relating to layout, means of surface water drainage and surfacing materials, off-site highway works, traffic management scheme and implementation of travel plan). The HA also recommends that a Section 106 agreement is necessary to secure a £6200 travel plan monitoring fee.

In this context, there is no access, highway safety or sustainable transport objection to the proposed development.

Policies and Guidance:-

National Planning Policy Framework (NPPF) - Section 4 on sustainable transport

Adopted Stafford Borough Local Plan 2001- Saved Policy MV10 Land Development Requirements

### **4. Drainage and Flood Risk**

A number of representations have raised concerns that the proposed development may exacerbate existing drainage and flood risk problems found in Gnosall.

Using Environment Agency (EA) information, the application site lies entirely within Flood Zone 1, which is the lowest zone of flood risk where all uses of land are considered acceptable.

The submitted flood risk assessment (FRA) concludes that the site is at low risk of flooding from surface water, sewer and groundwater flooding and at an equally low risk of flooding from artificial sources.

The assessment states that given the low risk of flooding, no specific measures are necessary. However, finished floor levels should be set 150mm above surrounding ground levels.

The assessment also highlights that a sustainable drainage system is proposed for use such that the development will be safe and designed to be resilient to flooding and not increase flood risk elsewhere through loss of floodplain storage, impedance of flood flows or increase in surface water run-off.

Both Severn Trent Water and the EA raise no technical objections to the proposed development and do not recommend the imposition of any conditions.

In the absence of technical evidence that clearly demonstrates that the proposal would be likely to give rise to harmful impacts to drainage and flood risk interests, there is no reasonable basis to object to the development.

Policies and Guidance:-

National Planning Policy Framework (NPPF): Section 10: Meeting the challenge of climate change, flooding and coastal change and Section 11: Conserving and enhancing the natural environment

Adopted Stafford Borough Local Plan 2001 - Saved Policy E&D50 Land Drainage and Flooding Considerations and Policy E&D4 Sewage, Effluent and Surface Water

## **5. Trees and Hedgerows**

The application drawings, in particular the appraisal layout and the arboricultural implications assessment, indicates both the retention of existing trees and the planting of new trees on the development site.

An existing hedge which divides the two parcels of agricultural land is also shown to be principally retained and incorporated into the proposed development. Similarly, existing hedges to site boundaries are to be retained and reinforced.

The retention and introduction of trees and hedgerows will, upon maturity, assist in softening the edges of the site and contributing to the visual amenity of the development. Clearly, however, landscaping and general design proposals for the development will be subject to future, detailed reserved matters application(s).

The Council's Tree Officer has assessed the proposal, following a visit to the site, and raises no objection to the application, including the detailed access proposal. Two tree protection conditions are recommended and these can be incorporated into any grant of outline planning permission.

In the above context, there are no objections to the proposed development.

Policies and Guidance:-

National Planning Policy Framework (NPPF): – Section 11: Conserving and enhancing the natural environment

Adopted Stafford Borough Local Plan 2001 - Saved Policy E&D44 Development Affecting Trees and Hedgerows.

## **6. Ecology and Biodiversity**

The Council's Biodiversity Officer has considered the proposal and does not raise any objection subject to conditions designed to protect and enhance ecological interests. The biodiversity officer acknowledges local suggestions that great crested newts are present in neighbouring gardens, however it is not suggested that further surveys are necessary given that the applicants' own ecological assessment has been appropriately carried out. Accordingly, there is no objection to the proposed development, subject to relevant conditions

Policies and Guidance:-

National Planning Policy Framework (NPPF) – Section 11 – Conserving and enhancing the natural environment

Adopted Stafford Borough Local Plan 2001 – Saved Policy E&D37 Nature Conservation: Sites of European Importance, E&D39 Nature Conservation: Sites of Regional/Local Importance, E&D40 Mitigation and Amelioration of Impact on Sites of Nature Conservation Interest

## **7. Agricultural land quality**

In view of the fact that a crop was grown on the application site in 2013, the applicant was requested to provide an Agricultural Land Classification (ALC). The ALC report confirms that the 6 hectare site is good (Grade 3a) quality agricultural land, but also notes that 40% of land in the area is Grade 3 agricultural land.

## **8. Habitat Regulations - Cannock Chase Area of Special Conservation (SAC)**

The application site lies within the 15km zone of influence identified around the Cannock Chase SAC. The response from Natural England acknowledges the potential impact of



cumulative residential developments on the SAC and highlights the need to provide appropriate mitigation.

The development does not propose any on-site suitable alternative natural green space. However, the applicants acknowledge that the payment of financial contributions towards mitigation measures would be appropriate. Such off-site mitigation based on a contribution per dwelling from the developer would provide a reasonable response to addressing resultant impacts on the SAC. This approach has been recently adopted in respect of other residential development proposals elsewhere in the Borough. A section 106 agreement would secure the necessary financial contribution.

Policies and Guidance:-

National Planning Policy Framework (NPPF) – Section 11 – Conserving and enhancing the natural environment

## **9. Heritage Implications – Archaeology and Gnosall Conservation Area**

The County Environmental Advice response recommends that in the interests of archaeology a condition should be imposed to secure a watching brief during groundworks. In the absence of any further substantive evidence, there is no archaeological objection to the proposal.

The application site is located within the Historic Environment Character Zone (HECZ 11) of the Gnosall Historic Environment Assessment. The assessment considers that medium to large scale residential development within this particular zone is likely to have at least a moderate impact upon the historic environment. The assessment advises that any proposal should seek to retain or reflect historic field patterns. The appraisal layout indicates the retention and incorporation of existing hedgerows within the site, including the two hedgerows within the main portion of the site. This is considered advantageous in historic association terms.

The Conservation Officer considers that the proposal would not have adverse consequences for the nearby Gnosall Conservation Area. Given the absence of any clear contrary evidence, there is no reason to take a contrary view on this matter.

However, it is expected that any reserved matters application should take into account the Conservation Officer's comment in relation to the detailed design and layout of the proposal.

Policies and Guidance:-

NPPF: Paragraphs 7 - 9, 14, 17, 58, 61 and Section 12: Conserving and enhancing the historic environment

Adopted Stafford Borough Local Plan 2001 – Saved Policy E&D18 Development Likely to Affect Conservation Areas and E&D34 Archaeological Evaluation.

## **10. Residential Amenity**

Although the appraisal layout drawing is indicative and not submitted for formal consideration it nevertheless does indicate how the planned 150 houses could be provided on the site, but does not provide for full on-site provision of public open space.

The detailed design and layout of the development would be considered at the reserved matters stage which would follow a grant of outline permission. This would provide the appropriate opportunity to consider the detailed impact of the proposal on the amenity of neighbouring residents, including those that bound the site. As such it is not possible in assessing the current application to consider issues such as natural lighting, outlook and privacy.

However, it is envisaged that with a careful and sensitive approach the site would be capable of accommodating the planned number of new dwellings whilst avoiding significant impact on residential amenity interests. The Council's Space About Dwellings document currently provides guidance on residential amenity issues.

The Environmental Health Officer has suggested a number of conditions in order to reduce noise and general disturbance to neighbouring residents during the construction phase of the proposed development. It is considered that the suggested conditions relating to restricting hours of works and deliveries are necessary, however other matters are capable of being dealt with under separate legislation.

Policies and Guidance:-

NPPF: Section 11 - Conserving and enhancing the natural environment

Adopted Stafford Borough Local Plan 2001 – Saved LP Policy: Policy E&D1: General Requirements, E&D5: Noise Attenuation Requirements, Policy HOU1: Development in Existing Residential Areas, and Policy HOU5: Residential Development: Layout and Design

Supplementary Planning Guidance: Space About Dwellings

## **11. Planning Obligations**

Should the application be considered to be acceptable a Section 106 agreement would be necessary to secure affordable housing provision, on- and off-site open space, and financial contributions towards education provision and the mitigation of impacts on the Cannock Chase Special Area of Conservation.

The application proposes that 30% of the dwellings will be affordable housing. The Plan for Stafford Borough in policy C2 requires developments of 12 or more units in Gnosall to provide 40% affordable housing. The most up to date viability evidence the Council has shows that 40% affordable housing is deliverable at Gnosall. The Council would expect an independent economic viability assessment to be provided if this is disputed.

Policies and Guidance:-

Adopted Stafford Borough Local Plan 2001 – Saved Policy INT1 Planning Obligations

## **Conclusion**

The proposal comprises a substantial residential development of a greenfield site outside of Gnosall's Residential Development Boundary in the adopted Stafford Borough Local Plan 2001 and outside the Key Service Village of Gnosall in the emerging Plan for Stafford Borough. Therefore the proposal is contrary to Saved Policy HOU3 of the adopted Stafford Borough Local Plan 2001, and due to the scale of the proposal it is also contrary to Spatial Principle 7(b) in the emerging Plan for Stafford Borough.

The proposal would necessitate the loss of good quality agricultural land and the proposed development would constitute a significant intrusion into open countryside detracting from the intrinsic character and appearance of the surrounding rural area, contrary to paragraphs 17 and 112 of the National Planning Policy Framework and to Saved Policies E&D7 (iv), and E&D8 of the Stafford Borough Local Plan 2001, as well as Spatial Principle 7(f) and Policy E2 (xi) of the emerging Plan for Stafford Borough.

## **Consultations**

### **Parish Council:**

Object.

Greenfield site outside Gnosall's Residential Development Boundary and outside proposals in the Gnosall Parish Neighbourhood Plan currently under development.

Proposal does not accord with the draft Local Development Framework.

Major encroachment into countryside.

Proposal is misleading.

Detrimental landscape impact.

Proposal would change character of Gnosall from a village to a town, with inadequate infrastructure, including education and health provision, with uncertainty over library, youth club and swimming pool.

If approved would be premature before the draft Local Plan is adopted.

Applicants' position in relation inadequate housing supply in the Borough is irrelevant in the context of the Local Plan Inspector's initial assessment (December 2013).

Scale of development is unacceptable.

Impacts of local tourism should be considered.

Need to take account of the impact of such developments on the village's character.

Proposal is unsustainable – Gnosall is almost entirely a commuter village, with little employment and likely that future residents would also commute adding to traffic volumes which are already too great.

Far too many accidents on local roads despite road safety measures having been put into place.

Existing play areas are insufficient to accommodate the big population increase.

Concerned about potential increase in flood risk from rapid surface water run-off after prolonged heavy downpours.

No detail provided of the long-term capacity infiltration pond and its maintenance.

Few ecological enhancements proposed to mitigate the impact of the development.  
Resultant loss of viable farm land will add to reliance on foreign imports.

Loss of farmland birds.

Highway safety implications of the proposal, including vehicular speed increases and relocation of pedestrian crossing.

Query adequacy of public open space on the site – should be located centrally.

No consideration has been given to concerns raised at public consultation event in September 2013 – the proposal, therefore, has not been informed by analysis of feedback.

Not against some development in Gnosall and understand why some landowners are looking to sell their land, but against and upset that the County Council should do the same.

Time should be given to allow the Parish Council to prepare a detailed Neighbourhood Plan to decide where development is preferred and how local facilities could be enhanced to meet preferred growth.

If all planning proposals are approved, Gnosall will have taken half of the 629 houses originally to be shared across 12 villages.

2010 housing questionnaire demonstrated a need for 36 affordable houses in Gnosall – this need has been met at developments at Lowfield Lane and Monks Walk. There is no further demand for additional houses.

A total of 111 new houses in Gnosall over a very short period of time and there are others that have been built or under construction throughout the village. The current proposal would provide a total of 261 houses.

Approval of the current application will undermine the Neighbourhood Plan process.

Decision on application should be postponed until a Neighbourhood Plan is in place and adequate time is allowed for this to happen.

### **Highway Authority:**

No objection subject to conditions (access to be provided with binder course prior to commencement, further details relating to layout, means of surface water drainage and surfacing materials, off-site highway works, traffic management scheme and implementation of travel plan) and a Section 106 to secure a £6200 travel plan monitoring fee.

### **Conservation Officer:**

Site lies to eastern boundary of the Gnosall Conservation Area. Site is viewed in the approach towards the Conservation Area from the northeast, and green space with views of open countryside beyond contributes to the context and setting of the Conservation Area as a formerly rural village.

Historic core of village has been obscured to the north side by mid-20<sup>th</sup> century development, but former green setting remains evident to the south.

However, application site relates more to mid-20<sup>th</sup> century housing estate opposite, than to historic core; and there is already a precedent for major new development directly opposite the open space either side of Sellman Street, which was identified as an Important Green Space in the Gnosall Conservation Area Appraisal (2013).

No conservation objection in principle to the development, although the building line to the southeast of Stafford Road should be set back at least 20m from the boundary, to provide a green buffer and more open feeling in the approach towards the Conservation Area.

### **Environment Agency:**

Recommend consultation with Lead Local Flood Authority and/or Local Land Drainage Section to provide information to support the review of flood risk assessments where surface water flooding is/may be an issue.

Sustainable drainage approach to surface water management should be used.

Local planning authorities should ensure their policies and decisions on applications support and compliment Building Regulations on sustainable rainwater drainage.

Where sustainable drainage is used it must be established that it is feasible, can be adopted and properly maintained and would not lead to any other environmental problems.

Where soakaways are proposed, these should be shown to work through an appropriate assessment.

Where disposal is proposed to a public sewer, the water company or its agents should confirm that there is adequate space capacity in the existing system taking future development requirements into account.

Design for exceedence.

Developers strongly advised to reduce run-off rates from previously-developed sites as is reasonably practicable, preferably to Greenfield rates, and in line with local policy. Run-off volumes should also be reduced wherever possible using infiltration and attenuation techniques.

NPPF technical guidance provides advice on the impact on climate change. FRAs should include an increase of 30% in peak rainfall intensity for developments to be still in existence by 2085.

Preference for gravity discharge to surface water drainage system, as opposed to pumps which require on-going maintenance and can fail during a storm event.

If demonstrated that a partial or complete pumped drainage system is the only viable option, the residual flood risk due to pump failure be investigated. Finished floor levels of affected properties should be appropriately raised and all flooding will be safely stored onsite.

Submitted information identifies that the site has not been subject to any previous significant development and consequently have no requirements for any investigation of the site.

Any identification of contamination remains the responsibility of the parties. Consultation, including remediation, should be undertaken with the local authority.

Applicant should refer to Groundwater Protection: Principles and Practice document.

All precaution must be taken to avoid discharges and spills to ground during and after construction.

### **Severn Trent Water:**

Currently undertaking a hydraulic modelling assessment of the foul sewers in Gnosall with a view to identifying any improvements that may be necessary to accommodate various upcoming developments.

No objection to proposal subject to inclusion of suitable drainage conditions, but are currently investigating the performance of the public sewerage system.

**Natural England:**

Site close to Cannock Chase SAC. Note submission of a draft S106 for an unspecified financial contribution to mitigate impact of development in respect of the SAC.

Habitat Regulation Assessment should be produced by the local authority.

Site within 15km zone of influence identified around the SAC. The zone is estimated to encompass the area from which 75% of visits are generated. The scale of housing development predicted within this zone is thought likely to increase the number of visitors to the SAC by 15%. Such a visitor number increase is likely to have a significant effect on the interest features for which the SAC was classified. Likely effects arise from wear and tear and dog fouling along paths, which alter the important heathland vegetation of the SAC.

If approved, the proposed development, in combination with other housing development, would contribute to the predicted increase in visitor number to the SAC and likely to have a significant effect. Therefore, unless exceptional circumstances apply, we advise that it will be necessary before the grant of permission to secure measures that will avoid the likelihood of significant effect arising, or to undertake an appropriate assessment of the effects of this development, with regard to the conservation objectives of the SAC.

Based on shadow HRA, no objection in relation to Aqualate Mere RAMSAR/SSSI.

Proposal close to Doley Common SSSI, Aqualate Mere SSSI and Allimore Common SSSI but satisfied that with strict adherence with application details the development will not damage or destroy the designations.

Biodiversity enhancements should be secured from the applicant.

**Environmental Health Officer:**

If evident that previous use of the site may give rise to contamination, a full investigation should be carried out.

If any piling work is required sufficient justification is required.

Restrictions necessary in relation to construction and deliveries, no burning on site, damping down and road sweeping facilities required, any equipment left running shall be inaudible at the boundary of occupied dwellings, screening required to protect existing dwellings from excessive noise, suitable waste and recycling facilities required.

Council policy that qualifying housing developments should provide 30% affordable housing.

Stafford Borough has an annual affordable housing shortfall of 210 dwellings and the proposed development will help reduce this shortfall.

Strategic Housing Market Assessment identifies an undersupply of 1 and 2 bedroom homes and oversupply of 3 bedroom homes.

**County Education Authority:**

The development falls within the catchments of King Edward VI High School and St Lawrence CE (VC) Primary School, Gnosall.

Excluding single apartments and 45 RSL dwellings, the proposal would add 31 primary school places and 16 secondary places and 3 sixth form places. The proposed development would require a contribution of £523,547.44 towards the indicative secondary school. The indicative education contribution for primary school places for the development would be £341,961.00. This gives a total contribution of £865,508.44.

**Parks and Open Spaces Development Officer:**

The development under provides public open space on the site by 55%, therefore the balance should be should be secured via an off-site contribution towards enhancing the Parish Council owned facility on Brookhouse Road.

Location of POS is acceptable.

Recommend that LEAP or under 12's facility be located in eastern corner adjacent to Outlook Cottage as will be away from the estate roads.

Recommend that a formal LEAP be provided.

Quantitative requirement of 34m<sup>2</sup> per person of open space required. Outline nature of the proposal does not allow a full breakdown in terms of capital investment nor the area of required POS. Contributions based on dwelling type.

Proposal also generates financial contributions towards sports provision (artificial pitches, pool and sports courts/halls).

**Tree Officer:**

No objections subject to tree protection conditions.

**Police Architectural Liaison Officer:**

Recommend that development attains Secure by Design accreditation.

**Biodiversity Officer:**

Despite anecdotal evidence of the presence of a great crested newt at a nearby property, the survey did not find any sign. Survey appears to have been carried out correctly and therefore its findings must be accepted. No further surveys required.

No badger setts found on site though they are known to be in the area. Recommended, therefore, that pre-works resurvey required.

Bat survey required for the removal of or works to 5 mature trees. Lighting should be designed to avoid light spill into vegetated areas. Recommended that 20 bat boxes are installed in retained mature trees.

No works should be carried out to trees during the bird nesting season unless a method statement is submitted for approval. Ten bird boxes should be installed in suitable locations.

Hedgerows should be retained where possible and appropriate native species used to fill gaps. Where hedgerows are lost, new hedges should be planted in compensation. Recommended that these are managed on a three-year rotation for wildlife value.

### **Staffordshire County Council Environmental:**

Concerned that a heritage statement has not been prepared to support the application and thus provide an analysis on the impacts of the development upon the adjacent conservation area and upon the historic landscape character.

The site lies within the Historic Environment Character Zone (HECZ 11) of the Gnosall Historic Environment Assessment which states that medium to large scale development within the zone is likely to have at least a moderate impact upon the historic environment.

It recommends that any development should aim to retain or reflect historic field patterns. A long-term maintenance strategy for the two retained hedgerows should be provided.

Archaeological watching brief be maintained during groundworks and this can be secured by a condition.

Methodology for the Landscape and Visual Impact Assessment is appropriate.

Borough Council advised to assess the likely landscape impacts of the proposal in detail, having regard to relevant landscape character type.

No rights of way recorded in the immediate vicinity of the proposal.

### **Bill Cash MP:**

Awaiting decision of Secretary of State as to whether or not he is to intervene on this proposal.

Proposal outside development boundary and will intrude into countryside.

Will have a significant cumulative impact of character of village and there is not the supporting infrastructure to support it.

Significant strength of local feeling against the proposal.

Residents concerned that all green fields around the village could be developed, instead of 600 new homes being spread across the 12 key service villages over 20 years.

Gnosall Parish Council developing its own local plan.

Approval of site would be contrary to emerging local plan spatial principle 6 that states that priority will be given to supporting the rural sustainability of the Borough by protecting and enhancing its environmental assets and character whilst sustaining the social and economic fabric of its communities.

Provisions of the Localism Act should be considered in the determination of the application.

Sale of productive farmland to house-building developers should not be allowed.

No-one appears to be obliged to take account of the cumulative impact of each housing application submitted in Gnosall, such that the village will receive a disproportionate allocation.

Statement of community involvement details the significant opposition to the proposal.

Size of proposal far exceeds any reasonable allocation to one Key Service Village in so short a time.



Cumulative effect of previously completed builds, permissions and possible appeals is premature to the emerging Local Plan and would undermine the Council's strategy for building in Key Service Villages. They have a total of 111 approved or built, which is already a fair allocation for Gnosall and a possible 79 to come.

Reasons for rejecting the recent Grasscroft proposal are relevant to the current proposal as the site is three times larger, is highly visible from the east on entry to the village and south.

Habitats would be destroyed by the proposal.

Application does not consider the limited infrastructure which is at capacity, extensive flooding and sewerage issues and access/egress north and south is via narrow lanes.

Fact that each application is too small to require significant infrastructure to be put in place means the village will suffer.

Vital aspects of the rural economy will be destroyed and no alternative economy put in place, traffic congestion will be worsened and border between village and town will be eroded.

Emerging local plan proposes small scale developments in keeping with the distinctive character of Key Service Villages – the proposal is neither small scale nor appropriate.

Residents not opposed to all developments, but Localism Act affords them a right to determine what shall be built and where.

**Neighbours:** Response from Gnosall Resists Indiscriminate Development (GRID) and 184 representations received, summary of main issues raised:

Council has a 5-year supply of housing land and the emerging local plan is only a few months from adoption;

Applicants' analysis on housing supply is meaningless given that the local plan inspector's published initial assessment confirmed acceptance with housing provision in the emerging plan;

Emerging local plan can be given full weight in the determination of the current application;

Loss of valuable and productive farmland;

Site is Greenfield, previously developed land should be developed in preference;

Site is outside Gnosall's Residential Development Boundary and is not an exception site;

Application is premature to the emerging local plan;

No need for the proposal;

No demonstrable shortfall of housing in Gnosall;

Size of proposal is disproportionate to the village;

Proposal will not meet the needs of Gnosall residents;

Disagree with statements made in applicants' planning statement;

Cumulative impacts of housing proposals on Gnosall would be unacceptable;

Lack of necessary infrastructure to support new housing of the scale proposed;

Insufficient shopping, school, medical, drainage, open space and sports and broadband facilities;

Water supply problems currently exist;

Existing school is to be replaced with a smaller school which will not be able to cope with scale of new residential developments proposed;

No spare school places available to meet increased population;

It is not acceptable that children in Gnosall should be required to attend schools elsewhere, such as Church Eaton or Ranton;

If approved S106 moneys should be paid so that a larger school can be built;  
Future of existing library, youth club and swimming pool in doubt;  
Local children will not be able to attend the school in which they live;  
Fair division of new housing throughout the key service villages is required;  
Localism should allow Gnosall residents to determine new housing in their village as part of Neighbourhood Plan;  
Rural sustainability credentials of the application are relatively poor;  
Approval would undermine the Council's Key Service Village strategy;  
Local opinion is being disregarded;  
Loss of village character;  
Existing drainage and flooding problems will be exacerbated;  
Proposed access/egress point looks dangerous off the bank of the A518 just on a bend;  
Relocation of road crossing will be necessary;  
School parking will be compromised with consequent danger to parents and children;  
Increased vehicular congestion;  
Increased pollution;  
Future residents would be dependent on private cars;  
Need to cross the A518 will hamper future residents from choosing to walk;  
Site too far distant from village centre;  
Adverse impact of the health and well-being of people living close to the site;  
Query if more public transport will be provided;  
Proposal will lead to loss of an important open space;  
Site is not well-contained, but open on 3 sides;  
Site is not 'infill';  
Proposal cannot be held to be a modest development;  
Current application should be refused for the same reasons as recent applications;  
Great Crested Newts have been found in neighbouring gardens and more consideration needs to be given to the impact of the development on this species;  
Bat survey required;  
Adverse impact on existing wildlife;  
Loss of trees and hedgerows;  
Landscape impact of the development will be high, with consequential harm to the countryside;  
Applicants' planning statement acknowledges that the proposal will cause visual harm;  
Proposal will have an urbanising impact;  
Adverse impact of proposal will be visible from SUSTRANS cycle route and Cowley Lane;  
Scale and massing of the proposal will have a detrimental impact on cemetery and cemetery extension;  
Submitted layout shows a very high density development;  
Loss of village identity;  
Other locations in Gnosall where development would have less impact;  
Adverse impact on conservation area;  
The submitted landscape and visual impact assessment is flawed;  
The Historic Environmental Character Assessment for Gnosall identifies sensitivity of the fields around the village as being associated with the post Medieval field system;  
Development is not sustainable;  
Lack of employment opportunities in the area such that future residents will need to commute;  
Proposal would not generate long-term, permanent employment;

Proposal a money making exercise for the County Council at the expense of the villagers of Gnosall;  
Proposal will lead to more industrial and retail development on green spaces;  
Increased noise and disturbance;  
Proposal will impact on residential amenity;  
If approved mitigation landscaping should be carried out;  
Lack of buffer planting around neighbouring dwellings;  
Potential for increased crime;  
Property devaluation;  
Proposal is not supported by the local community;  
The statement of community involvement is deficient;  
No notice has been taken by the applicants as to the community's opposition to the proposal;  
Economic benefits of proposal would be temporary;  
Greater environmental benefit would accrue from not developing the site;  
If Gnosall is to have further houses then this is the most suitable place to build them; and  
Proposal would strengthen the case for a by-pass around the village thus improving safety for existing school access area, plus increasing the value of properties.

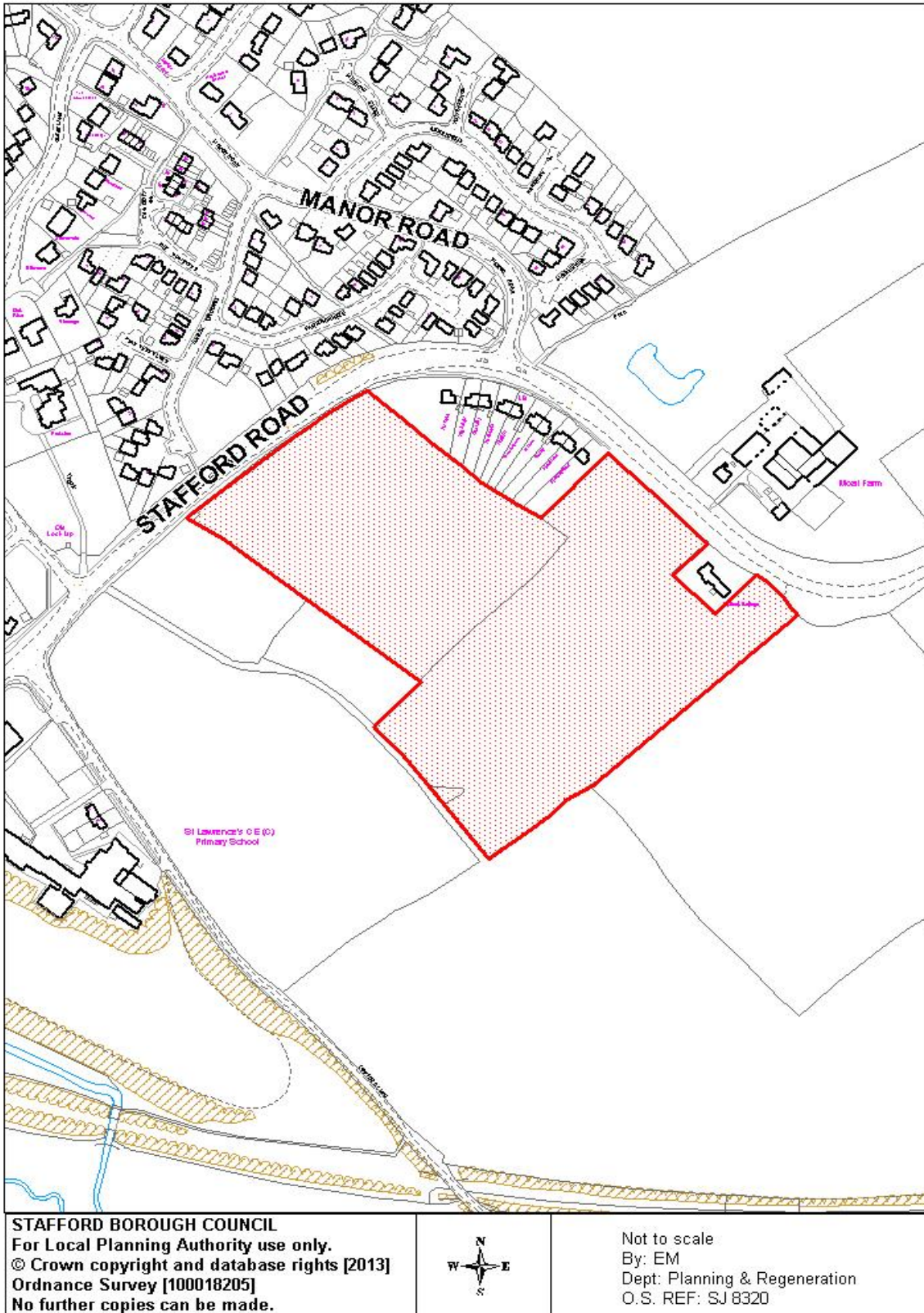
### **Relevant Planning History**

None.

Recommendation - Refuse for the following reasons:-

1. The proposal comprises a substantial residential development of a greenfield site outside the Residential Development Boundary of Gnosall in the adopted Stafford Borough Local Plan 2001 and outside the Key Service Village of Gnosall in the emerging Plan for Stafford Borough. Therefore the proposal is contrary to Saved Policy HOU3 of the adopted Stafford Borough Local Plan 2001. The proposal is also inappropriate due to the scale of the proposal in relation to the existing village of Gnosall and is contrary to Spatial Principle 7(b) in the emerging Plan for Stafford Borough.
2. The proposal would necessitate the loss of good quality agricultural land and the proposed development would constitute a significant intrusion into open countryside detracting from the intrinsic character and appearance of the surrounding rural area, contrary to paragraphs 17 and 112 of the National Planning Policy Framework and to Saved Policies E&D7 (iv), and E&D8 of the Stafford Borough Local Plan 2001, as well as Spatial Principle 7(f) and Policy E2 (xi) of the emerging Plan for Stafford Borough.

13/19587/OUT  
Land South Of Stafford Road  
Gnosall





Staffordshire County Council  
C/O First City Limited  
Mr Graham Fergus  
19 Waterloo Road  
Wolverhampton  
West Midlands  
WV1 4DY

Date Registered 20 December 2013  
Decision Date 5 March 2014  
Issue Date 5 March 2014

### TOWN AND COUNTRY PLANNING ACT 1990

### REFUSAL OF PERMISSION FOR DEVELOPMENT

Application No: 13/19587/OUT  
Proposed Development: Erection of up to 150 dwellings, provision of open space and access works (all matters reserved except access to Stafford Road)  
Location: Land South Of Stafford Road Gnosall Stafford  
O. S. Reference: 383406 320755

Stafford Borough Council, in pursuance of powers under the Town and Country Planning Act, hereby refuse the above development in accordance with the accompanying plans and subject to the following reasons :-

1. The proposal comprises a substantial residential development of a greenfield site outside the Residential Development Boundary of Gnosall in the adopted Stafford Borough Local Plan 2001 and outside the Key Service Village of Gnosall in the emerging Plan for Stafford Borough. Therefore the proposal is contrary to Saved Policy HOU3 of the adopted Stafford Borough Local Plan 2001. The proposal is also inappropriate due to the scale of the proposal in relation to the existing village of Gnosall and is contrary to Spatial Principle 7(b) in the emerging Plan for Stafford Borough.
2. The proposal would necessitate the loss of good quality agricultural land and the proposed development would constitute a significant intrusion into open countryside detracting from the intrinsic character and appearance of the surrounding rural area, contrary to paragraphs 17 and 112 of the National Planning Policy Framework and to Saved Policies E&D7 (iv), and E&D8 of the Stafford Borough Local Plan 2001, as well as Spatial Principle 7(f) and Policy E2 (xi) of the emerging Plan for Stafford Borough.



Staffordshire County Council  
C/O First City Limited  
Mr Graham Fergus  
19 Waterloo Road  
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TOWN AND COUNTRY PLANNING ACT 1990  
REFUSAL OF PERMISSION FOR DEVELOPMENT

INFORMATIVE(S)

- 1 The Local Planning Authority has worked in a positive and proactive manner in dealing with this application and entered into pre-application discussion with the applicant, however it is considered that the applicant is unable to overcome the principle concerns in respect of the proposal necessitating the loss of good quality agricultural land, being inappropriate due to the scale, and a significant intrusion into open countryside detracting from the intrinsic character and appearance of the surrounding rural area.

Head of Planning and Regeneration  
On behalf of the Council



# The Planning Inspectorate

3/26 Hawk Wing  
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2 The Square  
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Direct Line: 0303 444 5471  
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Belinda Dawson  
Stafford Borough Council  
Planning & Engineering Service  
Stafford Borough Council  
Civic Centre  
Riverside  
Stafford  
ST16 3AQ

Your Ref: 13/19587/OUT  
Our Ref: APP/Y3425/A/14/2223556  
Date: 10 March 2015

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Dear Mrs Dawson

**Town and Country Planning Act 1990**  
**Appeal by The Cabinet - Staffordshire County Council**  
**Site at Land South Of Stafford Road, Gnosall, Stafford, ST20 0EU**

I am writing to tell you that the appeal (reference number APP/Y3425/A/14/2223556), has been withdrawn. We will take no further action on the appeal.

The inquiry arrangements have been cancelled. Please inform anyone you told about the inquiry that it has been cancelled. I recommend that a notice of the cancellation is displayed at the inquiry venue. If you have displayed a notice of the arrangements at the appeal site, please overwrite the notice.

Yours sincerely

*LPalmer*

Leanne Palmer

208B

*You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -*

*<http://www.pcs.planningportal.gov.uk/pcsportal/casereport.asp>*

*You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button*



<b>Application</b>	13/19051/OUT	<b>Case Officer:</b>	John Dolman
<b>Date Registered</b>	06 August 2013	<b>Target Decision Date</b>	05 November 2013
<b>Address</b>	Land between Quarry Cottage to North and Health Centre to South Knightley Road Gnosall	<b>Ward</b>	Gnosall and Woodseaves
		<b>Parish</b>	Gnosall
<b>Proposal</b>	Erection of up to 55 dwellings, provision of open space and access works (all matters reserved except access)		
<b>Applicant</b>	Grasscroft Homes & Property Ltd		
<b>Recommendation</b>	Approve, subject to a Section 106 Agreement to secure 30% affordable housing and contributions for open space and recreational facilities; for education; and for the mitigation of impact on the Cannock Chase Special Area of Conservation and subject to conditions.		

## REASONS FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor M Smith (Ward Member for Gnosall and Woodseaves) for the following reason:-

"For the committee to consider the impact of this large application on highways and other infrastructure bearing in mind the proposed site is outside the current Residential Development Boundary".

### Context

The site is approximately 3.61 ha and is currently an agricultural field, planted with maize at the time that the application was submitted. It is outside the Residential Development Boundary (RDB) for Gnosall to the north-west of the village. It has boundaries to the north-east with Knightley Road with land in agricultural production to the north of the road, to the north-west with Hollies Brook and with Quarry Cottage, with grazing land beyond, with the Gnosall Health Centre and the newly designated Village Green to the south-east and with an unused agricultural field to the south-west. The land is undulating, with ground level falling significantly from the Knightley Road level south-westwards. There are hedgerows along all boundaries of the site, with that along Hollies Brook being particularly dense in nature.



This is an outline application and includes details of access only with all other matters reserved. The proposed access will be onto Knightley Road, approximately 55 m from the boundary with Gnosall Health Centre.

Up to 55 dwellings are proposed. This would result in a gross density of approximately 15 dwellings per hectare. A number of illustrative drawings have been submitted showing suggested road patterns and pedestrian links through the site and groupings of dwellings. The Concept Plan includes a significant wedge of open space along the whole of the north-western part of the site. A play area is indicated on the northern part of this area adjacent to Knightley Road and below the boundary with Quarry Cottage, with a pond and wetland area on the southernmost section of this area. The overall area of open space extends to approximately 0.9 ha.

Submitted with this application are: a Design and Access Statement; Supporting Planning Statement; Sustainability Statement; Tree Survey; Landscape and Visual Impact Assessment; Flood Risk Statement and Preliminary Drainage Appraisal; Agricultural Land Assessment; Ecology Report Transport Assessment; Phase 1 Geo-Environmental Site Assessment; Assessment of Impact on Cannock Chase SAC; Draft Section 106 Agreement; and a Public Consultation Statement.

An unrelated planning application (13/19170/FUL) has also been submitted for residential development on land to the north-east of the site on the opposite side of Knightley Road, directly opposite Gnosall Health Centre.

## **Officer Assessment - Key Considerations**

### **1. Principle**

While residential development in the open countryside generally conflicts with the provisions of the development plan, the proposals should be considered in the context of the emerging Local Plan for Stafford and the need to ensure that there is a sufficient supply of land for housing.

The appeal decision allowing residential development on the Castleworks site, Castle Street, Stafford (December 2012 - application 11/15998/OUT) is most relevant to this case as it established that the Council does not have a 5 year plus housing land supply to meet the requirements of the National Planning Policy Framework (NPPF) (paragraphs 47, 48 and 49).

Paragraph 49 of the NPPF is most clear about this position It states:- "*Housing applications should 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.*"

This emphasis is also made in a core principle (paragraph 17 of the NPPF) to proactively drive and support sustainable economic development to deliver homes. While it states that the intrinsic character and beauty of the countryside should be recognised, paragraph 9 also states that pursuing sustainable development involves widening the choice of high quality homes.

Objections have been raised in principle to the current proposal on the grounds that it is being considered prematurely with regard to the emerging 'Plan for Stafford Borough'. National Planning Practice Guidance states:

*"arguments that an application is premature are unlikely to justify a refusal of planning permission other than in exceptional circumstances (where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account). Such circumstances are likely to be limited to situations where both:*

- a. the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood plan; and*
- b. the emerging plan is at an advanced stage but has not yet been adopted (or, in the case of a neighbourhood plan, been made).*

In this case the emerging Plan states that 12% of housing development will be in key service villages such as Gnosall. The emerging plan also states that new development will need to be provided generally outside the existing built up areas due to insufficient infill sites.

While this site does not physically adjoin the existing Residential Development Boundary, as the Gnosall Health Centre which it is adjacent to also lies outside the RDB, the Health Centre development with its large two-storey building and extensive car park nevertheless forms a physical link between the site and the main built-up area of the village. Furthermore, as the application site is so close to the village and is adjacent to Health Centre, with bus stops for the half-hourly Stafford to Telford service just beyond, it is not considered that it could be claimed that development on this site would not constitute sustainable development.

The principle of considering this level of housing in Gnosall, on this particular site outside the current RDB, does not, therefore, conflict with the emerging plan.

Policies and Guidance:-

National Planning Policy Framework (NPPF) - Paragraphs 9, 17 (Core Principles)  
Section 6 - Delivering a wide choice of high quality housing

Stafford Borough Local Plan 2001 - Saved Policies E&D7 Development in Open Countryside; HOU3 Residential Development Outside of RDBs

## **2. Impact on Open Countryside/Loss of Agricultural Land**

The site is an arable field in open countryside which, although well screened with perimeter hedgerows including some trees, extends beyond existing development and is bounded by open fields on three of its four sides. The land also rises from the south-west to the north-east towards Knightley Road and is therefore, visible in views from south of the site. While it is considered that this is a sustainable location for development, the NPPF still acknowledges within paragraph 17 that the intrinsic character and beauty of the countryside should be recognised, in paragraph 110 the need to minimise adverse effects on the local and natural environment and the economic and other benefits of the best and most versatile agricultural land in paragraph 112. Consequently, the suitability of this site for development must also be assessed in terms of its environmental impact.

A detailed Landscape and Visual Impact Assessment has been submitted with the application. In terms of its impact on the wider landscape character, it acknowledges that initially the proposal is expected to generally cause a perceptible but small deterioration in landscape character in the immediate setting of the site. It considers, however, that by year 15 this impact will be negligible (ie a barely perceptible deterioration). In terms of impact on visual amenity, it envisages minor adverse effects initially causing a perceptible, but small deterioration in the wider area and a generally negligible impact at Year 15. In overall terms, taking landscape and visual effects together, with enhancement of traditional elements such as trees, hedgerow management and woodland planting, the significance of effects at the outset are predicted to be minor adverse and negligible at Year 15. In considering visual effects of the development, the Assessment states that the extent of views within the area is significantly reduced due to the undulating topography and integrity of the historic field pattern, which is generally enclosed by dense tall native hedges. This is further compounded by the sunken nature of the minor public highways, which are commonly associated with significant belts of vegetation.

An Agricultural Land Classification and Assessment has also been submitted with the application. Agricultural Land is divided into six categories, Grade 1 (excellent), 2 (very good), 3a (good), 3b (moderate), 4 (poor) and 5 (very poor). Grades 1, 2 and 3a are identified as the Best and most versatile land. In the case of the current application site, 77% of the area is designated as Grade 3a and the remainder as moderate quality.

Saved Local Plan Policy E&D8 states that development that involves the permanent loss of high quality agricultural land Grades 1, 2 or 3a will not normally be permitted. This policy is in line with guidance contained in PPS7, now replaced by the NPPF. The assessment submitted with the application refers to guidance in PPS7 throughout. The NPPF, in paragraph 112 states that account should be taken of the economic and other benefits of the best and most versatile land and that where significant development of agricultural land is demonstrated to be necessary, local planning authorities

The assessment indicates that there is a high occurrence of high quality land including Grade 2 quality in the northern and eastern edges of the settlement, while poorer 3b and Grade 4 land is present on the western and southern edges. The application site is at the junction of these terrains. The assessment acknowledges that it would appear that alternative lower quality sites to meet any housing need

may be available, subject to considerations of their wider sustainability credentials and deliverability.

The assessment points out that the area of best and most versatile land, although the major part of the application site, is small in terms of its overall area. It is pointed out that historically when proposals for the development of high quality land had to be referred to government, the threshold area for referral was 20 ha. The assessment states that this is the only quantitative threshold available on which to base judgements regarding the scale and significance of losses of higher quality farmland and that it is generally taken in environmental assessment work to be a measure of a loss of moderate or major adverse significance. On this basis, the assessment concludes that in the case of the current proposal the loss of 2.7 ha must be of only slight adverse significance.

It is acknowledged, therefore, that the development of this land would have some adverse impact on landscape character, visual amenity and due to the loss of good quality agricultural land. It is not considered, however, that the impact on landscape and visual amenity particularly in the long-term, given the levels of screening, will be such as to warrant refusal of the application either in its own right or in combination with the impact of the loss of good quality agricultural land, given that the overall area involved is small.

Policies and Guidance:-

NPPF- Paragraphs 17 Core Principles, 110, 112

Stafford Borough Local Plan 2001 - Saved Policies E&D2 Townscape and landscape, E&D7 Development in the Open Countryside, E&D8 Loss of High Quality Agricultural land

### **3. Highways**

This application seeks approval of access details only. The submitted plans show a single vehicle access to the site off Knightley Road, with the roadway widened to 5.5 m within the confines of existing highway land for a distance of 120 m along part of the site around the proposed access point. The detailed plans also indicate a 2 m wide footway to Knightley Road on the "village" side of the proposed access, which would be continued across the existing grassed highway verge in front of the Health Centre to link-up with the existing footpath, which commences just before the Knightley Road/Brookhouse Road junction.

A Transport Statement has been submitted with the application to demonstrate that the location has no capacity issues based on potential vehicle movements and no capacity or safety issues with regard to the adjacent route to the site. The Statement concludes that the proposal would have little or no impact on the local network.

At the request of the highway authority further information has been submitted to assess the impact of the development on the existing mini-roundabout at the junction of High Street/Stafford Road/Station Road/Brookhouse Road.

On receipt of this information the highway authority has now confirmed that it has no objections to the proposal subject to conditions which include the submission of full layout details and also require the provision of the proposed access point prior to other on-site construction works and the approval and implementation of an off-site traffic management scheme during the construction period.

Policies and Guidance:-

National Planning Policy Framework (NPPF) - Section 4 on Sustainable Transport

Stafford Borough Local Plan 2001- Saved Policy MV10 Land Development Requirements

#### **4. Flood Risk/Surface Water Drainage**

A Flood Risk Assessment (FRA) including Drainage Strategy Report has been submitted to support the application.

Most of the site lies within Flood Zone 1, but with the area closest to Hollies Brook, which runs along the north-western boundary of the site and approximately half the south-western boundary within Flood Zone 3. This comprises a relatively narrow strip of land in the northern part of the site, but extends to a significant triangular shaped wedge of land in the south-western part of the site, comprising approximately 0.75 ha overall.

All of the land within Flood Zone 3 (including some very small areas within Flood Zone 2) are within that part of the site indicated as open space on the Concept Plan, with the proposed pond and wetland area in the south-western section of the site.

The Environment Agency has commented that detailed modelling has been carried out and used to inform the submitted FRA. This has demonstrated that proposed buildings are to be located outside of the extent of the 1 in 1000 year flood event. Consequently, the EA has no objections to the proposal subject to conditions. These include requirements that the development be carried out in accordance with the approved FRA, surface water mitigation measures, approval of surface water drainage details and that finished floor levels should be set 600 mm above the 1 in 100 year plus climate change flood level.

Severn Trent Water has no objections subject to a condition requiring the submission, approval and implementation of detailed proposals for the disposal of surface water and foul sewerage.

Policies and Guidance:-

National Planning Policy Framework (NPPF) - Section 10: Meeting the Challenge of Climate Change, Flooding and Coastal Change

## **5. Trees**

A Tree Survey has been submitted with the application. There are no trees within the main part of the site, but there are well established hedgerows along all of the site boundaries, which include a small number of mature trees and three small groups of semi-mature trees.

It is proposed to retain all existing hedgerows and trees around the site boundaries, apart from a section of hedgerow that will need to be removed to facilitate the access to the site.

The most significant tree on the site is a mature Oak on the Knightley Road boundary, close to the proposed access point.

A Tree Preservation Order (TPO 568 2013) has been made since the submission of this application. This protects 4 individual trees, including the Oak along Knightley Road.

The Tree Officer has some concerns regarding the proposed access and associated works, which appear to be within the Root Protection Area (RPA) of the Oak tree. He recommends that no alterations to ground levels should be made within RPA of the Oak and requests that further details be submitted showing how the tree will be protected during works or that the access details be altered to avoid unnecessary works to the tree. He has no objections in principle to the proposal subject to the submission of these further details and to other conditions to ensure the protection of retained trees.

Policies and Guidance:-

National Planning Policy Framework (NPPF) - Section 11 Conserving and Enhancing the Natural Environment

Stafford Borough Local Plan 2001 - Saved Policy E&D44 Development affecting Trees and Hedgerows.

## **6. Biodiversity**

An ecological appraisal has been submitted. With regard to protected species, the Report contains a number of recommendations.

Badgers: Following additional assessment after the submission of the application, it is recommended that the site be reassessed when the timing and a full final layout for the development is known. The proposed layout already incorporates a significant area of green space along with new tree and shrub planting along the western boundary of the site. At that time an appropriate method statement can be applied to ensure protection of badgers.

Bats: There is no potential for bats to roost on site, but bats do forage along the boundaries of the site. Consequently any additional external floodlighting of the site should be minimised and any lighting should be directed downwards only. Light spill onto hedgerows and trees should be avoided.

Birds: Birds may nest within periphery hedgerows. Any hedges to be cleared should be checked for nesting birds before removal. If any hedge clearance is likely to occur in the bird nesting season, a check for nesting birds should be conducted by a qualified individual. If nesting birds are found, all works should cease and further ecological advice sought with a view to a detailed method statement and programme of mitigation measures being prepared and implemented.

Amphibians (Great Crested Newts): No mitigation for these species is required and it is considered that they are unlikely to occur at or near the site. The creation of new green space and shrub/scrub planting and a wetland area would, however, enhance the value of the site post development.

The Report also states that there are no statutory or non-statutory sites which are connected to the site such that the development of the site would either directly or indirectly affect the dispersal of species between them.

It also states that there are no habitats on site which are representative of the SSSI communities at Doley Common. Consequently it is not considered that there would be a direct impact on SBI sites in the local area or on balance that there would be any adverse impact on the habitats or species present within Doley Common or the SBI sites in the local area.

The Council's Biodiversity Officer has no objections to the proposals. He welcomes the proposed retention of hedgerows and mature trees and the creation of a new wetland area to link to other ponds, green space and planting on the northern section of the site. He has requested conditions requiring native planting, no hedge/tree works in bird nesting season, unless demonstrated that breeding birds will not be affected by submission of a method statement and also requiring a method statement to safeguard badgers.

Policies and Guidance:-

National Planning Policy Framework (NPPF) Section 11 - Conserving and Enhancing the Natural Environment

Stafford Borough Local Plan 2001 - Saved Policies E&D38 Nature Conservation: Sites of National Importance, E&D39 Nature Conservation: Sites of Regional/Local Importance, E&D40 Mitigation and Amelioration of Impact on Sites of Nature Conservation Interest

## **7. Impact on Cannock Chase Special Area of Conservation (SAC)**

The application site lies 14.5 km from the Cannock Chase Special Area of Conservation (SAC) and is, therefore, within the 15 km zone of influence identified around the SAC.

Natural England has been consulted and has raised objections on the grounds that the Statement addressing this originally submitted with the application fails to demonstrate adequate avoidance and mitigation measures to safeguard Cannock Chase SAC. Natural England has advised that an Appropriate Assessment to assess implications of proposal on SAC's conservation objectives be undertaken

In response, the applicants have submitted a more detailed Habitats Regulations Assessment report. It predicts that given the 14.5 km distance, the number of additional visitors to Cannock Chase resulting from the proposed development is expected to be very low. It also points out that based on a national average occupancy of 2.4 persons per unit, 34 sq m of public open space per person is required. Taking the occupancy for the proposed site (55 units), 4488 sq m of open space would be required, whereas the area actually proposed is 8905 sq m. This constitutes a significant surplus of 4417 sq m

The report concludes that in order to reduce impacts on Cannock Chase SAC, there is provision for targeted accessible open space within the development site and in combination with adjacent development proposals will provide a minimum of 1 ha where residents can undertake both formal and informal recreational activities. In combination with the provision of this open space, the development is adjacent to open countryside with good footpath connections and is in close proximity to National Cycle Route 55, which will mitigate for the potential habitat degradation within the SAC. Signage will also be provided to direct and guide recreational use towards local facilities. Consequently the development should not result in an increase in vehicle movements associated with commuting to Cannock Chase SAC. Given the distance from the application site to the SAC and the factors set out above, the report concludes that the impact on Cannock Chase from this development will be negligible.

The further comments of Natural England will be reported verbally to Committee.

In the case of the recent application 13/18821/OUT for residential development for up to 75 dwellings at land adjacent to Lowfield Lane, Gnosall, which is a similar distance from Cannock Chase SAC as the current application site, it was agreed to seek a financial contribution per dwelling to gather funds to implement appropriate mitigation measures.

Policies and Guidance:-

National Planning Policy Framework (NPPF) - Section 11 Conserving and Enhancing the Natural Environment

## **8. Open Space**



Although only details of access are submitted at this stage the illustrative plans submitted with this application indicate a 0.9 ha area of Public Open Space along the north-western section of the site. The plans show wider areas at the Knightley Road (northern) end of the site and at the south-western corner of the site, where a pond and wetland area is suggested. The northern area is suggested as a suitable area for a play area. While the proposed open space area includes that part of the site within Flood Zones 2 and 3 where housing would not be permitted, the central and northern sections of the proposed POS area include significant areas of land outside the Flood Plain.

The Parks and Open Spaces Development Officer has requested that a play facility be provided on site and that also financial contributions be required for both public open space and the provision of new and or enhance recreation facilities in the area. He has also advised that the Council will not adopt any land forming part of a flood attenuation scheme.

The requirement for financial contributions can be dealt with by Section 106 Agreement. It is unlikely, however, that the all the proposed open space could be adopted. Conditions can be attached to any approval, however, requiring the provision, retention and management of the proposed public open space areas, which can be enforced irrespective of whether the area is subsequently adopted or not. The proposed play area, however, if provided in the location indicated would potentially appear to be capable of adoption.

There has been some suggestion in some documents submitted in support of the application that play equipment could be provided outside the site, on the adjacent newly designated Village Green. The Parks and Open Spaces Development Officer has already indicated that a play facility should be provided on the site and the Parish Council has already indicated its opposition to site equipment on the Green. It is considered, therefore, that the suggestion that equipment be placed on land outside the site unnecessarily complicate matters and should not be pursued.

National Planning Policy Framework (NPPF) - Paragraph 69

Stafford Borough Local Plan 2001 - Saved Policy HOU7 Public Open Space Requirements for New Development

## **9. Planning Obligations**

A Section 106 Agreement would be used to secure affordable housing, open space, education contributions and provision of / contribution towards the provision of targeted accessible open space to mitigate against additional visitor numbers to Cannock Chase. It is considered that they are all justified under the terms of the Community Infrastructure Levy Regulation 122.

## **10. Conclusions**

While acknowledging some minor adverse impacts on landscape character, visual amenity and through loss of best and most versatile agricultural land, overall the site

is in a sustainable location on the edge of Gnosall adjacent to existing development and the proposal is considered to constitute sustainable development. The proposal is, therefore, compliant with the National Planning Policy Framework which states that applications for housing should be considered in the context of the presumption in favour of sustainable development. The proposal does not conflict with the emerging Local Plan.

## Consultations

**Gnosall Parish Council:** Object to the proposal on the following grounds:

Site outside RDB - proposal contrary to current Local Development Framework;

Site is prime agricultural land that is needed for that purpose;

Full Environmental Impact Assessment should be carried out to assess if there are any protected species in the vicinity;

Decision to approve would be premature before draft Local Plan is adopted;

Increased traffic resulting from development would be dangerous;

Proposed access is onto a narrow lane;

Proposed widening of lane would add to dangers;

Prospective occupiers will all have to commute using an inadequate road network around and through village;

Existing flooding problems in village - site is close to floodplain. Occasions of raw sewage spills into Doley Brook - output from proposed development will have to be pumped uphill into existing sewers, which are in poor condition;

Increased hard surfaced areas will result in rapid pulses of surface water being released into brook system during periods of high rainfall, exacerbating recent flooding problems;

Village Green is owned and managed by Parish Council. The boundary hedge with this site is to be preserved and a pathway across the Green will not be permitted;

Is land to be given to the Borough or Parish Council - which Council should be clarified as this has future maintenance costs;

Current infrastructure in village would be overburdened by a development of this size;

Health Centre cannot accommodate a significant increase in village population;

The only NHS dental practice in village cannot accept new patients;

Only limited parking available on High Street and by shops on Wharf Road;

Parish funded and maintained play areas will not be sufficient to accommodate a big increase in the population;

Given that other developers intend to submit proposals, time should be given for Parish Council and residents to decide where development is preferred and how facilities could be enhanced to meet this growth. Parish Council has started this process and urges that it should be allowed to complete task before any development is considered and approved;

Disappointed that village will be taken over by opportunist developers before a Neighbourhood Plan is in place, which is unacceptable and unfair;

Not totally against development and consider that a percentage of the 629 dwellings proposed to be shared across 12 villages would be acceptable, but if this application and those for others prospective sites were all approved, Gnosall will have taken half of the overall number of dwellings proposed;

The 2010 Parish Housing Survey identified a need for 36 affordable houses. This need has already been met and there is no demand for further houses;

There are numerous properties of all types and prices for sale in the village, some remaining unoccupied for a considerable time - this appears to indicate that people do not want to move in from outside the village.

**Highway Authority (HA):** No objections on highway grounds to the proposed development subject to conditions.

**SCC Rights of Way Officer:** A Public Footpath runs to the south of the site. The proposed addition of links to this footpath are welcomed, but clarification is required as to whether these will be formally recognised through adoption or addition to Definitive Map or whether they will remain permissive.

**Environment Agency:** No objection subject to development being carried out in accordance with approved Flood Risk Assessment and mitigation measures limiting surface water discharge and to the approval and implementation of detailed surface water drainage scheme

**Severn Trent Water:** No objections subject to the approval and subsequent implementation of detailed proposals for the disposal of drainage.

**Schools Organisation (Staffordshire County Council):** Based on a maximum requirement of 12 primary school places (55 houses) at £11,031.00 per space, seek education contribution of up to £132,272.00.

**Health and Housing Officer:** Stafford Borough has an annual affordable housing shortfall of 210 dwellings. 2010 Housing Needs Survey for Gnosall identified the need for an additional 36 houses (1, 2 and 3 bedroom units). Proposed development would reduce shortfall. Application proposes 17 affordable units that would meet 30% target. Proposed mix of 8 social rent and 9 intermediate affordable homes does not meet Borough or local recommendations. Advise a mix of 10 (60%) social rent and 7 (40%) intermediate to meet need identified in local survey. Also recommend a mix of dwelling types and sizes.

**Natural England:** Comment as follows:

Distance from site to Cannock Chase Special Area of Conservation - Application fails to demonstrate adequate avoidance and mitigation measures to safeguard Cannock Chase SAC. Refer to Policy N6 of emerging local plan and to recommendations of Cannock Chase SAC Visitor Impacts Mitigation Report. Advises that an Appropriate Assessment to assess implications of proposal on SAC's conservation objectives be undertaken.

Sites of Special Scientific Interest - no objection;

Green Infrastructure - Construction and Environmental Management Plan (CEMP) should be prepared to provide approach to various elements of scheme, including consideration of protected species. Recommend Nature Conservation Management Plan to provide for management, monitoring and securing appropriate levels of funding;

Protected Species - on basis of information provided, development unlikely to affect any European protected species;

Biodiversity Enhancements - Welcome proposals in Landscape and Visual Assessment report (LVIA). If minded to approve, should consider securing measures to enhance biodiversity of site;

Landscape Enhancements - advise that LVIA report recommendations are secured through a planning condition addressing landscape, green infrastructure and biodiversity (including protected species).

**Biodiversity Officer:** In line with ecological survey report, recommends retention of hedgerows and mature trees with replacement where short sections are to be lost; creation of a new wetland area to link to other ponds, green space and planting on northern section of site, using locally native species only. Also recommends no hedge/tree works in bird nesting season, unless demonstrated that breeding birds will not be affected and that a method statement be submitted and approved prior to commencement to safeguard other protected species.

**SCC Ecology Officer:** Site is within Zone of Influence for visitor impacts on Cannock Chase SAC. Recent guidance and emerging policy suggest that a combination of on-site Suitable Alternative Natural Green Space (SANGS) and commuted sums need to be considered as mitigation of impact. The current green space provision on site may not meet SANGS guidance requirements.

**Staffordshire Badger Conservation Group:** Welcome inclusion of green space within development and request that this area is fence off during construction and that the area subsequently be designated as a wildlife corridor. Also request that fruiting trees be planted and that site management measures be put in place during the construction period.

**Parks and Open Spaces Development Officer:** Comments as follows:

Within the catchment area surrounding the site there is a deficiency in the quantity and quality of play facilities along with a deficiency of sporting and recreation facilities for all ages.

Request a quantitative provision of 34 sq m per person of open space;

Council will not adopt any land forming part of a flood attenuation scheme;

All open space should be on site;

There should be a play facility of a minimum area of 0.45 sq m per person for under 12's including at least five items of play equipment;

Remainder of open space should be multi-functional for natural play and recreation;

Financial contribution for Open Space required as set out in table below

Dwelling Type	POS contribution (Capital amount)	Commuted Maintenance Sum (if adopted)	M <sup>2</sup> (minimum) of open space require per property.
One Bed	£589.43	£1,098.02	51
Two Bed	£982.38	£1,830.03	85
Three Bed	£1,571.80	£2,928.05	136
Four Bed	£1,964.75	£3,660.07	170

Development should contribute to the provision of new and or enhance recreation facilities in the area. Under current strategies, anticipate that this is constructed as

part of the St Lawrence Primary School. Level of financial contribution as set out in table below:

Category	Contribution based upon 55 houses.	Contribution per property
Pools	£ 17,978	£327
Sports Courts/ Halls	£ 23,329	£424
Artificial Turf Pitches	£ 3,086	£56

Open space design should include areas of mounding and contouring to ensure visual variation and stimulation. Vistas should be encouraged to draw people through site;

Tarmac areas should be provided to formal play areas and should be lit;

Will only seek to adopt footpaths, cycle ways and associated infrastructure including lighting forming part of POS;

Planting should be site distinctive, not generic and should be capable of withstanding periods of drought and require minimal watering. All trees should be native to the UK, but should exclude Sycamore. Trees adjacent to footpaths or hard standings should be planted in pits, with liner pavement protection installed.

**Tree Officer:** Proposed access is through a mature hedge, part removal of which is considered to be acceptable, but the proposed access and associated works will be within the Root Protection Area (RPA) of an Oak tree. Unclear how the tree will be protected during these works, as the details also indicate road widening will be necessary. No alterations to ground levels should be made within RPA of the Oak and further details need to be submitted showing how the tree will be protected during works or altering the access to avoid unnecessary works to the tree. No objections in principle subject to the submission of these further details and to conditions to ensure the protection of retained trees.

**Head of Environmental and Health Services:** No objections subject to adequate refuse facilities. Conditions suggested regarding: hours of work; hours of deliveries; no burning on site; material to be removed from site being properly disposed of; damping down facilities to prevent dust; outside equipment left running on site outside working hours not being audible at site boundary; and screening to protect residents from noise.

**Police Architectural Liaison Officer:** Use Police approved Secured by Design products.

**Neighbours:** (105 notified) 42 letters of objections received from the occupiers of 36 properties. Points raised:

Does not comply with current and draft plans and policies;

Outside Residential Development Boundary;

Visual impact;

Intrusion into countryside;

Not a natural extension to the village - Health Centre was allowed as a community facility on an exception site outside RDB;

New houses would not soften "harsh" boundary created by Health Centre as claimed;

Impact on community;

Will change character of village;  
If all proposals for village are approved, population of village would increase by 50%;  
If approved not possible for community to have influence on future development;  
Impossible to formulate a Neighbourhood Plan;  
Government pressure to build houses should not be treated as carte blanche for potential developers;  
Current government policy undermines concept of localism allowing development by default in circumstances where Borough and Neighbourhood Plans are not yet in place;  
Should be refused until need and impact of future housing needs for village can be assessed;  
Should await outcome of Stafford Borough Development Document;  
Local Development Plan recommends 650 houses to be spread across 10 villages, 6 of which are considered to have adequate local villages. To date over a third of this total has been built or has permission in Gnosall, but still a rush to building on available agricultural land outside village Development Boundary;  
Housing should be distributed evenly between the key villages;  
Brownfield sites should be developed first;  
Level of new build in Gnosall is disproportionate to other areas;  
Building on scale now proposed in Gnosall is unprecedented;  
Approval would open gates for any greenfield development on edge of village;  
Making greenfield sites available at reasonable prices will not lower house prices in Gosall, Best sites will be snapped up and homes built and priced to compete with other housing available in locality;  
Development not sustainable as there is little employment in Gnosall, development will generate increases in car journeys to major employment areas;  
Increase of traffic on narrow Knightley Road;  
Access to site is difficult and dangerous, close to narrow bend;  
Concern over increased traffic on Knightley Road and potential conflict with large numbers of heavy vehicles that use the road;  
Knightley Road is liable to flooding during winter months;  
Concern over visibility at Knightley Road/Brookhouse Road junction;  
Impact on access onto A518, already under pressure in peak periods;  
Problems on High Street, already congested at certain times in the day, will increase;  
Highway impact of this development and that proposed on opposite side of Knightley Road;  
Impact on pedestrians;  
No existing pavement between Health Centre and site;  
Disagree with Transport Assessment that there are no highway capacity issues;  
No more development until a bypass has been built;  
Query whether there are any proposals to widen roads and provide cycle lanes;  
Extra traffic will ruin quality of environment for existing residents on Knightley Road;  
Impact on existing services and utilities;  
A play area should be provided on site - no play areas can be sited on village green adjacent to site;  
Proposed Section 106 provides no money for any improvement to village facilities, nor for a play area for scheme;  
New footpath from site across village green is shown, but developer has not approached owners of land for permission;  
Important trees should be protected by a TPO;

Gnosall has reasonable infrastructure, but cannot accommodate this much development at this time;  
Lack of shops in village;  
Little employment in Gnosall;  
Only small amount of houses necessary for local people;  
Most of houses likely to be purchased by people from outside village;  
Impact on water table flooding already occurs on land below site;  
No building should be allowed on Flood Plain;  
Developing on fields at higher level such as this will force more water onto plain, affecting houses on Wharf Road and Station Road and the newly landscaped Acres as well as many allotments;  
Increase in hard surfaced areas will generate significant storm water outfall from site;  
Water supply is a real problem in village;  
No mention is made of any existing land drains and any effect of any disturbance;  
Developer should be required by conditions to submit drainage drawings and calculations to prove that drainage system can deal with increased discharge. Calculations should make an allowance for climate change;  
Existing drainage inadequate;  
Previous studies have identified inadequacies of sewerage system in village and the need for improvements, which have not been carried out;  
New drainage facilities have been promised in the past, but have never materialised;  
Site can only be connected to existing foul drainage system by means of a pumping station, which would need to be at lower end of site near to Flood Plain, more liable to flooding;  
Have been problems with electricity supply since the construction of houses on Ashmore Drive - query whether supply will be upgraded;  
Lack of capacity in local school;  
Lack of sports facilities;  
Loss of prime agricultural land;  
Will destroy natural habitats;  
Disturbance and possible destruction of badgers;  
Loss of ancient hedgerow;  
Application skates over impact of development on important habitats nearby;  
Could be significant archaeology in area - Survey should be carried out;  
A detailed geotechnical ground investigation should be a requirement of any permission;  
Style of proposed buildings incompatible with majority of houses in village and surrounding area;  
Not demonstrated that development will comply with recently adopted EU refuse requirements;  
Not demonstrated that development will comply with proposed car safety regulations, which result in increase in vehicle sizes, thereby affecting garage, parking and turning areas;

### **Relevant Planning History**

No planning history on site.

Recommendation - Approve subject to the applicant first entering into a satisfactory Section 106 Agreement to secure the provision of affordable housing and financial contributions for open space and recreational facilities, for education and for the mitigation of the impact on the Cannock Chase Special Area of Conservation, permit subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
2. This is a grant of outline consent only and before the development is commenced details of the scale, siting, appearance and landscaping of the site, (the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority.
3. The development hereby permitted shall be begun before the expiration of one year from the date of approval of the last of the reserved matters to be approved.
4. This permission relates to the originally submitted details and specification and to the following drawings numbers 586-LOC-01 and J295/Access/Fig 1 B, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence.
5. Landscaping details to be submitted in pursuance of Condition 1 and 2 shall include structural planting and the retention of existing trees and hedgerows.
6. The landscaping scheme to be approved in pursuance of condition(s) 1, 2 and 5 of this outline permission shall be implemented within eight months of the development being brought into use.
7. Details to be submitted in pursuance of Condition 1 and 2 shall include a 0.9 hectares area of Public Open Space along the north-west boundary of the site with Hollies Brook, including details of a timescale for its provision. This area shall include a play facility for use by the under 12's age group which shall include at least five items of play equipment. The open space area shall subsequently be provided in accordance with the approved details and thereafter retained for such purpose and no walls fences or other means of enclosure shall be erected on or around any part of the open space area.
8. No other construction works shall commence on site until the access to the site has been completed to Binder Course.
9. The development hereby permitted shall not commence until the visibility splays shown on drawing number J295/Access/Fig 1 B 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.



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

Layout of site including disposition of buildings and provision of parking, turning and servicing within the site curtilage;

Means of surface water drainage;

Surfacing materials.

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

11. The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising of:

A site compound;

Parking facilities for site operatives and visitors;

Loading and unloading of plant and materials;

Storage of plant and materials used in constructing the development;

Wheel wash facilities;

has been submitted to and approved in writing by the Local Planning Authority.

The approved traffic management scheme shall thereafter be implemented prior to any works commencing on site and maintained throughout the construction period for the development.

12. The development hereby permitted shall not be brought into use until the following off-site highway works have been constructed in accordance with the approved plans:

Construction of a new footway fronting Gnosall Health Centre from the site entrance to the junction of Knightley Road / Brookhouse Road.

13. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk assessment (FRA) Michael Lambert Associates Ref B972 dated 19 July 2013 Version 02 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water discharge to the Greenfield Qbar surface water run-off for all storm events up to and including the 1 in 100 year critical rain

storm plus an allowance for climate change so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

2. The undertaking of infiltration testing to establish ground conditions and assess the suitability of the site for the provision of SuDs

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

14. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
15. Finished floor levels should be set a minimum of 600 mm above the 1 in 100 year plus climate change flood level.
16. The development hereby permitted shall not commence until drainage plans for the disposal of foul sewerage have been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first brought into use.
17. No trees, large shrubs or hedgerows shall be uprooted, felled, lopped, topped, or cut back in any way until a scheme has been approved that specifically allows such works. The works shall then take place in accordance with the agreed scheme unless the local planning authority gives written consent to any variation.
18. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.
  - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard BS 3998:2010 Tree Work.
  - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and

species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

19. All trees, shrubs, hedges and bushes which are to be retained in accordance with the approved plans and particulars shall be protected in accordance with an with the BS 5837: 2012 "Trees in Relation to design, demolition and construction" recommendations for tree protection. This shall include establishing a Root Protection Area (RPA) around each tree, shrub, hedgerow or bush, in accordance with the recommendations of BS 5837: 2012. All RPAs must be enclosed by suitable fencing, as specified by BS 5837: 2012 or as agreed in writing with the local authority or, where specifically approved, protected using ground protection measures to the satisfaction of the local planning authority. No works or alterations to existing ground levels or surfaces shall be undertaken within the RPAs without the prior written approval of the local planning authority. No materials, equipment or vehicles are to enter or be stored within the RPAs. No materials that are likely to have an adverse effect on tree health such as oil, bitumen or cement will be stored or discharged within the RPAs. No fires will be lit within 20 metres of the trunk of any tree that is to be retained. All tree protection measures shall be agreed in writing with the local planning authority and their installation undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.
20. Where the approved plans and particulars indicated that specialized construction work is to take place within the Root Protected Area (RPA) of any retained trees, hedgerows or shrubs, prior to the commencement of any development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works will be carried out shall be submitted and agreed in writing by the local planning authority. The AMS shall include details on when and how the works will be take place and be managed and how the trees etc. will be adequately protected during such a process.
21. Works to hedgerows and trees shall not be undertaken in the bird nesting season (March to August) unless it can be demonstrated that breeding birds will not be affected, through the submission, approval in writing by the local

planning authority and subsequent implementation in accordance with the approved details of a method statement for the protection/avoidance of nesting birds. This may include timing of work, pre-work checks, avoiding nesting areas.

22. Prior to the commencement of development a method statement, including appropriate mitigation measures, to ensure the protection of badgers and their habitats shall be submitted to and approved in writing by the local planning authority. The development shall subsequently be undertaken in accordance with the approved details.
23. Before the development is commenced details of the height, type and position of all site and plot boundary walls, retaining walls, fences and other means of enclosure to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.
24. The approved boundary walls, retaining walls, fences and other means of enclosure approved in pursuance of the immediately previous condition of this permission shall be erected within one month(s) of the dwelling(s) being occupied and shall thereafter be retained.
25. All works, including demolition, site works and construction together with deliveries to the site shall only take place between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and between 08.00 and 14.00 on Saturdays and not at all on Sundays or Bank Holidays. In addition delivery vehicles shall not park on the access highways to the site.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:

1. The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. The application has been made for outline permission only
3. The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
4. To define the permission.
5. To enhance the appearance of the development. ( Saved Polcy E&D1 (iv) of the Stafford Borough Local Plan 2001).
6. To enhance the appearance of the development. ( Saved Polcy E&D1 (iv) of the Stafford Borough Local Plan 2001).

7. To ensure the provision of adequate play facilities for the benefit of residents of the proposed dwellings. (Saved Policy HOU7 of the Stafford Borough Local Plan 2001).
8. In the interests of the safety and convenience of users of the highway. (Saved Policy MV10 (a) of the Stafford Borough Local Plan 2001).
9. In the interests of the safety and convenience of users of the highway. (Saved Policy MV10 (a) of the Stafford Borough Local Plan 2001).
10. In the interests of the safety and convenience of users of the highway. (Saved Policy MV10 (a) of the Stafford Borough Local Plan 2001).
11. In the interests of the safety and convenience of users of the highway. (Saved Policy MV10 (a) of the Stafford Borough Local Plan 2001).
12. In the interests of the safety and convenience of users of the highway. (Saved Policy MV10 (a) of the Stafford Borough Local Plan 2001).
13. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. (Saved Policy E&D50 of the Stafford Borough Local Plan 2001).
14. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. (Saved Policy E&D50 of the Stafford Borough Local Plan 2001).
15. To reduce the risk of flooding to the proposed development and future occupants. (Saved Policy E&D50 of the Stafford Borough Local Plan 2001).
16. To ensure the provision of adequate drainage facilities and to prevent the pollution of any adjacent watercourses, wells and aquifers. (Saved Policy E&D4 of the Stafford Borough Local Plan 2001).
17. To enable the local planning authority to consider the scheme of development and the landscaping proposals in relation to the existing trees and hedges. (Saved Policy E&D44 of the Stafford Borough Local Plan 2001).
18. To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important in the appearance of the development. (Saved Policies E&D2 (i) and E&D44 of the Stafford Borough Local Plan 2001).
19. To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important in the appearance of the development. (Saved Policies E&D2 (i) and E&D44 of the Stafford Borough Local Plan 2001).

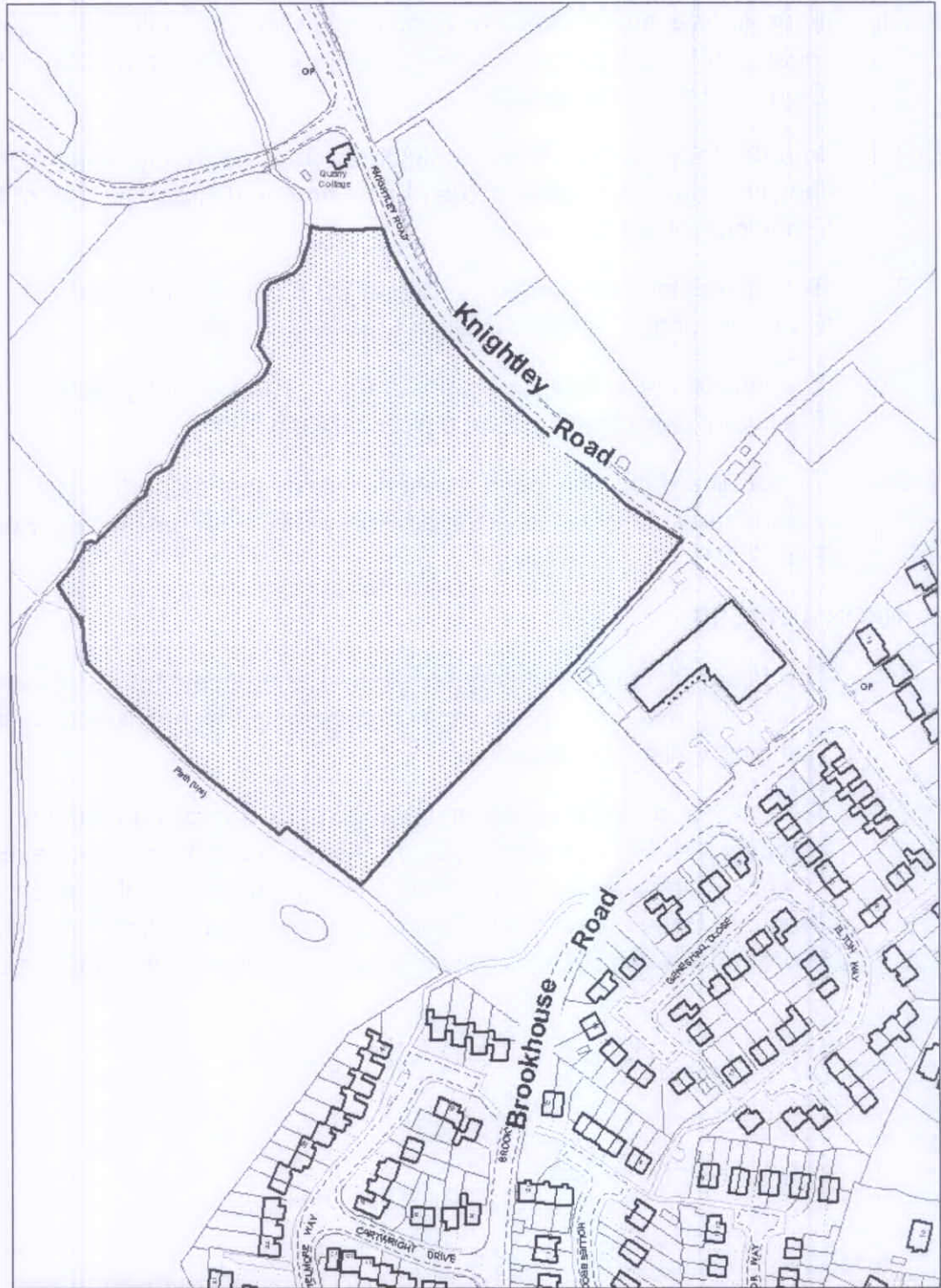
20. To safeguard and protect the retained natural features that contribute to the amenity of the local area and that are important to the appearance of the development. (Saved Policies E&D2 (i) and E&D44 of the Stafford Borough Local Plan 2001).
21. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 118 of the National Planning Policy Framework)
22. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 118 of the National Planning Policy Framework)
23. To ensure the satisfactory appearance of the development. (Saved Policy E&D1 (iv) of the Stafford Borough Local Plan 2001).
24. To ensure the satisfactory appearance of the development. (Saved Policy E&D1 (iv) of the Stafford Borough Local Plan 2001).
25. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Saved Policy E&D5 of the Stafford Borough Local Plan 2001).

#### INFORMATIVE(S)

- 1 The Local Planning Authority considers the proposal to be a sustainable form of development and therefore complies with the provisions of the National Planning Policy Framework
- 2 That the applicants attention be drawn to the comments of the highway authority, the Environment Agency, Severn Trent Water, Natural England, the County Rights of Way Officer, the Police Architectural Liaison Officer, the Borough Parks and Open Space Development Officer and the Head of Environmental and Health Services contained in the attached letters.

13/19051/OUT

Land Between Quarry Cottage to North and Health Centre to South, Knightley Road, Gnosall



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Not to scale  
By: JEM  
Dept: Planning & Regeneration  
O.S. REF: SJ 8118



Grasscroft Homes & Property Ltd  
C/O Picea Design Ltd  
FAO Mr Roy Spruce  
Planning & Development  
Consultants  
50 Congleton Road  
Sandbach  
Cheshire  
CW11 1HG  
REOUTZ

Date Registered 6 August 2013  
Decision Date 6 November 2013  
Issue Date 13 November 2013

## TOWN AND COUNTRY PLANNING ACT 1990

### REFUSAL OF OUTLINE PERMISSION

Application No: 13/19051/OUT  
Proposed Development: Erection of up to 55 dwellings, provision of open space and access works (all matters reserved except access)  
Location: Land Between Quarry Cottage To North And Health Centre To South, Knightley Road, Gnosall  
O. S. Reference: 382646 321452

Stafford Borough Council, in pursuance of powers under the Town and Country Planning Act, hereby refuse the above development in accordance with the accompanying plans and subject to the following reason :-

1. The proposal is for the construction of dwellings on land which lies outside and is physically separated from existing residential development in Gnosall as defined by the Residential Development Boundary for Gnosall, with open land on three and a half sides of the site. This would necessitate the loss of good quality agricultural land and in such a setting the proposed development would constitute a significant intrusion into open countryside with an unacceptable adverse visual impact, detracting from the character and appearance of the surrounding rural area, with a loss of visual amenity. The proposed development is, therefore, contrary to the National Planning Policy Framework paragraphs 17 and 112 and to the provisions of Saved Policies E&D2, E&D7 (iii) and (iv), E&D8 and HOU3 of the Stafford Borough Local Plan 2001.

#### Stafford Borough Council

Civic Centre, Riverside, Stafford, ST16 3AQ, DX 723320, Stafford 7  
TEL 01785 619 000 EMAIL [info@staffordbc.gov.uk](mailto:info@staffordbc.gov.uk)  
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2009-2010  
*Raising economic prosperity  
through partnership*



INVESTORS  
IN PEOPLE





Grasscroft Homes & Property Ltd  
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50 Congleton Road  
Sandbach  
Cheshire  
CW11 1HG  
REGOUTZ

Date Registered 6 August 2013  
Decision Date 6 November 2013  
Issue Date 13 November 2013

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF OUTLINE PERMISSION

INFORMATIVES(S)

1. The Local Planning Authority has worked in a positive and proactive manner in dealing with this application and entered into pre-application discussion with the applicant, however it is considered that the applicant is unable to overcome the principle concerns in respect of the proposal being a significant intrusion into open countryside with an unacceptable visual impact, detracting from the character and appearance of the surrounding rural area.

Head of Planning and Regeneration  
On behalf of the Council

**Stafford Borough Council**

Civic Centre, Riverside, Stafford, ST16 3AQ, DX 723320, Stafford 7

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through partnership*



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IN PEOPLE**

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## Appeal Decision

Inquiry opened on 27 August 2014

Site visit made on 29 August 2014

**by Richard McCoy BSc MSc DipTP MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 24 October 2014**

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**Appeal Ref: APP/Y3425/A/14/2210911**  
**Knightsley Road, Gnosall, Staffordshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Grasscroft Homes and Property Ltd against the decision of Stafford Borough Council.
  - The application Ref 13/19051/OUT, dated 24 July 2013, was refused by notice dated 6 November 2013.
  - The development proposed is the erection of up to 55 no dwellings, provision of open space and access works.
- 

### Procedural matters

1. The application was submitted in outline with matters of scale, layout, appearance and landscaping reserved for future determination, though an indicative layout was supplied and a number of details given in the Design and Access Statement.
2. A signed S106 Unilateral Undertaking (UU) was submitted by the appellant. This covers the provision of affordable housing units, an education contribution, provision of public open space, a Cannock Chase Special Area of Conservation contribution and sports provisions. I return to these matters below.
3. In order to assist the efficient use of Inquiry time an informal round table session was held on day 3 which considered the amount and deliverability of housing to be expected from the Council's identified Strategic Development Locations, as a contributor to the Council's 5 year housing land supply. In addition, the appellant's witnesses who were going to give evidence on highways and transport, viability, and agricultural land quality (Mr Dolan, Mr Coulter and Mr Reeve) were not called.
4. Since the Council made its decision, the saved policies of the adopted Stafford Borough Local Plan 2001 (LP), referred to in its Decision Notice, have been replaced by the policies of the Plan for Stafford Borough 2011-2031 (PfS) adopted 19 June 2014. Specifically, the parties directed me to PfS Policies SP2, SP3, SP4, SP7, N1 and N8. I have dealt with the appeal on this basis.
5. The objectively assessed housing need in the PfS is subject to a challenge that as yet has not been determined. Nevertheless, subject to the judgement in *Wakil Abdul v Hammersmith* [2013] EWHC 2833 (Admin) No2 that reduced weight could lawfully be given by a decision maker to an adopted policy which

was under challenge, it was agreed by the parties that the housing need of 500 per annum as set out PfS should be the starting point for the assessment of the 5 year housing land supply. I have dealt with the appeal on this basis.

### **Decision**

6. The appeal is allowed and outline planning permission is granted for the erection of up to 55 no dwellings, provision of open space and access works at Knightley Road, Gnosall, Staffordshire in accordance with the terms of the application Ref. 13/19051/OUT, dated 24 July 2013, subject to the conditions in the attached Annex.

### **Main Issues**

7. The effect of the proposal on the character and appearance of the area and whether this would be a sustainable form of development having regard to national and development plan policies in respect of housing land supply.

### **Reasons**

#### *Background*

8. The appeal site is an agricultural field which extends to around 3.6 hectares and is located on the edge of Gnosall, adjoining the village green and Gnosall Health Centre (GHC). It stands close to a recently approved housing development (the Bellway Homes scheme) which is also on the periphery of the settlement. Proposed is a development of up to 55 dwellings the access to which would be from Knightley Road, around 55m from the boundary with GHC. PfS Policy SP3 identifies Gnosall as a Key Service Centre (KSV) and therefore suitable for housing development. The appeal site is included in the Strategic Housing Land Availability Assessment (SHLAA) which provided part of the evidence base for the PfS.
9. The appeal site is situated outside the former residential boundary for Gnosall as it existed under the superseded LP Policy HOU3. PfS Policy SP7 states that settlement boundaries will be established for the Sustainable Settlement Hierarchy defined in Policy SP3 and I heard that this is likely to take the form of an Allocations Development Plan Document, the preparation of which is at an early stage. In the meantime, I heard that proposals which come forward would be assessed against the criteria of PfS Policy SP7.
10. It is anticipated that around 12% of new housing in the Borough over the plan period will be directed to KSVs (PfS Policy SP4) and it is recognised (PfS paragraphs 6.27 and 6.40) that the amount of development in each KSVs may vary due to policy constraints such as Green Belt and access to employment. Gnosall is not constrained by an environmental designation such as the Green Belt and is the largest of the KSVs. It is acknowledged in the SHLAA and in the PfS (paragraph 6.27) that the KSVs have the capacity to accept additional growth and that development to meet the 537 housing requirement for the KSVs is likely to take place on peripheral sites (table at PfS page29 and paragraph 6.40).

#### *Suitable location for housing having regard to the area's character and appearance*

11. The Council is concerned that the proposal would conflict with criteria a, f and g of PfS SP7. With regard to the former, as the appeal site abuts the GHC and

- the village green, I consider the proposal would be adjacent to an existing settlement and would not conflict with this criterion. With regard to criteria f and g, the appeal site, while not covered by any particular designation in landscape terms, is situated within National Character Area 6, "Shropshire, Cheshire and Staffordshire Plain" and more specifically is identified as Ancient Clay Farmlands (ACF) in the *Planning for Landscape Change Supplementary Planning Guidance 2001*. Although prepared as guidance for the Staffordshire and Stoke on Trent Structure Plan 1996-2011, it carries some weight in this matter as it was used as part of the evidence base for PfS. The key characteristics of the ACF landscape character area (LCA) include; mature hedgerows, narrow winding lanes, small woodland areas, gently rolling farmland, dispersed settlements and field ponds.
12. The main parties agreed that the appeal site, as a field with hedges containing some trees, (4 trees on the Knightley Road boundary are subject to a Tree Preservation Order) was an "ordinary and everyday" landscape and I have no reason to demur from this description. The parties agreed its landscape value to be medium, with landscape condition being good whilst sensitivity to change was assessed as moderate. Furthermore, at around 3.6 hectares the appeal site is of a modest scale. In which case, any impact on the overall ACF LCA would be negligible. Moreover, I heard that the appeal site does not stand within the most sensitive part of the ACF LCA as this is situated to the south of Gnosall.
  13. I agree with the Council's officer who in the report to Committee concluded that the impacts of the proposal would be limited to the local area within which the appeal site is located rather than wider ACF LCA. During my visit I observed that the appeal site sits on the same contour as a large part of Gnosall such that the proposal would not be a prominent feature either in relation to the rest of the settlement or the wider landscape. Against this background and given the modest size of the appeal site, I consider the proposal would integrate itself successfully with Gnosall in terms of visual impact and scale. It would not therefore appear as an incursion into the open countryside.
  14. In my judgement, in terms of SP7 criteria "f" and "g", the proposal would have no unacceptably negative effects upon the characteristic landscape features of the area. Rather it would respond to the factors that currently limit landscape character. In particular, the proposal would bring forward landscape enhancements to existing on-site features such as hedgerows, trees and a pond which could be secured by conditions attached to any grant of outline planning permission. In so doing, it would address the findings of the LCA and avoid adverse impacts on the special character of the wider landscape. It would also provide landscaping measures to mitigate the impact to the immediate area. Overall the proposal would respond positively to PfS Policies N1 criteria g and h; N4 criteria c, f and i; and N8.
  15. This is demonstrated, by reference to the visual impacts of the proposal. The main parties broadly agreed upon a zone of theoretical visual influence within which a series of viewpoints were identified. Notwithstanding the Council's criticisms of the appellant's Landscape Visual Impact Assessment (LVIA) prepared by Camlin Lonsdale and its review by TPM Landscape, I consider that the landscape and visual baseline as well as the extent of the study area for the LVIA were acceptable for the scale of development proposed.

16. The selected view points show that due to the intervening, undulating landform and vegetation, views of the proposal would be limited. In addition, enhancement of the setting could be achieved by the proposed landscaping which could be secured by condition, albeit some of which would take a while to reach maturity. No long distance views were identified by the main parties and of the intermediate views assessed, concerns were raised regarding the effect on receptors using the Millennium Way long distance foot path. However, I observed that over the distance concerned, the proposal would occupy a small part of the observable panorama and would be at an oblique angle to the direction of travel. As such, any impact would be negligible as it would be of a short duration as walkers progress along the path, across a vista that includes mature vegetation.
17. With regard to near distance views, several paths criss-cross the countryside linking Gnosall with nearby settlements and any peripheral development would impact upon views from these public rights of way (PROW). It would not be feasible to completely screen from view a development such as this and it is accepted in the PfS that peripheral development is likely to take place in KSVs such as Gnosall. While potential alternative sites were suggested by the Council, these came with different constraints including an effect on a heritage asset. In any event, development at the alternative sites would also have a visual impacts on users of PROWs near to the edge of Gnosall.
18. In my judgement, the effect of the proposal on walkers using these PROWs would be softened to some extent by existing and proposed planting, and views would be short lived when the entire length of each PROW is taken into account. Furthermore, when walking away from Gnosall the view would not be solely of the development as views of the countryside would still be apparent. In the opposite direction, when walking towards the village, the walker would be anticipating entering a built up area so the proposal would not be a stand out feature. In which case, I consider the effect of the proposal would be slight.
19. As stated above, it is my view that the village green and medical centre are integral parts of the village and abut the appeal site. The village green, although on the periphery, is nevertheless close to existing housing and a busy road. As such it did not strike me as a tranquil backwater but rather as a busy part of the village with passing cars and residents using the green for leisure/recreational activities. I do not consider that the proposal would harmfully alter the character of this space, particularly as it would be sheltered from it by an existing large hedgerow which also contains some trees. This could be further enhanced by planting which could be secured by conditions attached to any grant of outline planning permission.
20. Accordingly, I consider the proposal would not impact adversely on the special character of the area and would appropriately address the findings of the LCA, taking account of the enhancement actions of this particular landscape policy zone. Any small deterioration in landscape quality that might initially occur to the immediate setting of the proposal would be mitigated by the landscaping proposals that could come forward by way conditions attached to any grant of outline planning permission. These would mitigate the effects of the scheme in the medium to longer term. Consequently, there would be no unacceptable harm arising from the proposal to landscape character and it would not conflict with PfS Policies SP7, N1, N4 and N8.

### *Sustainable development*

21. The NPPF confirms that there are 3 dimensions to sustainable development: economic, social and environmental. It is common ground that the proposal would be situated in a sustainable location. Furthermore, with regard to the economic role, the proposal would provide construction work and bring new inhabitants to the village, which would help to support the local facilities. The provision of affordable housing, a matter to which I return below, would improve the tenure mix and widen the opportunities for those in the area who wish take their first steps on the housing ladder. All of these matters assist in the performance of a social role by supporting the local community.
22. In terms of the environmental role, Gnosall is a designated KSV offering public transport links and a range of services. Although there would be the loss of a green field and some "best and most versatile land" in respect of agricultural land quality, I consider that there would be no conflict with PfS Policy. Moreover, the agricultural land is not of the highest value and represents a small amount of the overall resource in the Borough. As such, the parties agreed that this was not a determinative issue in the appeal and from my assessment of the proposal, I have no reason to disagree.
23. In addition, the scheme would provide an area of public open space which could be secured through the submitted UU (which I also address below) were outline planning permission to be granted and the Council confirmed at the Inquiry that it considered that the matter of a carbon zero development could be dealt with through the building regulations. The Council did not therefore consider there to be any conflict with PfS Policy N2. I again have no reason to disagree and consider that it is likely that the proposal could assist with achieving high environmental standards. Accordingly, I am satisfied that the proposal, in its totality, would amount to sustainable development.

### *Other matters*

24. The parties disputed whether or not the Council could demonstrate an up to date 5 year supply of housing land. The Council was satisfied in the light of the recently adopted PfS, and taking comfort from recent correspondence (D4 email correspondence) from developers relating to larger sites, particularly the Strategic Development Locations (SDL) in the Borough, that it has a 5 year supply.
25. The Council estimated its supply, accepting a 20% buffer for past under delivery and a 10% non-build out rate applied to smaller sites and those large sites for which no contact was made with the developer, to be around 3,362 dwellings or 5.0 years (based on the 5 Year Housing Land Rebuttal (Document D3) estimate of an annualised housing requirement of 672 i.e. 500 + 20% buffer to which is added the shortfall of 629 which is itself divided by 5 to spread it across the 1<sup>st</sup> 5 years of the plan). The appellant disagreed arguing that the correspondence with developers, produced by the Council, could not be taken as demonstrating the claimed level and timing of housing development. In which case, the supply was estimated by the appellant to be around 3.9 years.
26. In my judgement, I have no reason, to dismiss the evidence set out in the submitted email correspondence with developers as unreliable although I note the table in PfS paragraph 6.53 applies a 10% discount to all commitments. I

also note that the appellant agreed that the Council has not historically applied a 20% buffer to any historic under supply. My attention was drawn to a recent decision by the Secretary of State ref. APP/H1840/A/13/2199085 & 2199426 where it was applied. However, this Council's uncontested evidence was that in the previous appeal it was concluded that it was correct to add the buffer to the backlog because that had been that Council's past historic approach from which it had departed for no clear reason.

27. In any event, in the case before me I have found that the proposal would be policy compliant and whether or not a housing land supply can be demonstrated is not determinative in this appeal. Furthermore, the NPPF makes clear that the aim is to significantly boost the supply of housing which this proposal would help to achieve.
28. A Transport Statement was submitted as part of the planning application. Following the submission of additional information regarding the impact of the proposal on a nearby mini roundabout junction, the highway authority confirmed that it had no objections to the scheme subject to highways conditions. From my assessment, I have no reason to disagree.
29. With regard to flood risk, trees and biodiversity, I note that the Environment Agency and Severn Trent Water raised no objections to the proposal on the basis of the submitted Flood Risk Assessment/Drainage Strategy Report (FRA); the Council's Tree Officer raised no objections as all existing boundary trees and hedgerows are to be retained, and the Council's Biodiversity Officer and natural England, on the basis of the submitted Ecological Appraisal raised no objections. Subject to the conditions suggested by these consultees relating to carrying out the development in accordance with the FRA, approval and implementation of details for surface water disposal, tree root protection, submission of planting details, prevention of hedge/tree works during the nesting season and a method statement for the protection of badgers, I have no reason to disagree.
30. My attention was drawn to the emerging Neighbourhood Plan (NP). It is at an early stage in its preparation with the Questionnaire having been sent out and the responses collated. It has several stages to complete before being examined and put to a referendum. NPPF Paragraph 216 indicates that from the day of publication, decision takers may give weight to the relevant policies in emerging plans according to, amongst other factors, the plan's stage of preparation - the more advanced the preparation the greater the weight may be given. So, whilst the Questionnaire responses may give an indication of how local people might wish to their village develop, the NPPF indicates that the NP is afforded limited weight, since it is at an early stage in the adoption process. Moreover, the Planning Practice Guidance (the guidance) makes clear that a NP should be in general conformity with the development plan, and should not promote less development than is required to meet the housing needs of the area.
31. Concerns were also raised by local residents that Gnosall, as a result of this proposal (when considered with other approved and pending housing schemes), would be accepting "more than its fair share of development". It was also argued that if Gnosall is to expand it should be done in the context of an Allocations DPD or a NP. However, as mentioned above, the adoption of both of these documents is some way off. Furthermore, I have assessed the

proposal against the adopted development plan and national policies and guidance, and found it to be in conformity. Moreover, the housing requirement figure in the PfS is a minimum and the NPPF aims to significantly boost the supply of housing.

#### *Unilateral Undertaking*

32. The appellant's UU would provide affordable housing at a rate of 40%. The Council confirmed at the Inquiry that it was content with this level of provision and from my assessment it complies with the requirements of PfS Policy C2. Furthermore, the education contribution would accord with the requirements of PfS Policy I1 and the County Council's Education Planning Obligations Policy, while the open space provision and contribution towards the Cannock Chase Special Area of Conservation accord with PfS Policies C7 and N6 respectively. In my judgement, the UU provisions are directly related to the development and reasonably related in scale and kind. As such the UU passes the tests set out in the NPPF and satisfies the requirements of regulation 122 of The Community Infrastructure Levy Regulations 2010. I can therefore give it considerable weight.

#### **Conclusions**

33. I have concluded that the proposal would not conflict with PfS Policies SP7, N1, N4 and N8. I have also considered the 3 dimensions of sustainable development as set out in the NPPF and found that the proposal would be in conformity. In addition, the proposal would add to the supply of affordable housing. Accordingly, for the reasons given above, I conclude that the appeal should be allowed.

#### *Conditions*

34. The parties suggested several conditions which were discussed at the Inquiry. I have considered all of the conditions in the light of the advice within the NPPF and the guidance. In the interests of good planning, it is necessary to impose conditions setting out time limits regarding the submission of reserved matters and to relate development to the submitted plans. I have also, in the interests of good planning, imposed the agreed conditions relating to the submission of landscaping and public open space details.
35. Conditions are also necessary in the interests of road safety to ensure that visibility splays are provided; parking, drainage and surfacing materials details are submitted for approval; an off-site traffic management scheme is approved and implemented and off-site highway works constructed, before the development is occupied. In addition, in the interests of flood prevention, I shall attach conditions requiring the development to be carried out in accordance with the submitted FRA and an approved sustainable drainage scheme, along with a condition to ensure the finished floor levels are above flood risk level.
36. Further conditions are necessary to ensure the provision of adequate drainage facilities and to protect trees, shrubs and hedgerows in the interests of safeguarding adjacent watercourses and the area's visual amenity. While in the interests of preventing harm to legally protected species, conditions are necessary to ensure that works are not undertaken in the bird nesting season



and to require the submission of a method statement for the protection of badgers.

37. It is also necessary to attach conditions to ensure that details of means of enclosure are submitted and that such works are carried out in accordance with the approved details in the interests of visual and residential amenity. Finally, in the interests of residential amenity, a condition is required to control working hours during the construction of the approved development.

*Richard McCoy*  
INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Mr T Leader QC	Instructed by Principal Solicitor, Stafford Borough Council
He called	
Mr S Wood MRTPI	Regional Planning and Building Control Manager, Urban Vision
Mr P Coe BA, DipLA CMLI	Landscape Architect, Urban Vision

### FOR THE APPELLANT:

Mr P G Tucker QC	Instructed by Mr M Hourigan
He called	
Mr M Hourigan BA(Hons) BLP MRTPI	Director, Hourigan Connolly
Mr K Patrick BA(Hons) DipLa CMLI	Director, TPM Landscape

### INTERESTED PERSONS:

Mr Greatrex	Chairman Gnosall Parish Council
Mr Smith	Ward Councillor
Mr Williamson	Ward Councillor
Ms Gregory	Secretary Gnosall Resists Indiscriminate Development
Mr Windmill BA(Hons), MRTPI(Rtd)	Retired Planner

## **Documents handed in at the Inquiry**

- D1 Planning Committee report extract and appeal decision ref. APP/Y3425/A/14/2214743
- D2 Landscape Comparison table of effects
- D3 5 year housing land supply rebuttal
- D4 Email correspondence regarding delivery of large sites with planning permission
- D5 Evidence of Councillor Williamson
- D6 Evidence of Councillor Smith
- D7 Evidence of Mr Windmill
- D8 Evidence of Mr Greatrex
- D9 Neighbourhood Plan Questionnaire Feedback Report July 2014
- D10 Council's 5 year amended housing land supply figure
- D11 Agenda for round table session on Strategic Development Locations
- D12 Unilateral Undertaking
- D13 Evidence of Ms Gregory

- D14 Viability & Deliverability Report for Northern & Western Strategic Development Locations
- D15 Plan for Stafford Borough Schedule of Main Modifications
- D16 Plan for Stafford Borough Background Statement September 2013
- D17 Mr Windmill closing remarks
- D18 Ms Gregory closing remarks

### **Plans handed in at the Inquiry**

- P1 Landscape Policy Zones in Staffordshire

## **ANNEX**

### Conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission.
2. This is a grant of outline consent only and before the development is commenced details of the scale, siting, appearance and landscaping of the site, (the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority.
3. The development hereby permitted shall be begun before the expiration of 1 year from the date of approval of the last of the reserved matters to be approved.
4. This permission relates to the originally submitted details and specification and to the following drawings numbers 586-LOC-01 and J295/Access/Fig 1 B, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence.
5. Landscaping details to be submitted in pursuance of Conditions 1 and 2 shall include structural planting, the retention of existing trees and hedgerows and an implementation programme.
6. Details to be submitted in pursuance of Conditions 1 and 2 shall include a 0.9 hectares area of Public Open Space along the north-west boundary of the site with Hollies Brook, including details of a timescale for its provision. This area shall include a play facility for use by the under 12's age group which shall include at least 5 items of play equipment. The open space area shall subsequently be provided in accordance with the approved details and thereafter retained for such purpose and no walls fences or other means of enclosure shall be erected on or around any part of the open space area.
7. No other construction works shall commence on site until the access and visibility splays shown on drawing number J295/Access/Fig 1 B have been

provided and completed to Binder Course. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

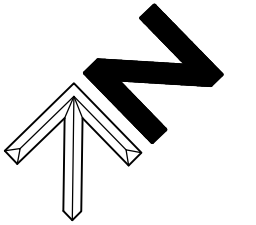
8. No development hereby approved shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning authority:
  1. Parking, turning and servicing within the site curtilage;
  2. Means of surface water drainage;
  3. Surfacing materials.The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of the development.
9. The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising of:
  1. a site compound,
  2. parking facilities for site operatives and visitors,
  3. loading and unloading of plant and materials,
  4. storage of plant and materials used in constructing the development, and
  5. wheel wash facilitieshave been submitted to and approved in writing by the Local Planning Authority.  
The approved traffic management scheme shall thereafter be implemented prior to any works commencing on site and maintained throughout the construction period for the development.
10. Prior to first occupation of any dwellings hereby approved, the following off-site highway works shall have been constructed in accordance with the approved plans:  
Construction of a new footway fronting Gnosall Health Centre from the site entrance to the junction of Knightley Road/Brookhouse Road.
11. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk assessment (FRA) Michael Lambert Associates Ref 8972 dated 19 July 2013 Version 02 and the following mitigation measures detailed within the FRA:
  1. limiting the surface water discharge to the Greenfield Qbar surface water run-off for all storm events up to and including the 1 in 100 year critical rain storm plus an allowance for climate change so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site, and
  2. the undertaking of infiltration testing to establish ground conditions and assess the suitability of the site for the provision of SuDs.The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
12. No development shall take place until a surface water drainage scheme, together with timescales for implementation, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the

local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

13. Finished floor levels should be set a minimum of 600 mm above the 1 in 100 year plus climate change flood level.
14. The development hereby permitted shall not commence until drainage plans for the disposal of foul sewerage, together with timescales for implementation have been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first brought into use.
15. No trees, large shrubs or hedgerows shall be uprooted, felled, lopped, topped, or cut back in any way until a scheme has been approved that specifically allows such works. The works shall then take place in accordance with the agreed scheme.
16. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the development.
  - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard BS 3998:2010 Tree Work.
  - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
  - (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
17. All trees, shrubs, hedges and bushes which are to be retained in accordance with the approved plans and particulars shall be protected in accordance with the BS 5837: 2012 "Trees in Relation to design, demolition and establishing a Root Protection Area (RPA) around each tree, shrub, hedgerow or bush, in accordance with the recommendations of BS 5837: 2012. All RPAs must be enclosed by suitable fencing, as specified by BS 5837: 2012 or as agreed in writing with the local authority or, where specifically approved, protected using ground protection measures to the satisfaction of the local planning authority. No works or alterations to existing ground levels or surfaces shall be undertaken within the RPAs without the prior written approval of the local planning authority. No materials, equipment or vehicles

are to enter or be stored within the RPAs. No materials that are likely to have an adverse effect on tree health such as oil, bitumen or cement will be stored or discharged within the RPAs. No fires will be lit within 20 metres of the trunk of any tree that is to be retained. All tree protection measures shall be agreed in writing with the local planning authority and their installation undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

18. Where the approved plans and particulars indicated that specialized construction work is to take place within the Root Protected Area (RPA) of any retained trees, hedgerows or shrubs, prior to the commencement of any development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works will be carried out shall be submitted and agreed in writing by the local planning authority. The AMS shall include details on when and how the works will be take place and be managed and how the trees, hedgerows or shrubs will be adequately protected during such a process.
19. Works to hedgerows and trees shall not be undertaken in the bird nesting season (March to August) unless it can be demonstrated that breeding birds will not be affected, through the submission, approval in writing by the local planning authority and subsequent implementation in accordance with the approved details of a method statement for the protection/avoidance of nesting birds. This may include timing of work, pre-work checks, avoiding nesting areas.
20. Prior to the commencement of development a method statement, including appropriate mitigation measures, to ensure the protection of badgers and their habitats shall be submitted to and approved in writing by the local planning authority. The development shall subsequently be undertaken in accordance with the approved details.
21. Before the development is commenced details of the height, type and position of all site and plot boundary walls, retaining walls, fences and other means of enclosure to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details within 1 month of the dwelling(s) being occupied and shall thereafter be retained.
22. All works, including demolition, site works and construction together with deliveries to the site shall only take place between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and between 08.00 and 14.00 on Saturdays and not at all on Sundays or Bank Holidays. In addition delivery vehicles shall not park on the access highways to the site.



REVISIONS



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**PROPOSED DEVELOPMENT  
AT  
KNIGHTLEY ROAD  
GNOSALL**

**LOCATION PLAN**

CAD REF	PICEADSIGN LTD/586-LOC-01
DATE	JUNE 2018
SCALE	1:1250 @ A3
DRAWING No.	

# KNIGHTLEY ROAD GNOSALL

# 586-LOC-01

<b>Application</b>	<b>14/20477/OUT</b>	<b>Case Officer:</b>	John Heminsley
<b>Date Registered</b>	23 May 2014	<b>Target Decision Date</b>	22 August 2014
<b>Address</b>	Land Adjacent Shenley Cottage And The Butts Main Road Little Haywood	<b>Ward</b>	Haywood and Hixon
		<b>Parish</b>	Colwich
<b>Proposal</b>	Residential development of 60-65 dwellings to include provision of 2.79 hectares of public open space & networks - details of access only		
<b>Applicant</b>	Moore Family Trust		
<b>Recommendation</b>	Consider the resolution of Planning Committee of 29 October 2014 on this application in the light of this addendum report		

## ADDENDUM REPORT

As members will be aware this application was reported to the 29 October 2014 Planning Committee meeting where it was resolved to refuse the application on grounds of loss of agricultural land and the impact of the proposal on the historic environment and / or heritage asset(s).

Prior to being put to the vote, the Development Manager responded to a number of points raised by Members, referring specifically to the former residential development boundaries and the loss of agricultural land being a potential material consideration if the land was grade 3a but not if it was 3b. At the time of making the resolution Committee were not aware of whether the land was grade 3a or 3b.

It has subsequently been highlighted by the applicant's agent that the land is in fact grade 3b - moderate quality agricultural land, which DEFRA describes as;

'Land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year.'

Clarification is thus sought as to whether actual grading would affect the resolution (and reasoning) to refuse the application on the basis of the loss of agricultural land.

There is also an apparent discrepancy between the recorded discussion as to the second reason for refusal, related to the impact on the historic environment and / or heritage asset(s).



The motion originally put forward by Councillor Millichap to refuse the application due to the “effect on historic environment” following a discussion about the effect of the proposal on the setting of the neighbouring Great Haywood and Shugborough as well as the Colwich and Little Haywood Conservation Areas.

However, the motion put forward to the vote by Planning Committee suggested “effect on heritage asset” as reason for refusal.

The applicant has suggested that Committee did not take into account the mitigation within the application in terms of the set back from the A51 frontage, although this is clearly referred to in the first and second paragraphs of the officers report under the heading ‘3. Impact on Heritage Assets’ and in particular, the second paragraph which refers to ‘the potential impact on the Colwich and Little Haywood Conservation area has been partially mitigated’. This was also the subject of some discussion at the 29th October 2014 meeting, where it was discussed that whilst there would not be an impact on the Great Haywood and Shugborough Conservation area the impact on the Colwich and Little Haywood Conservation Area was only ‘partially mitigated’ as reported by officers.

The resolution with regard to the second reason for refusal would thus appear to have been to refuse the application on the basis of the ‘impact of the proposals on the setting of the Colwich and Little Haywood Conservation Area’, where Policy N9 i, iv and vii of the Plan for Stafford Borough 2011 – 2031 would be relevant.

As Members of the Planning Committee will be aware the determination of a planning application must be in accordance with the development plan, unless material considerations indicate otherwise. Where material considerations exist that indicate potential reasons for departing from the plan, there is essentially a balancing exercise between the development plan and those material planning considerations. Should members be minded to remove their reasoning on loss of agricultural land, this may affect the balance of the whole judgment, however, members clarification is sought on this matter.

The original report and recommendations are appended to this item.

**Appendix**  
**Original Report and Recommendation of 29 October 2014**

<b>Application</b>	<b>14/20477/OUT</b>	<b>Case Officer:</b>	John Hemingsley
<b>Date Registered</b>	23 May 2014	<b>Target Decision Date</b>	22 August 2014
<b>Address</b>	Land Adjacent Shenley Cottage and The Butts Main Road Little Haywood	<b>Ward</b>	Haywood and Hixon
		<b>Parish</b>	Colwich
<b>Proposal</b>	Residential development of 60-65 dwellings to include provision of 2.79 hectares of public open space and networks - details of access only		
<b>Applicant</b>	Moore Family Trust		
<b>Recommendation</b>	Approve, subject to completion of S106 Agreement to secure 30% affordable housing, financial contributions to open space and recreation facilities: education: the mitigation of impact on the Cannock Chase Special Area of Conservation and subject to conditions		

### **REASONS FOR REFERRAL TO COMMITTEE**

This application has been called in by Councillor J Tabernor (Ward Member for Haywood and Hixon) for the following reason:–

“ The site is outside the Rural Development Boundary ( RDB ). Intrusion into open countryside. Leading to the joining of two separate communities. Leading to heavy traffic flows through the villages. Already permission for three other sites outside the RDB for approximately 120 dwellings.”

### **Context**

The application relates to a site of 6.7 hectares situated on the north-east side of Main Road Little Haywood. The site has three separate frontages to Main Road separated by existing residential properties. The north-western section of 88 metres between the Park View smallholding and the group of six properties at The Butts comprises a relatively flat grassed area behind a wide grassed highway verge which contains the tree lined access drive to Shenley Cottage which is sited 85 metres back from the highway boundary. In the centre of the site is a narrow 12 metre frontage between The Butts and a single detached property, Treetops, which is

steeply sloping with trees. The south-eastern section of 80 metres between Treetops and the next frontage dwelling Jamezon, is a steeply sloping wooded area.

Shenley Cottage itself with its outbuildings and walled garden comprise approximately 0.5 hectares, with the rest of the site being agricultural land in five field compartments divided by hedgerows containing a number of mature trees.

The land falls relatively gently from north-west to south-east except in the steep area mentioned above and the easternmost 70/80 metre wide section which falls steeply down to the rear gardens of residential properties 1 to 5 The Orchard (off Coley Lane), The Stone House Coley Lane and a terrace of three properties set behind Chase View Cottage on Coley Lane. Two other dwellings abut the south of this steep area, Edison and October Cottage, which are accessed via a private drive situated adjacent to the Red Lion PH on Main Road.

The northern boundary of the site steps outwards in three sections, all of which adjoin other agricultural land. A large area of farmland extending north from the widest part of the site to the A51 Haywoods By-pass is also owned by the applicant.

On Main Road opposite the southern end of the site are two dwellings. The rest of Main Road opposite the site is bounded by the historic brick boundary wall of the Shugborough Estate.

The proposal is in outline form with access only specified for residential development. The application is accompanied by a suite of reports covering impacts on arboricultural, ecological, landscape/visual and heritage considerations. Also submitted with the application is a Drainage/Flood Risk Assessment, a Transport Statement and a Statement of Community Involvement. The key issues identified by the applicant are summarised in a Design Access and Planning Statement.

The proposed vehicular access is located 25 metres from the northern frontage boundary. An illustrative zoning plan accompanying the application proposes development of 65 dwellings on 2.63 hectares of the site which would have a land take of 0.68 hectares. Four density zones are proposed from 40 dwellings per hectare down to 15 dwellings per hectare. The high density section is identified for affordable housing, the medium density for 1 to 4 bed units and the low density for 3 to 4 bed houses. Shenley Cottage is proposed to be demolished but a Victorian outbuilding retained for residential use or as an annex. No development is proposed on any part of the site frontage including the site of Shenley Cottage and its walled garden, which is to be retained. The whole of this parcel of land would be laid out as informal open space. The existing access drive to Shenley Cottage would be retained as a pedestrian access through the open space. This zoning plan is an amendment to the original submission, reducing the proposed area for development (including access roads ) from 3.52 hectares to 3.43 hectares. The changes involved excluding the area within the walled garden from development and reducing the area proposed for development in the south-eastern part of the site.

A total of 3.4 hectares of the site ( increased from the original 3.18 hectares ) would be laid out as a series of interconnected informal open spaces with new footpaths to link with existing public rights of way which cross the eastern part of the site and beyond the northern boundary. Open space buffers would separate areas proposed for development from the existing adjoining residential properties mentioned above. The largest buffer of 70/80 metres would be at the eastern end of the site towards Coley Lane.

A previous application 14/19809/OUT proposing development of 115 dwellings, which included some frontage development to Main Road in front of Shenley Cottage, was withdrawn on 11/04/2014.

### **Officer Assessment – Key Considerations**

The key issues are considered to be –

The principle of residential development in this location between the village centres of Little Haywood and Great Haywood;

Visual impact in relation to the landscape in general;

Impact on heritage assets on and around the site;

Arboricultural considerations;

Ecological considerations including in relation to the Cannock Chase Special Area of Conservation ( SAC );

Drainage considerations;

Highway/transport considerations;

Planning obligations ( S106 ) relating to affordable housing, open space sport and recreation and education.

#### **1. Principle of residential development.**

The overarching policy is the presumption in favour of sustainable development (SP1 of the Plan for Stafford Borough 2011-2031) which re-iterates the NPPF requirement that permission should be granted for development unless;

“ ...any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted.”

Of the minimum of 10,000 dwellings required to be delivered in the Borough during the plan period, 12% are proposed for key service villages which include Little Haywood/Colwich ( SP3 and SP4 ).

In advance of the identification of new settlement boundaries in part 2 of the Local Plan, applications for residential development in key service villages are required to be considered against criteria a) to l) in Spatial Principle 7 ( SP7 ) Supporting the

Location of New Development, in the overall context of aiming to maximise use of brownfield sites.

The site is outside the Little Haywood/Colwich settlement boundary identified in the previous plan and there are no brownfield sites of any significance or developable greenfield sites within this boundary. Most of the undeveloped land in the village was identified in the old plan as protected open space, comprising the grounds of St. Mary's Priory and farm ( the latter proposed to be included in the proposed extension to the Conservation Area ) adjoining playing fields and a separate buffer area of open space alongside the A51 Haywoods by-pass. Elsewhere development extends up to the boundary of the A51 which is a clearly defensible boundary to Colwich and the Haywoods. To the south of the village is the Trent and Mersey Canal Conservation Area beyond which is the flood plain of the River Trent within the Cannock Chase Area of Outstanding Natural Beauty.

One small development with a likely capacity of 20 dwellings has been approved on a 1 hectare site west of Coley Lane and north of Billington Avenue (13/19631/OUT ) on a greenfield site outside the old settlement boundary. There are no available brownfield sites outside but adjacent to the old settlement boundary.

In the context of meeting the sustainable housing growth needs of the village the application site is considered to be the most appropriate location in principle and of an appropriate scale taking into account the balance proposed between the parts of the site to be developed and parts to be laid out as open space. It is within easy walking distance of the village centre which includes 2 pubs (one currently closed), a general store, a hairdresser and additional housing development would help to support these businesses. Primary schools at Colwich and Great Haywood are also within reasonable walking distance. There is an infrequent bus service past the site, but the main Stafford/Lichfield half-hourly weekday and hourly Sunday service passes within 150 metres of the site.

In terms of compliance with the criteria in SP7, the proposals meet the requirements of a) adjacent to an existing settlement: b) of an appropriate scale to the existing settlement: c) accessible and well related to existing facilities; d) accessible by public transport. The other criteria in this policy are discussed in the context of the specific detailed considerations below.

Although not listed as one of the criteria in SP7 or any other specific policy in the Local Plan, the potential for coalescence of communities is an important matter to be considered in this case in assessing the overall impact on the character of the area. It has been raised as an issue by many of the local residents commenting on the application, The Parish Council, the AONB unit, The Haywood Society and the MP.

Main Road is the one highway which links Little Haywood/Colwich with Great Haywood. Shenley Cottage is located within Little Haywood but in a part of the village where development is interspersed with areas of open land heading north

west from the village centre towards the Jubilee Playing Field and The Ring, which is a self-contained cul-de-sac development of 12 bungalows situated between the two villages, which replaced an earlier Victorian development on the same footprint.

A development of up to 76 dwellings has been permitted on land between The Ring and Butts Farmhouse, the latter property being the southernmost dwelling in the continuous developed frontage extending along the eastern side of Main Road from the centre of Great Haywood ( 13/19534/OUT ). This site was judged to be in a sustainable location on the edge of Great Haywood and therefore compliant with the policy presumption in favour of sustainable development in the NPPF. It was also noted to be in accordance with Spatial Principle 7 of the emerging plan, being adjacent to an existing settlement, an appropriate scale and well related to existing services/facilities.

Notwithstanding the key policy drivers which lead to approval of this scheme, its impact, if implemented, will reduce the extent of undeveloped frontage on Main Road between Great and Little Haywood. If development on the Shenley Cottage site had proposed to include frontage development, this would effectively have linked the two villages with built development along the whole of the eastern side of Main Road, which could have been argued to be detrimental to the individual identity of the two villages. However no development is proposed on any part of the frontage of the application site apart from an access road, with the nearest new dwellings on the northern part of the site being 120 metres from the carriageway of Main Road and well screened from this direction. The steeply sloping and wooded nature of the southern part of the frontage makes development here unfeasible. Although development could be sited 30 metres from the carriageway on this part of the site, it would not be readily visible from road level. As a consequence, development of the site can be achieved in a manner which maintains the separate identity of the two villages.

Policies and Guidance:-

The Plan for Stafford Borough (2011 – 2031) –

SP1 – Presumption in Favour of Sustainable Development  
SP3 – Stafford Borough Sustainable Settlement Hierarchy

SP4 – Stafford Borough Housing Growth Distribution  
SP7 – Supporting the Location of New Development

## **2. Visual/landscape impact**

The application is accompanied by a Landscape and Visual Impact Assessment. Some of the issues covered have already been discussed above. The site itself has no landscape designation and comprises semi-improved grassland agriculture grade 3. The key features on the site are species rich hedgerows with predominantly native hedgerow trees. In relation to any impact on views from open countryside to

the north, these would be significantly mitigated by the strong hedgerow boundaries containing mature trees and the fact that the land rises towards the A51 in this direction. To the east the site is elevated above properties along Coley Lane and Back Lane, including the cottages at Anson's Row which are proposed for inclusion in the Colwich and Little Haywood Conservation Area. The Landscape Assessment identifies the Conservation Area as having high sensitivity to the development which needs to be mitigated. This is discussed further below. In other respects landscape impact on external receptors is minor or negligible. This includes the impact on the landscape of the Shugborough Estate to the west which is within the Cannock Chase Area of Outstanding Natural Beauty.

Policies and Guidance:-

The Plan for Stafford Borough (2011 – 2031) –

N1 – Design

N4 – The Natural Environment and Green Infrastructure

N6 – Cannock Chase Special Area of Conservation

N8 – Landscape Character

### **3. Impact on Heritage Assets**

Other than the relationship with the existing and proposed extension to the Colwich and Little Haywood Conservation Area, the other potential impact on heritage assets is with the Grade 1 Listed wall to the Shugborough Estate which forms a continuous boundary to a large part of Main Road, with the Registered parkland beyond. English Heritage agree that the Heritage and Landscape Assessment has responded to their earlier concerns and have no objection to the impact on the wall subject to a condition being imposed to retain the landscape frontage to the development site. The National Trust as managers of Shugborough Estate do not agree that development would not be visible from the estate. However they state that where there is potential for development to be visible in the area between Treetops and Jamezon, that this can be addressed at reserved matters stage.

The potential impact on the Colwich and Little Haywood Conservation Area has been partially mitigated by the reduction in the proposed developable area shown on the amended zoning plan, which will allow more space for new tree planting at the top of the east facing steep slope down to Coley Lane in order to achieve additional mitigation.

Overall the proposals as amended are therefore considered to meet criteria f) and g) of SP7 which relate to views, heritage assets and landscape character and the more detailed criteria relating to protection of the AONB in Policy N7 and landscape character in general in Policy N8.

Policies and Guidance:-

The Plan for Stafford Borough (2011 – 2031) –

SP7 - Supporting the Location of New Development

N7 – Cannock Chase AONB

N8 – Landscape Character

#### **4. Arboricultural Considerations**

A detailed Arboricultural Assessment accompanies the application. The main hedgerow trees, the avenue of trees alongside the access to Shenley Cottage and areas of trees adjoining the southern boundary are covered by Tree Preservation Orders. The indicative route of the access road into the areas proposed for development would involve the loss of 3 trees and further into the development areas to loss of short sections of hedgerow. The 90+ remaining trees would be retained and protected. Whilst a detailed illustrative layout showing the siting of dwellings within the proposed development areas has not been produced, a shortcoming identified by the Council's Tree Officer, a combination of areas to be retained as open space together with identification of tree protection zones on a plan is considered to provide sufficient certainty that the trees and hedges on the site will not be significantly impacted. Issues relating to shading of dwellings and garden areas can be dealt with at reserved matters stage. In addition because of the relatively small amount of the site proposed for development – 50% - significant opportunities would be available for new planting.

Policies and Guidance:-

The Plan for Stafford Borough (2011 – 2031) –

N1 – Design

N4 - The Natural Environment and Green Infrastructure

N8 – Landscape Character

#### **5. Ecological Considerations including issues relating to the Cannock Chase Special Area of Conservation.**

The Ecological Assessment only identifies issues with bats and nesting birds. Shenley Cottage and its associated brick outbuilding have been identified as having bat roosts but not maternity roosts and that removal of Shenley Cottage will not have a detrimental impact on the bat population. A number of trees around the site have bat roost potential and all of these are proposed to be retained. Provision of new bat roosts and bird boxes throughout the development is recommended in the mitigation plan. The need to avoid tree works during the bird nesting season is noted. There is no evidence of invertebrates on the site. The Council's Ecologist concurs with these conclusions which are matters that can be dealt with by conditions.



Policy N6 of the Local Plan, Cannock Chase Special Area of Conservation requires all new development to avoid or mitigate adverse impact on the integrity of the SAC. This is to be achieved by a combination of financial contributions to measures to mitigate the additional impact of visitor pressure on and around the SAC itself and provision of additional recreation space on development sites where this can be accommodated. In this case the fact that only 50% of the site is proposed to be developed with the rest laid out as informal open space enables the creation of new footpath routes to link with the existing rights of way which cross and adjoin the site thereby providing an additional local recreation resource. A financial contribution to management of the SAC is also proposed. Natural England is satisfied with this combined approach.

Overall the retention of the trees and hedges on the site, the new planting proposed together with the bat, bird and SAC mitigation proposals ensure that, subject to conditions and S106 provisions the proposed development would comply with criterion h) of SP7, policies N4 The Natural Environment and Green Infrastructure and N6 Cannock Chase SAC of the Local Plan.

Policies and Guidance:-

The Plan for Stafford Borough(2011 – 2031) –

SP7 - Supporting the Location of New Development

N4 - The Natural Environment and Green Infrastructure

N6 – Cannock Chase Special Area of Conservation

N7 - Cannock Chase AONB

## **6. Drainage Considerations**

The Flood Risk Assessment accompanying the application notes that the site is in Flood Zone 1 – low risk. It proposes a reduction in existing greenfield discharge of 5.9 litres per second to a discharge of 5 litres per second per hectare to deal with a 1 in 100 year flood event + 30% to deal with climate change. A detailed Sustainable Urban Drainage System (SUDS) to deliver this attenuation of surface water flows would form part of a reserved matters submission. The Environment Agency has no objections.

Photographic evidence has been produced by local residents of surface water flooding problems in Coley Lane and Back Lane as recently as June of 2014. This is an issue which cannot be fully addressed by the proposed development except to the extent that the proposals to reduce surface water discharge from the site to lower than current flows as part of the design of the SUDS would reduce the amount of run-off from the application site. Foul drainage would be by gravity to existing public sewers the principle of which has been agreed with Severn Trent Water. Capacity of the foul drainage system locally including the pumping station is a matter for the applicant and Severn Trent Water to resolve at the Reserved Matters stage.

The proposals therefore in principle meet the requirements of SP7 criterion j) in avoiding adding to flood risk and Local Plan policy N2 Climate change in relation to SUDS.

Policies and Guidance:-

The Plan for Stafford Borough (2011 – 2031) –  
SP7 - Supporting the Location of New Development N2 – Climate Change

## **7. Highway/Transport Considerations**

The Highway Authority has no objections subject to standard conditions including provision of a footway across the site frontage, a 2.4 metre x 90 metre visibility splay at the access ( achievable within the highway boundary ) and construction of raised platform bus stops on both sides of Main Road, the latter to be designed in consultation with bus service providers. No concerns are raised regarding highway safety or capacity issues. As noted above the site has good accessibility by public transport.

The proposal therefore complies with Local Plan policy T2 Parking and Manoeuvring Facilities in relation to access and highway safety considerations. The design of the internal road/footway layout and parking provision are matters for the Reserved Matters stage.

Policies and Guidance:-

The Plan for Stafford Borough (2011 – 2031) –

T1 – Transport

T2 – Parking and Manoeuvring facilities

## **8. Planning Obligations ( S106 ) relating to affordable housing, open space sport and recreation and education.**

The applicant has confirmed a willingness to complete a S106 agreement to provide 30% affordable housing, appropriate financial contributions to off-site open space, sport and recreation provision and education provision.

Policies and Guidance:-

The Plan for Stafford Borough (2011 – 2031) –

I1 – Infrastructure Delivery Policy

## **9. Conclusions**

The site is in a sustainable location for housing development on the edge of Little Haywood. The scale of the development proposed at 65 units in combination with the 20 units already permitted to the north of Billington Avenue accords with the

principles set out in SP7. The illustrative layout identifying development areas provides sufficient certainty that the detailed layout and design can ensure that the amenities of adjoining residents are protected in accordance with the requirements of SP7 I).

Detailed issues relating to the potential to merge the two villages, impact on heritage assets, arboricultural and landscape considerations have been satisfactorily addressed by the reduction in the overall scale of development together amendments to the layout when compared with the previous application. Infrastructure requirements will be met by the provisions of the S106 agreement.

## **Consultations**

Planning Policy:

This is a greenfield site adjacent to a Key Service Village (KSV) identified in the Plan for Stafford Borough. The eleven KSVs are required to accommodate 12% of the overall housing requirements for the Borough over the plan period totalling 1,200 dwellings. At this stage further land with residential planning consent will be required to meet this provision, although it is recognised that an element of provision will occur on brownfield sites, as encouraged by Spatial Principle 7.

The Council can demonstrate a 5 year supply of housing land including a 20% buffer and has an up to date Local Plan. No additional special presumption in favour of sustainable development as identified in paragraph 49 of the NPPF therefore applies. Nevertheless the proposed development accords with Spatial Principles 3 and 4 of the Plan and the plan-led approach established in paragraph 17 of the NPPF. The site has access to existing facilities and infrastructure including public transport and development of the scale proposed would not result in a significant adverse impact in terms of landscape, nature conservation and heritage assets. The amenity of nearby residents would not be adversely affected.

30% affordable housing is required and up to date viability evidence demonstrates that this is achievable in Little Haywood and Colwich.

Relevant policies are SP1, SP3, SP4, SP7, T1,T2, C1, C2, N1, N2, N6 and I1.

Planning policy advice is to approve the application.

Conservation Officer:

It is proposed to extend the Colwich and Little Haywood Conservation Area to include properties on Back Lane and Anson's Row which would take the boundary to within 60/70 metres of the proposed site. The landscape assessment identifies the Conservation Area as having high sensitivity to the development, landscape effect as moderate and other receptors as minor or negligible.

It is accepted that there would be little visibility from the Shugborough Estate and tree planting is proposed to screen development from the east.

There would be little impact on individual listed buildings, the Trent and Mersey Canal Conservation Area or the Great Haywood and Shugborough Conservation Area but there would be some harm to the Colwich and Little Haywood Conservation Area, particularly as proposed to be extended.

The retention of the garden walls and tree lined avenue to Shenley Cottage is welcomed but consideration should also be given to retaining the front portion of the cottage itself.

In conclusion the setting of heritage assets would suffer some harm contrary to NPPF para. 132 and Policy N9 vii of the Local Plan which need to be weighed against the benefits of the development in accordance with NPPF para. 134.

Colwich Parish Council:

Objected to previous application and maintain their objection, specifying the following grounds -

No more development should be permitted in advance of the Neighbourhood Plan on the basis that need has already been met. Consultation on the plan indicates people in favour of sheltered/extra care development but not family/executive housing. Any development should be on small infill sites of no more than 20 units.

The site is outside the Rural Development Boundary and approval would compound the error which has already occurred in approving application 13/19534/OUT to the north of the Jubilee Playing Field.

Traffic congestion would be worsened with more traffic using the Tixall route into Stafford.

The footway on Main Road is too narrow and unsafe.

The bus service information is out of date.

Adverse impact on the Shugborough Estate.

Loss of green space.

Natural England:

Acknowledge that a large amount of open space is proposed but note that this would not meet in full the demands from users of the Cannock Chase SAC e.g. mountain bikers, and consider that an appropriate financial contribution should be sought towards mitigation of impact on the SAC.

No impact on Rawbone Meadows SSSI and Cannock Chase SSSI is envisaged.

Refer to standing advice on protected species and the opportunities presented for biodiversity enhancements, in particular for bat and bird roosting.

English Heritage:

The Heritage and Landscape assessment has responded to EH's concerns. No objection as impact on Shugborough Park Wall and the estate in general would be very limited subject to a condition being imposed to retain the landscape frontage.

National Trust:

Don't accept the assertion that development will not be visible from Haywood Cliff or Haywood Meadows. Development between Treetops and Jamezon has potential to be visible but this could be a matter to be addressed at Reserved Matters stage. Pleased to see the garden of Shenley House retained as open space.

AONB Unit:

Object on grounds of impact on setting of the AONB and reduction in physical separation of the villages. Neighbourhood Plans are the most appropriate vehicle for dealing with development proposals in villages.

Highway Authority:

No objections subject to standard conditions relating to design details of access, roads within the site, including construction, lighting and drainage details. In addition a footway is required along the Main Road frontage plus bus stops on both sides to be designed in consultation with bus service providers.

County Education:

Request financial contribution to 14 primary school places at a cost of £154,434.

Police:

Standard advice on crime prevention measures and Secured by Design standards.

Environment Agency:

Site is within flood zone 1, no objections subject to design of suitable SUDS to minimise surface water run-off.

Ramblers Association:

No objections.

Biodiversity Officer:

Recommendations of Ecological Report should be followed in relation to bat roosts and birds.

Tree Officer:

Object to lack of information on potential impact on trees as there is no indicative layout of dwellings within the housing areas.

Environmental and Health Services:

Ensure that sufficient space is provided for refuse and recycling bins, that there is adequate surface water and foul drainage and that lighting is designed so as not to cause a nuisance to neighbours. Recommend standard conditions to mitigate impact of construction phase on residents.

Affordable housing should be provided at 30% = 19 units at a tenure mix of 80% social rent and 20% intermediate.

Leisure:

A large amount of open space is proposed but much of it, particularly the steeply sloping area at the eastern end of the site is of limited use. A tarmac path should be provided to link the site to the Jubilee Playing Field. Off-site financial contributions required to improving the Jubilee Playing Field based on the standard formula per dwelling, plus a contribution to formal sports provision – artificial pitch, pool and sports hall also based on the standard formula.

The Haywood Society:

Object on grounds that development would join the two villages together, flooding problems, additional traffic, loss of agricultural land and impact on the historic environment.

Jeremy Lefroy MP:

Objects on the grounds that no reference is made to infrastructure needed to support the development, it would erode the natural green belt between villages, severe flooding problems are not dealt with and there is insufficient sewage treatment capacity.

Neighbours: 94 replies received plus a petition with 34 signatures – summary of main issues raised:

Existing traffic congestion would be exacerbated;

Major drainage improvements needed to deal with severe flooding problems;

Footpath on Main Road not wide enough for pushchairs/mobility scooters;

Access point not safe;

Doctor's surgery inadequate to cope with growth in demand;

Will destroy the distinctive character of the villages;

Funding for schools required;

Adverse impact on Conservation Area and AONB;

Adverse impact on views;  
 No NHS Dentist in the village;  
 Loss of open countryside;  
 Loss of habitat;  
 Loss of tranquillity;  
 Loss of rights of way.

**Recommendation** - Approve, subject to completion of S106 Agreement to secure 30% affordable housing, financial contributions to open space and recreation facilities: education: the mitigation of impact on the Cannock Chase Special Area of Conservation and subject to the following conditions:-

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
2. This is a grant of outline consent only and before the development is commenced details of the scale, siting, appearance and landscaping of the site, (the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority.
3. The development hereby permitted shall be begun before the expiration of one year from the date of approval of the last of the reserved matters to be approved.
4. This permission relates to the land uses identified on the amended Zoning Plan, specifications contained in the supporting reports and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-

799/01/A  
 799/02/A  
 799/03/C  
 799/04/C  
 799/05/D  
 04749.00001.05.001/D2  
 04749.00001/05.002/D2  
 04749.00001/05.003/D2  
 04749.00001/05.004/D2

Arboricultural Impact Assessment SLR ref. 421-01578-00037 dated May 2014.

5. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [ proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g.

furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage and sewers, power and communication cables, pipelines etc. indicating lines, manholes supports etc.); retained historic landscaping features and proposals for restoration, where relevant.]

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation program]. Any plants or trees that are removed or die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the local planning authority gives written consent to any variation.

6. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard BS 3998:2010 Tree Work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

7. All trees, shrubs, hedges and bushes which are to be retained in accordance with the approved plans and particulars shall be protected in accordance with the BS 5837: 2012 "Trees in Relation to design, demolition and construction" recommendations for tree protection. This shall include establishing a Root Protection Area (RPA) around each tree, shrub, hedgerow or bush, in accordance with the recommendations of BS 5837: 2012. All RPAs must be enclosed by suitable fencing, as specified by BS 5837: 2012 or as agreed in writing with the local authority or, where specifically approved, protected using ground protection measures to the satisfaction of the local planning authority. No works or alterations to existing ground levels or surfaces shall be



undertaken within the RPAs without the prior written approval of the local planning authority. No materials, equipment or vehicles are to enter or be stored within the RPAs. No materials that are likely to have an adverse effect on tree health such as oil, bitumen or cement will be stored or discharged within the RPAs. No fires will be lit within 20 metres of the trunk of any tree that is to be retained. All tree protection measures shall be agreed in writing with the local planning authority and their installation undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

8. Where the approved plans and particulars indicated that specialized construction work is to take place within the Root Protected Area (RPA) of any retained trees, hedgerows or shrubs, prior to the commencement of any development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works will be carried out shall be submitted and agreed in writing by the local planning authority. The AMS shall include details on when and how the works will be take place and be managed and how the trees etc. will be adequately protected during such a process.
9. The development permitted by this planning permission shall only be carried out in accordance with the approved Drainage and Flood Risk assessment (FRA), produced by D.A.Slucce and Partners dated April 2014 and the following mitigation measures detailed within the FRA:
  - 1) Limiting the surface water discharge to 5 litres per second.

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

10. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm plus 30% for climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
11. All works, including demolition, site works and construction together with any deliveries shall only take place between the hours of 8.00 am and 6.00 pm Monday to Friday; 8.00 am to 2.00 pm Saturdays and not at all on Sundays or bank holidays. There shall be no burning on site and any equipment left running outside the permitted working hours shall be inaudible at the boundary of occupied dwellings.

12. The development hereby permitted shall not be commenced until details have been submitted to and approved in writing by the Local Planning Authority indicating all road construction, street lighting, drainage including longitudinal sections and a satisfactory means of draining roads to an acceptable outfall to SUDS principles which shall thereafter be constructed in accordance with the approved drawings.
13. No development hereby approved shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority: - Provision of parking, turning and servicing within the site curtilage; - Means of surface water drainage from all those areas intended to remain in private ownership - Full road construction including street lighting longitudinal sections and a means of draining roads to an appropriate drainage outfall on SUDS principles. The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of the development.
14. None of the dwellings hereby approved shall be occupied until the access to the site has been completed.
15. The development hereby permitted shall not be commenced unless and until details of the following off-site highway works have been submitted to and approved in writing by the Local Planning Authority
  - provision of a footway on the site frontage.
  - reinstatement of redundant accesses on site frontage with full height kerbs
  - provision of bus stops, including flag signs, raised platforms and bus shelter on both sides of Main Road.
  - construction details of bellmouth

Which shall all incorporate further two-dimensional and three dimensional revisions as recommended by a Stage 2 Safety Audit and in accordance with engineering details.

The off-site highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.
16. The development hereby permitted shall not be commenced until details of the minimum 2.4mX90m visibility splays at the access from C349 Main Road have been submitted to and approved in writing by the Local Planning Authority. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development being brought into use.
17. Any garages to be used for parking of cars shall have minimum internal dimensions of 3mx6m.

18. Notwithstanding any details shown on the approved plans no development shall be commenced until revised access details indicating the following have been submitted to and approved in writing by the Local Planning Authority:

- a minimum footway width of 2m within the site
- service verges of 2m width
- tactile paving at access

The access shall thereafter be carried out in accordance with the approved details and be completed prior to first occupation and shall thereafter be retained as such for the lifetime of the development.

19. The development hereby permitted shall not be commenced, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- (i) a site compound with associated temporary buildings;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) wheel wash facilities.

The construction method statement and management plans shall thereafter be implemented for all operations.

20. All works shall be in accordance with the recommendations set out in the Ecological Appraisal by SLR reference. 421-02724-00003 dated December 2013.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:-

1. The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. The application has been made for outline permission only.
3. The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
4. To define the permission.
5. In the interests of amenity and to ensure a satisfactory form of development (Policy N1 and N4 of the Plan for Stafford Borough).

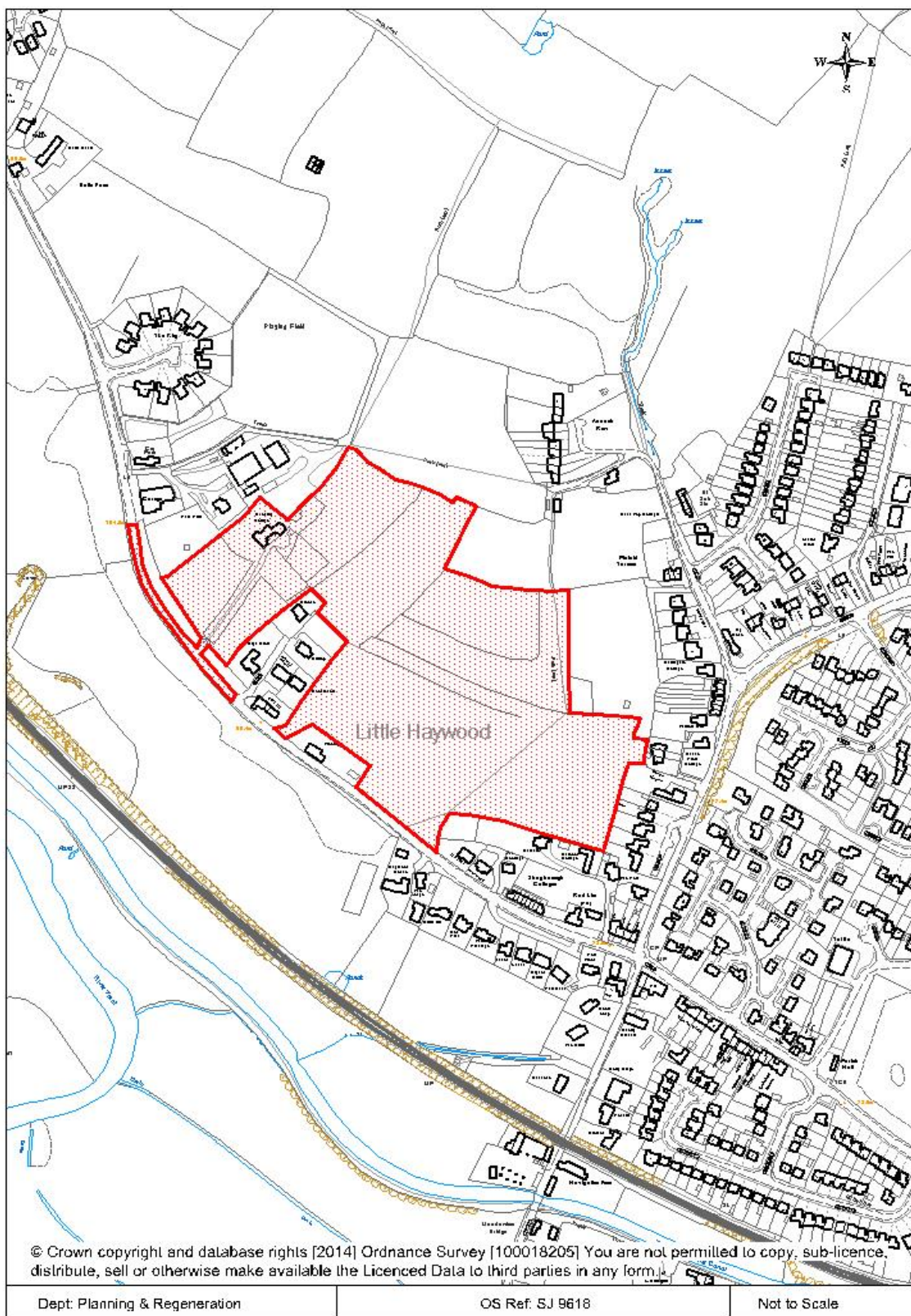
6. To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important in the appearance of the development. (Policy N4 of the Plan for Stafford Borough).
7. To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important in the appearance of the development (Policy N4 of the Plan for Stafford Borough).
8. To safeguard and protect the retained natural features that contribute to the amenity of the local area and that are important to the appearance of the development (Policy N4 of the Plan for Stafford Borough).
9. To prevent the increased risk of flooding, both on and off site (Policy N2 of the Plan for Stafford Borough).
10. To prevent the increased risk of flooding, both on and off site (Policy N2 of the Plan for Stafford Borough).
11. To safeguard the amenities of the area. (Policy N1e of the Plan for Stafford Borough).
12. In the interests of the safety and convenience of users of the highway and to ensure the development is designed and constructed to an acceptable adoptable standard (Policy T1c of the Plan for Stafford Borough).
13. In the interests of the safety and convenience of users of the highway and to ensure the development is designed and constructed to an acceptable adoptable standard (Policy T1c of the Plan for Stafford Borough).
14. In the interests of the safety and convenience of users of the highway. (Policy T1c of the Plan for Stafford Borough).
15. In the interests of the safety and convenience of users of the highway. (Policy T1c of the Plan for Stafford Borough).
16. In the interests of the safety and convenience of users of the highway. (Policy T1c of the Plan for Stafford Borough).
17. In the interests of the safety and convenience of users of the highway. (Policy T1c of the Plan for Stafford Borough).
18. In the interests of the safety and convenience of users of the highway. (Policy T1c of the Plan for Stafford Borough).
19. In the interests of the safety and convenience of users of the highway. (Policy T1c of the Plan for Stafford Borough).
20. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Policy N5 of the Plan for

Stafford Borough and Paragraph 109 of the National Planning Policy Framework).

Informative(s)

- 1 The Local Planning Authority consider the proposal to be a sustainable form of development and therefore complies with the provisions of the National Planning Policy Framework.
- 2 This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.
- 3 The conditions requiring highway works will require a Major Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact the County Council regarding this. The following link provides further information <http://www.staffordshire.gov.uk/transport/staffshighways/licences> .
- 4 Consultation will be required with the bus companies and SCC Passenger Transport regarding the bus stops.

**14/20477/OUT**  
**Land Adjacent Shenley Cottage and The Butts**  
**Main Road, Little Haywood**





Moore Family Trust  
C/O Les Stephen Planning Ltd  
Miss Penny Stephan  
9 Sweetlake Business Village  
Longden Road  
Shrewsbury  
Shropshire  
SY3 9EW

Date Registered 23 May 2014  
Decision Date 19 November 2014  
Issue Date 1 December 2014

### TOWN AND COUNTRY PLANNING ACT 1990

### REFUSAL OF PERMISSION FOR DEVELOPMENT

Application No:	14/20477/OUT
Proposed Development	Residential development of 60-65 dwellings to include provision of 2.79 hectares of public open space & networks - details of access only
Location	Land Adjacent Shenley Cottage And The Butts Main Road Little Haywood
O. S. Reference:	400279 321789

Stafford Borough Council, in pursuance of powers under the Town and Country Planning Act, hereby refuse the above development in accordance with the accompanying plans and subject to the following reasons :-

1. The Council consider that it has not been adequately demonstrated that the value of development for housing would outweigh the value of land for agriculture contrary to Paragraph 112 of the National Planning Policy Framework
2. The proposal would have an adverse impact on the setting of the Colwich and Little Haywood as well as Great Haywood and Shugborough Conservation Areas contrary to policies SP7(f), N1(h), N8(a&c) and N9 (vii) of the Plan For Stafford Borough 2011 - 2031
3. Insufficient evidence of the impact of the proposals on remnants of ridge and furrow ploughing which is believed to be present in the area has been provided, the Council is thus unable to determine whether the proposals would have an adverse impact on this feature as an undesignated heritage asset. The proposals would thus be contrary to Policies N1(h) N8(a) and N9(viii)



Moore Family Trust  
C/O Les Stephen Planning Ltd  
Miss Penny Stephan  
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TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PERMISSION FOR DEVELOPMENT

INFORMATIVE(S)

- 1 During the progress of the planning application Officers sought amended plans and additional information from the applicant, however, in considering the application the Councils planning considered that the benefits of the proposal would not outweigh the harm likely to be caused.

Head of Planning and Regeneration  
On behalf of the Council



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# Appeal Decision

Site visit made on 15 June 2015

**by G D Jones BSc(Hons) DMS DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 7 July 2015**

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**Appeal Ref: APP/Y3425/W/15/3003745**

**Shenley Cottage, Main Road, Little Haywood, Stafford ST18 0TR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Moore Family Trust against the decision of Stafford Borough Council.
  - The application Ref 14/20477/OUT, dated 16 May 2014, was refused by notice dated 1 December 2014.
  - The development proposed is residential development of 60-65 dwellings to include provision of 3.27 hectares of public open space and networks - details of access only.
- 

## Decision

1. The appeal is dismissed.

## Application for costs

2. An application for costs was made by Moore Family Trust against Stafford Borough Council. This application is the subject of a separate Decision.

## Preliminary Matters

3. I have amended the description of the development because the proposed quantum of public open space increased from 2.79 to 3.27 hectares during the consideration of the application and prior to its determination.
4. The Council has advised that it has withdrawn its first and third refusal reasons regarding the agricultural value of the land concerned and the development's potential effect on remnants of ridge and furrow ploughing. I have, therefore, dealt with the appeal on this basis.
5. The proposal is for outline planning permission. The material submitted with the application contains details of how the site might be developed including reference to layout, scale and landscaping. However, the application form and appeal statement make clear that approval is sought at this stage for access only, and appearance, landscaping, layout and scale are reserved for future approval. Whilst not formally part of the scheme, I have nevertheless treated the details submitted as a useful guide as to how the site could be developed.
6. The evidence refers to the emerging Colwich and Haywood Neighbourhood Plan (the eC&HNP). I note that it is at a reasonably early stage and will be subject to consultation and examination such that it may be amended. With reference to paragraph 216 of the Framework, I am therefore able to attribute only limited weight to the eC&HNP.

## **Main Issues**

7. The main issues are:

- Whether or not any impact of the development on local infrastructure would be adequately offset; and
- The effect of the proposal on the setting of the Colwich and Little Haywood and the Great Haywood and Shugborough Conservation Areas.

## **Reasons**

### *Local Infrastructure*

8. It appears to be common ground between the main parties that in order to adequately offset the impacts of the development a number of mitigation measures would be required. These include the provision of 30% affordable housing; appropriate arrangements for the provision and maintenance of on-site open space; and payments for education, for the enhancement/maintenance of off-site open space facilities, for off-site sports facilities and for the mitigation of impact on the Cannock Chase Special Area of Conservation (CCSAC).
9. I have considered these matters in light of Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and government policy and guidance on the use of planning obligations. The provision of affordable homes at a rate of 30% would be in line with Policy C2 (Affordable Housing) of the Plan for Stafford Borough June 2014 (the PSB) as well as the objectives of paragraph 50 of the National Planning Policy Framework (the Framework).
10. Furthermore, the proposed education contribution would be necessary to ensure that primary school aged residents of the development would be provided with adequate school facilities in accordance with the requirements of PSB Policy I1 (Infrastructure Delivery Policy). The proposed open space provisions would be necessary to ensure that residents of the proposed development would have access to well-maintained public open space and play equipment in accordance with PSB Policy C7 (Open Space, Sport and Recreation). The proposed CCSAC contribution would provide mitigation for the development's effect on this Special Area of Conservation in accordance with PSB Policy N6 (Cannock Chase Special Area of Conservation).
11. I am satisfied that all of these matters are directly related to the proposed development, fairly and reasonably related to it and necessary to make it acceptable in planning terms. The Council's evidence also indicates that none of the proposed payments would result in the pooling of more than five obligations for any one infrastructure project or type of infrastructure through a Section 106 agreement.
12. A Unilateral Undertaking, dated 20 May 2015, made under Section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted (the UU), which the appellant has stated supersedes an earlier legal agreement that had been made with the Council and the County Council. The principal reason why the UU was prepared and submitted in place of the earlier legal agreement appears to be that the mortgagee of part of the land, being a person interested in the land, would not join in the legal agreement.
13. In summary, the Council say that this omission is unacceptable as the obligations, which are of considerable value in total, could be lost in the event of the mortgagee gaining possession. On that basis, the mortgage company would have

no liability as successor in title to fulfil the obligations and would be able to implement the planning permission free of the obligations. The appellant maintains that the UU is satisfactory without the mortgage company joining in as a party because the appellant has an option to purchase that part of the land, or possibly redeem the mortgage, which it says would happen immediately upon issue of the planning permission.

14. I cannot come to any conclusions about property transactions being negotiated outside the appeal process. Even if such transactions might seem firm and secure at the appeal stage, there is no guarantee that they will not change after the appeal has ended. This is why it is important that all parties who need to join into a Deed made under Section 106 of the Act do so in order that the land is bound from the outset. I recognise that the land effected is somewhat removed from the proposed vehicular access and the public highway such that it might be difficult to develop alone. Nonetheless, in the circumstances I consider that without all of the necessary parties, including the mortgagee, joining into the legal agreement prior to planning permission being issued such that the obligations therein bind the land for both existing owners and their successors, there is an unacceptable risk that the obligations may not be secured.
15. In lieu of the UU, I consider that affordable housing provision in line with the Council's adopted policy could be secured via a suitably worded planning condition. The provision of the proposed open space and associated equipment could also be secured by planning condition. However, due to the long term nature of the requirement, provisions for its on-going management and maintenance would need to be secured via planning obligation. The CCSAC mitigation and the education contribution would also require planning obligations.
16. The UU is also intended to secure contributions for provision/enhancement of swimming pool provision at Stafford Leisure Centre, sports courts/halls provision at Staffordshire University Sport Campus Indoor Facilities and artificial turf pitches at any of three exciting facilities. However, there is little information before me to indicate how these matters would be directly related to the proposed development, fairly and reasonably related to it or necessary to make it acceptable in planning terms. Therefore, I have not accorded them any weight in my decision.
17. Nonetheless, in the absence of planning obligations to deliver the requisite education and open space facilities and CCSAC mitigation, I am not satisfied that the effect of the development on local infrastructure would be adequately offset. Consequently, in this regard, the proposed development would conflict with Policies I1, C7 and N6 of the PSB and with the Framework.

#### *Setting of the Conservation Areas*

18. The remaining reason for refusal relates only to the effect of the appeal development on the setting of both the Colwich and Little Haywood Conservation Area (the CLHCA) and the Great Haywood and Shugborough Conservation Area (the GHSCA). Council's appeal statement sets out that its heritage concerns do not relate to specific individual buildings but are wider scale, relating to the group character and impact on the Conservation Areas.
19. The CLHCA and the GHSCA together wrap around the appeal site particularly to the west, south and east. Part of the CLHCA is located to the east of the site such that a length of its boundary to the rear of properties in Coley Lane is adjacent to the site. The GHSCA within the village of Great Haywood is more distance from the site, located beyond the dwellings clustered around The Ring, a cul-de-sac to the

- west of Shenley Cottage. Nonetheless, the boundary of the GHSCA extends along the southern side of Main Road opposite the site.
20. In considering proposals affecting a Conservation Area there is a statutory duty to pay special attention to the desirability of preserving or enhancing its character or appearance. Although close to and in parts adjoining the CLHCA and the GHSCA, the application site stands beyond the boundaries of both Conservation Areas. The indicative layout drawing also shows the bulk of the proposed development as being sited well-in from the site boundary, away from the Conservation Areas. Nonetheless, given its proximity, the site does form part of the setting of both Conservation Areas.
  21. While the concept of the setting of a Conservation Area is not enshrined in legislation the Framework states that the setting of a heritage asset can contribute to its significance. Opportunities should be sought for new development within the setting of heritage assets that would enhance or better reveal the significance of the heritage asset. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
  22. Within Great Haywood the Conservation Area has the character of a linear village with historic buildings focused around the Main Road, creating a strong building line, an enclosed setting and inviting views. Outside the village the Conservation Area is largely surrounded by open fields including to the east in the vicinity of the appeal site. There is a strong physical connection between the village and the Shugborough estate, with historic routes into Shugborough preserved. Shugborough is a very attractive parkland, with an abundance of mature trees, which provides a setting for the Grade I listed 17th century Shugborough Hall and a collection of monuments and structures, many of which are listed at Grade I and II\* in their own right.
  23. The CLHCA has a reasonably well-preserved street pattern, with ancient lanes and a greenway still in existence, and a range of attractive buildings from several eras reflecting the development of the villages through time. These include numerous farm buildings, which provide a visual connection to the agricultural roots of the villages. There are also pleasant views of Cannock Chase, an Area of Outstanding Beauty (AONB), available from the Conservation Area. The AONB extends up to Main Road to the south of the appeal site.
  24. The boundary of the CLHCA was enlarged in 2014 to include Anson's Row a range of 18th-19th century cottages and a 16th century former long house. These cottages are connected to Little Haywood by Back Lane, and an ancient greenway runs to the west of Anson's Row into the adjacent field a little to the north of the appeal site. The setting and the character of the buildings themselves have been retained, adding further architectural and historic interest to the Conservation Area.
  25. The principal significance of both Conservation Areas lies in the core areas of the villages. The proposed development would be sufficiently removed from these parts of the villages that they would be unaffected. Nonetheless, I recognise that the agricultural, open countryside that surrounds both Conservation Areas plays a role in their setting and thereby contributes to their significance as heritage assets.
  26. However, having considered all of the evidence before me and having visited the area, I am satisfied that subject to careful consideration of the matters that would be reserved for future determination, the proposed development would not have a significant effect in this regard. There are a number of reasons for this. The site

- itself is limited in scale such that a substantial area of open land around the Conservation Areas, including between the two villages, would remain open or undeveloped. In making this assessment I have taken into account the other development in the area identified in the evidence that has been granted planning permission, including at the land between Great Haywood and The Ring<sup>1</sup>.
27. Based on the indicative layout drawing, substantial portions of the site would also remain open or undeveloped and could be laid out to retain their existing rural character. Given the proposed development's scale and location along with the site's relatively elevated ground level, I recognise that the development would be apparent, at least in part, from within the Conservation Areas and from elsewhere. Nonetheless, views into the development would, to a large extent, be screen or filtered by existing mature planting which could be supplemented as proposed.
  28. For these reasons the development would not harm the setting of either Conservation Area. I would stress, however, that great care would need to be taken at the reserved matters stage regarding the detail of the development, particularly in the vicinity of Coley Lane, Back Lane and Anson's Row due mainly to their proximity to the site.
  29. The Council's appeal statement also refers to the potential effect of the proposed development on a Grade I Listed wall to the Shugborough Estate which forms a continuous feature to a large part of Main Road and which also forms part of the Conservation Area boundary with the Registered Parkland beyond. The Council has subsequently advised that the wall is listed as part of the curtilage to the Shugborough Hall rather than being listed in its own right. On that basis the site would form part of the setting of this wall.
  30. The wall in question is faced with red brick with an ashlar sandstone plinth and a sandstone coping. It follows the back of the pavement to Main Road opposite the appeal site forming a well-defined boundary to the park. In parts it is backed by a bank within the park and along most of its length there is a dense belt of tree cover. The Heritage Assessment submitted by the appellant states that 'the wall was built as, and remains, a boundary and a barrier between the park and the outside world; its setting is, therefore, associated intimately with the park it protects rather than the village'. From the evidence and having viewed it from Main Road and within the park, I have found no reason to disagree with this assessment.
  31. On this basis, given the considerations outlined above regarding the setting of the Conservation Areas, the proposed development would have no significant effect on the setting of the wall as a listed building. In making this assessment I have had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of the wall as a listed building. For the reasons identified, I find that the appeal development would preserve the setting of the listed building and, consequently, would not conflict with the Framework in this regard.
  32. Although not cited in the reason for refusal, the Council's evidence also refers to the effect that the development would have on Shenley Cottage, a house located within the site. The front section for this building is of some visual character, presenting an arts and crafts villa style appearance, with the earlier 19th century cottage behind this frontage. Having considered all of the evidence it is reasonable to treat Shenley Cottage as a non designated heritage asset bearing in mind its relevance to the history of the local area and its architectural attributes, albeit that it is of moderate significance.

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<sup>1</sup> Planning permission Ref – 13/19535/OUT

33. The Framework states that in weighing applications that affect non designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. The main Shenley Cottage building is proposed to be demolished as part of the appeal development. It is the appellant's largely uncontested evidence that this building has become derelict and heavily vandalised to a point that it is beyond economic repair. On this basis and given its modest level of significance as a non-designated heritage asset, subject to the measures proposed in the Heritage Assessment including its recording and the retention of ancillary structures, on balance the loss of this building would not warrant the withholding of planning permission bearing in mind the benefits offered by the proposed development.
34. For the reasons outlined above the appeal development would not have a significant effect on the setting of either the Colwich and Little Haywood or the Great Haywood and Shugborough Conservation Areas. Consequently, in this regard, it would not conflict with Policies SP7(f), N1(h), N8(a&c) and N9 of the PSB.

### **Other Matters**

35. There are several other heritage assets identified in the evidence located in the area surrounding the appeal site. Details of these were before the Council when it determined the planning application and it found that the development would not have an effect on any of them such as to warrant refusal of planning permission. I have found no reason to disagree. I also note that English Heritage does not object to the proposal. In making this assessment I have again had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of listed buildings.
36. In addition to the foregoing matters, concern has been expressed locally and by some consultees regarding a number of considerations. These include the effect of the proposed development on the character and appearance of the area, including in respect to the potential reduction/loss of separation between Great Haywood and Little Haywood; on highway safety, congestion and rights of way; on climate change; on existing services, utilities and the adequacy of infrastructure, including shops, medical services, drains and sewage treatment capacity and public transport; on the living conditions of neighbouring occupiers; on wildlife; on flooding and drainage; and on trees, including those protected by tree preservation order.
37. Other issues raised concern the adequacy of employment opportunities in the area; lack of housing need; that development should not be permitted in advance of the Neighbourhood Plan; the loss of agricultural land; landscape and visual impact including in respect to Cannock Chase AONB, field patterns and boundary hedges; planning policy conflict; and that the appeal development might act as a precursor or precedent for further development elsewhere including neighbouring land in the appellant's control.
38. These matters are largely considered within the reports prepared for the Council's Planning Committee. They were also before the Council when it prepared its evidence. The Council did not conclude that they would amount to reasons to justify withholding planning permission. Other than as identified above, I see no good reasons to disagree. While I note the concerns regard precedent and the appeal scheme potentially acting as a 'bridgehead' for further development, any future proposals would need to be assessed on their own merits.

39. I also note the concerns raised in respect to how landscape and visual impact are assessed in the first Committee report. However, having visited the area and considered all of the evidence I have found no reason not to broadly agree with the assessment of both landscape and visual impact in the submitted Landscape and Visual Significance Appraisal insofar as it relates to the appeal site.
40. Following the determination of the planning application, the Staffordshire Wildlife Trust submitted a detailed letter of objection to the proposal. Nonetheless, with reference to the appellant's response and the wider evidence, including the comments of Natural England and the Council Biodiversity Officer, I am satisfied that the proposed development would not cause any significant harm to protected species or their habitat, subject to controls and mitigation that could be secured via planning conditions.
41. My attention has also been drawn to other proposals and development in the area. Although I have taken this other development into account insofar as it would influence the character and appearance of the area, including the setting of heritage assets, each proposal falls to be assessed primarily on its own merits and, in any event, I am unaware of the full circumstances associated with any of those other cases.

### **Conclusion**

42. I recognise that the proposed development would offer benefits that weigh in its favour. These include the provision of additional market and affordable housing, as well as the economic and social benefits that the development would bring such as to the construction industry during the building phase and the support that additional residents would offer to sustain local services.
43. There is, however, an unacceptable risk that important obligations within the UU may not be secured. On that basis sufficient measures have not been put in place to adequately offset the effect of the development on local infrastructure in conflict with development plan policies and with the Framework. The resulting harm would outweigh the benefits of the proposal.
44. For all of the reasons given, I conclude that the appeal should be dismissed.

*G D Jones*

INSPECTOR

<b>Application</b>	12/17800/OUT	<b>Case Officer:</b>	Phil Atkins
<b>Date Registered</b>	15 October 2012	<b>Target Decision Date</b>	14 January 2013
<b>Address</b>	Land South Of Nicholls Lane And East Of Airdale Spinney Stone Staffordshire	<b>Ward</b>	Stonefield And Christchurch
		<b>Parish</b>	Stone Town
<b>Proposal</b>	Residential development of up to 34 dwellings including creation of a new access, provision of open space, car parking and ancillary landscaping.		
<b>Applicant</b>	Seddon Homes Limited		
<b>Recommendation</b>	Approve, subject to S106 Agreement and conditions		

The originally submitted application was called in by Councillor P Leason (Ward Member for Stonefield and Christchurch) for the following reason:

Effect of existing properties from additional traffic; likely traffic problems at junction with Airdale Road.

The amended application has also been called in by Councillor J Farnham (Ward Member for Stonefield and Christchurch) for the following reason:

The development sits outside the Residential Development Boundary on a Greenfield site. Additionally this dev. will have an adverse effect and impact on Rural Stone completely changing its character and appearance. Additional traffic due to dev. will prove dangerous and hazardous to the whole area impacting heavily on Nicholls Lane junctions and Airdale Spinney.

RECOMMENDATION – SUBJECT TO THE APPLICANT FIRST ENTERING INTO A SECTION 106 AGREEMENT TO SECURE AFFORDABLE HOUSING PROVISION AND A £128,490 FINANCIAL CONTRIBUTION TOWARDS EDUCATION PROVISION AND AN UNSPECIFIED FINANCIAL CONTRIBUTION DEPENDENT ON ON- AND OFF-SITE SPLIT AND FINAL HOUSING TYPE MIX IN RESPECT OF OPEN SPACE PROVISION, APPROVE SUBJECT TO CONDITIONS.

#### PROPOSAL

Outline planning permission sought to develop, as amended, the site to provide up to 34 dwellings including new access, open space, car parking and landscaping.



At this stage detailed approval is sought only in respect of access, and therefore appearance, landscaping, layout and scale are reserved for future consideration.

The as amended illustrative masterplan provides a single indicative example as to how the site could be developed.

The application site includes varied topography and comprises unused Greenfield land.

Despite its outline form, the original application was accompanied by various documents notably including:

- Illustrative masterplan drawing which indicates access point and the provision of on-site open space and play area;
- Design and access statement;
- Planning statement;
- Transport statement;
- Flood risk assessment (FRA);
- Drainage assessment;
- Utilities statement;
- Tree survey report;
- Ecological appraisal;
- Desk study assessment report; and
- Site waste management plan.

The applicant has submitted a response to matters raised during the consultation and assessment stage of the application.

Following discussions with the Development Manager the application has been amended in order to reduce its impact on the Moddershall Valley Conservation Area and the surrounding rural area.

The amended proposal is supported by the following documents: covering letter from agent dated 30 January 2013, visual appraisal from Camlin Lonsdale (January 2013), photographic appraisal, viewpoint locations photograph, revised illustrative masterplan, parameters plan and revised site location plan.

The application site has been slightly reduced to remove a small area of the development land which formed part of the Moddershall Valley Conservation Area. The resultant application site comprises approximately 1.90 hectares.

## RELEVANT PLANNING POLICIES

National Policy and Guidance

National Planning Policy Framework (NPPF) – Published March 2012

The following paragraphs are of particular relevance to the current proposal:

Para 6 advises that policy paragraphs 18 - 219 of the NPPF, taken as a whole, comprises the Government's view of what sustainable development means in planning practice.

Para 14 confirms the presumption in favour of sustainable development is at the heart of the NPPF. In decision making this means that where the development plan is absent, silent or out-of-date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies taken as a whole.

Para 47 advises LPAs that to boost significantly the supply of housing they should use their evidence base to ensure that their local plan meet full, objectively assessed needs for market and affordable housing.

Para 49 advises that housing proposals should be considered in the context of the presumption in favour of sustainable development. Relevant housing supply policies should not be considered up-to-date if an LPA cannot demonstrate a 5-year supply of deliverable housing sites.

The Budget Statement 23 March 2011

Written Statement of Greg Clark MP Minister of State for Decentralisation - Planning for Growth 23 March 2011

Letter from Steve Quartermain Chief Planner – Planning for Growth 31 March 2011

HM Treasury and Department for Business Innovation and Skills - The Plan for Growth – March 2011

The Planning System: General Principles (2005) – issued originally by the Office of the Deputy Prime Minister

Circular 11/95 – The Use of Conditions in Planning Permissions

Circular 05/05 Planning Obligations

West Midlands Regional Spatial Strategy (RSS) 2004, updated 2008

UR2 Towns and Cities Outside Major Urban Areas

UR4 Social Infrastructure

RR3 Market Towns

CF2 Housing Beyond the Major Urban Areas

CF3 Levels and distribution of housing development

CF4 The reuse of land and buildings for housing

CF5 Delivering affordable housing and mixed communities

QE1 Conserving and Enhancing the Environment

QE3 Creating a high quality built environment for all

QE4 Greenery, Urban Greenspace and Public Spaces

QE5 Protection and enhancement of the Historic Environment

QE7 Protecting, managing and enhancing the Region's Biodiversity and Nature Conservation Resources

EN2 Energy Conservation

T1 Developing accessibility and mobility within the Region to support the Spatial Strategy

T2 Reducing the need to travel

T3 Walking and Cycling

T4 Promoting Travel Awareness

T5 Public Transport

T7 Car Parking Standards and Management

T8 Demand Management

Saved Policies - Staffordshire and Stoke-on-Trent Structure Plan 1996 - 2011 (SP)

- D1 Sustainable Forms of Development
- D2 The Design and Environmental Quality of Development
- D4 Managing Change in Rural Areas
- D6 Conserving Agricultural Land
- D7 Conserving Energy and Water
- D8 Providing Infrastructure Services, Facilities and/or Mitigating Measures Associated With Development
- H4 Portfolio of Sites
- H10 Affordable Housing in Rural Areas
- H11 Housing in Open Countryside
- T1A Sustainable Location
- T1B An Integrated Transport Strategy
- T2 Urban Areas
- T3 Rural Areas
- T4 Walking
- T5 Cycling
- T11 Management of Traffic
- T13 Local Roads
- T18A Transport and Development
- NC1 Protection of the Countryside: General Considerations
- NC2 Landscape Conservation and Protection
- NC6 Important Semi-Natural Habitats
- NC13 Protection of Trees, Hedgerows and Woodlands
- NC18 Listed Buildings
- NC19 Conservation Areas
- R1 Providing for Recreation and Leisure

Saved Policies - Stafford Borough Local Plan 2001 (LP)

- INT1 Planning Obligations
- E&D1 General Requirements
- E&D2 Consideration of Landscape or Townscape Setting
- E&D3 Disabled Access Requirements of New Development
- E&D4 Sewage, Effluent and Surface Water
- E&D5 Noise Attenuation Requirements
- E&D7 Development in the Countryside
- E&D8 Loss of High Quality Agricultural Land
- E&D9 New Buildings in the Open Countryside
- E&D18 Development Likely to Affect Conservation Areas
- E&D19 Accommodating New Development within Conservation Areas
- E&D23 Development Proposals Affecting Listed Buildings
- E&D28 Landscape Conservation
- E&D30 Mitigation of Impact on the Landscape
- E&D32 Development Proposals in Special Landscape Areas (SLAs)
- E&D36 Nature Conservation: General Requirements in Consideration of Planning Applications
- E&D41 Protected Species

E&D42 Tree Preservation Orders  
E&D43 Trees in Conservation Areas  
E&D44 Development Affecting Trees and Hedgerows  
E&D47 The Submission of Landscaping Schemes  
E&D49 New Tree and Shrub Planting Proposals  
E&D50 Land Drainage and Flooding Considerations  
E&D54 Re-use of Vacant Land and Buildings  
HOU1 Development in Existing Residential Areas  
HOU3 Residential Development Outside Residential Development Boundaries (RDBs)  
HOU5 Residential Development: Design and Layout  
HOU6 Defining Private and Public Areas  
HOU7 Public Open Space Requirements for New Residential Development  
HOU9 Commuted Sums for Open Space Provision  
HOU17 Provision for Affordable Housing  
HOU18 Subsidised Affordable Housing  
RLT12 Development Affecting Public Rights of Way  
MV3 Site Specific Proposals  
MV10 Land Development Requirements  
MV12 Parking Requirements in Other Locations

LP parking standards and guidelines

Space About Dwellings (SAD) - Supplementary Planning Guidance (SPG)

Moddershall Valley Conservation Area document – April 1979

Tree Preservation Order (TPO) No. 140 of 1985

Staffordshire Residential Design Guide (2000) - SPG

Historic Environment Character Assessment, Stone Environs – Final Report for Stafford Borough Council July 2009 (commissioned by Stafford Borough Council Forward Planning Section to form part of the evidence base for the options assessment of the local spatial strategy).

Planning for Landscape Change (2000) – Supplementary Planning Guidance to the Structure Plan 1996-2011

#### RELEVANT PLANNING HISTORY

The application site has not been subject to any previous residential development applications for planning permission.

However, the Inspector appointed to hold the inquiry into objections to the Draft Stafford Borough Local Plan 2001 recommended in his report (January 1997) that the subject land should not be included in Stone's RDB. The Council subsequently accepted the Inspector's recommendation on this matter.

## CONSULTATIONS

Responses received in relation to initial proposal:

Parish Council (Stone Town Council):

Strongly object as site outside RDB;  
At least one TPO will be lost;  
Will affect landscape of area; and  
Huge traffic implications, already busy with school traffic.

Adjacent Parish Council (Stone Rural):

Strongly object;  
Partly within Moddershall Valley Conservation Area;  
Will have severe negative impact on Oulton village;  
Introduce a lot of additional traffic into an already busy area, particularly around the school; and  
Fully support Stone Town Council in their objection.

Bill Cash MP:

In line with views of constituents and Stone and Oulton Parish Council object to the proposal;  
Local Plan inspector discounted the site for inclusion into Stone's RDB due to its harmful intrusion into attractive countryside which contributes to Moddershall Valley Conservation Area – this remains valid;  
Contrary to LP Policy HOU3 being outside RDB;  
In terms of housing need in rural areas the NPPF states in relation to sustainable development that housing should be located where it enhances or maintains rural communities – proposal will not do this in relation to Millbank community. Oulton not a Key Service Village. Locations with fewer services and facilities therefore not considered appropriate for inclusion in Sustainable Settlement Hierarchy 2012/13 Stafford Borough Local Plan Pre-Submission Consultation 6.21;  
Draw attention to Historic Environment Character Assessment Stone Environs which acknowledges Moddershall Valley as being particularly sensitive to change where early historic landscape is associated with listed watermills and associated structure which line the river. Constituents consider applicant has a lack of understanding of potential impact of proposal on historic environment and conservation valley;  
Informed that ecology assessment is inaccurate having been assessed from borders and that wildlife is plentiful on the site;  
Serious concerns over traffic – no traffic impact assessment has been carried out at Nicholls Lane and Airdale Road junctions as they join A520, nor at Airdale Spinney and Airdale Road junction;  
Increased danger to pedestrians along single track country lane – Nicholls Lane has no pavements;  
Concern over potential flooding;  
Proposal will result in extra vehicles – site is on a steep gradient, 1.6km from town, contrary to Council's own green policy;

Emergency/pedestrian/cycle access does not have required visibility splay which would require destruction of ancient hedge and trees within conservation area;  
Proposed open gateway would join up sensitive area of Millbank conservation properties to an urban housing estate and result in urbanised, tarmac pavement inviting people to drive onto Nicholls Lane at a very precarious point;  
Opening up of access route to Millbank gives grave concern for residents which would undermine their quality of life;  
In terms of encroachment and merging of areas, the proposal is contrary to SBC policy;  
At night, Nicholls Lane is entirely pitch black with no street lighting and this adds to its beauty, rural aspect and feeling of safety currently enjoyed by residents. NPPG at para 125 states that policies and decisions should limit impact of light pollution from artificial light on amenity, intrinsically dark landscapes and nature conservation – any new access onto Nicholls Lane will require street lighting having a detrimental impact on Millbank changing nature of the area;  
Loss of views would result – para 5.30 of planning statement wholly inaccurate – dense vegetation has now lost its foliage. Proposed development is clearly visible from all aspects, including Nicholls Lane and A520 and 2.5 storey housing will ensure visibility;  
Proposal actually talks of 'opening up the development to the countryside' thus destroying view of open countryside, adjacent to Moddershall Valley;  
Proposal would be clearly seen from heart of Moddershall Conservation Area;  
Proposal would also be seen at every point from Nicholls Lane, particularly Millbank and will join up this historic, sensitive setting with a new development should the gateway enhancement be allowed;  
Local constituents state a lack of public consultation; and  
Urge Council to consider objections for which there is significant local opposition and in accordance with the statement in the Stafford Borough Plan that the Government's approach behind changes to the planning system is to encourage local determination rather than top-down national or regional decision making.

Highway Authority (HA):

No objections subject to conditions (details of parking, turning, servicing, means of surface water drainage, surfacing materials; details of road construction, street lighting, drainage; details identifying proposed access onto existing right of way to be adopted highway; and no commencement of development until revised details submitted which remove pedestrian/cycle/emergency access from Nicholls Lane are approved.

Borough Conservation Officer (BCO):

First response:

Proposal to north of Moddershall Valley Conservation Area and west to cluster of buildings associated with Grade II listed Hayes Mill;  
Conservation area takes in the sites of 9 historic watermills along the Scotch brook, their associated watercourses and attractive woodland setting.  
Moddershall Valley is important in industrial archaeology terms as containing key flint mills and also because it has a largely undisturbed setting;  
Key characteristic of these mills is that they form small clusters in otherwise isolated rural locations;

1979 conservation area document describes the importance of landscape setting surrounding the mills and talks of the opening out of the landscape below Hayes Mill; Para 132 of NPPF is clear that 'significance can be harmed or lost through alteration or destruction of the heritage assessment or development within its setting. In this instance a large scale development around 30m of Hayes Mill site and rising up the bank to the northwest of Scotch Brook would be harmful to the setting of the Moddershall Valley Conservation Area. Harm would arise from loss of the sense of rural isolation around Hayes Mill buildings, as well as the imposition of suburban dwelling forms on the valley; Appreciated that there is some tree screening surrounding the site, but this is not as dense as suggested, and due to gradient of the land rising to the north, the development would be quite evident in views out of the conservation area from the south or east of the site;

Suburban character would be unavoidable; and

In conclusion, little detail on which to fully assess impact of proposal on character and appearance of the conservation area and grade II Hayes Mill, and imposition of a suburban character immediately overlooking the Scotch Brook and conservation area. Contrary to policies 131, 132 and 137 of the NPPF and saved local plan policies E&D18 and E&D23 (a) and (c).

#### Leisure and Culture Service (LCS):

Deficiency in the quality and quantity of play facilities and sporting and recreation provision for all ages in the catchment area;

Reasonable entitlement to request a quantitative provision of 34sqm per person for open space provision;

Outline nature of application does not allow a definitive POS figure to be calculated;

Open space and play provision should be provided on site, but unlikely that this will include over 12's provision;

Potential for on- and off-site provision given housing mix but cannot be determined at this stage;

POS contributions based on dwelling type; and

Applicant should consider the POS design carefully given sloped nature of the site and DDA-compliant access will be required.

#### Head of Environmental and Health Services (HEHS):

Lighting should be of a design and positioned not to cause light nuisance to neighbouring properties, light glare should be kept to a minimum;

All works and deliveries shall only take place between 8am and 6pm Monday to Friday and 8am and 2pm on Saturdays and not at all on Sundays or Bank Holidays;

Delivery vehicles shall not park on access highway to the site;

No burning on site;

Any equipment left running shall be inaudible at the boundaries of occupied residential dwellings;

Dust suppression facilities to be provided and used at the site; and

Ensure adequate surface and foul water drainage to the site and that this does not adversely affect existing systems.

Borough Tree Officer (BTO):

Proposed access shows removal of 3 trees, 2 of which are C3 category trees and accordingly their loss is considered acceptable. However, removal of T13 a mature lime (category A1) is unacceptable and alterations to the access are required;

Tree report completed in October 2009 and revised September 2012, but identifies offset root protection areas of up to 20% for open grown trees – this is no longer in accordance with BS 5837:2012 and should not be used; and

Any proposed layout must take into account the constraints posed from tree root protection areas, future growth spreads and shading.

Borough Biodiversity Officer (BBO):

Applicants' ecological appraisal revealed no evidence of protected species on the site;

Habitat does not have high ecological value;

Retention of existing woodland to boundary and creation of glades and wildlife corridors as indicated should be carried out;

Precautionary approach should be adopted in relation to safeguarding badgers; and

No works should be undertaken in bird nesting season (March to August) unless developer demonstrates that breeding birds will be unaffected by the submission of a method statement for protection/avoidance of nesting birds.

Housing Strategy and Research Officer (HSRO):

Council seeks to secure affordable housing without need for public subsidy;

Council policy requires affordable housing at 30% on developments of 15 or more dwellings;

Provision of 35 dwellings would have a requirement for 11 new affordable homes;

As of November 2012 there were 1633 households on the housing register in Stafford Borough. The strategic housing market assessment completed in October 2012 suggests that Stafford Borough has an annual affordable housing shortfall of 210 dwellings. This proposal would help reduce this shortfall; and

Recommend affordable housing should comprise 25% social rented and 5% intermediate.

Staffs Police Architectural Liaison Officer (PALO):

No concerns;

Although layout is indicative, question the need to provide a link to public footpath 13, which does not appear to be well overlooked, given the well overlooked access proposed at each end of the site and connectivity they will provide;

Additionally, proposed play area appears somewhat out of the way and poorly overlooked, which is undesirable;

Illustrative layout appears promising in terms of addressing crime prevention; and

Recommend adoption of Secured by Design initiatives.

Ramblers' Association (RA):

No objections providing the adjacent footpath is maintained connecting Airdale Spinney and Nicholls Lane.



County Education:

Proposal could add 5 first school, 4 middle school and 3 high school and 1 sixth form aged pupils;

However, no request made for high school provision as sufficient space available; and  
Therefore £128,490 contribution requested.

Environment Agency:

No objections subject to conditions (carry out development in accordance with FRA prior to occupation, submission and approval of a surface water drainage scheme).

Neighbours: Representations received from 83 properties (include multiple submissions), summary of main issues raised:

Undue impact on area;

Development of Greenfield, agricultural grazing land outside Stone's Residential Development Boundary;

Applicants' previous attempt to seek inclusion of site within Stone's RDB was declined by Inspector in 1997 as development of the site would be a harmful intrusion into attractive countryside which also contributes to setting of the Moddershall Conservation Area;

Applicant now attempting to use the NPPF to circumvent existing laws – objections made in 1997 to the development should prevail as circumstances have not changed;

Proposal could set an undesirable precedent to bypass existing policy framework;

Proposal should be refused for same reason given to single dwelling proposal at the White Lodge, Nicholls Lane, Oulton;

In accordance with NPPF, application should not be approved on the measure of helping local housing need given the Council's confirmation earlier this year over sufficient land supply over 5 years;

From local development plans it is ambiguous as to whether Stone requires further housing development, certainly in the immediate future;

At public presentation in Feb 2009 for SBC local plan various options outlined for possible development sites in Stone, none of which include land to north of Stone – this land outside RDB;

The Plan for Stafford Draft Publication states that due to existing commitments new housing development in Stone will take place later in the Plan period – as such and in accordance with the NPPF this application should not be approved on the grounds that it assists with housing delivery given the Council has confirmed there is more than sufficient supply over the next 5 years;

Has any other land been considered for development which has better accessibility to the town centre and local transport links as an alternative to the site?

Disappointed that applicant has not consulted or engaged the local community prior to submission of planning application;

Encroachment into the Green Belt;

Impact on nearby listed buildings has not been considered by the applicants;

Contrary to application documents, part of the site is within Moddershall Conservation Area and the proposal would have a detrimental impact on the designation;

Need to protect Moddershall and Oulton villages from merging with Stone losing distinctiveness of these 2 settlements;

Significant part of the site is within the Moddershall valley and development will adversely affect the setting, character and history of the area;

Proposal will be a clear encroachment, reducing gap between town and country and will have a harmful impact on attractive countryside;

Site is not well screened at its boundaries – for many months the trees are bare and the site is clearly visible, no amount of screening would hide buildings proposed on the higher site's higher points;

Conclusions of submitted transport assessment are inaccurate;

Proposed drive gradient may prove difficult for motorist during winter months;

First hand resident experience varies from the conclusions of applicants' transport statement relating to traffic;

Additional traffic from development (including during construction phase) on surrounding road network will be a safety risk to drivers, passengers and pedestrians, including children going to school and leisure centre;

Existing road junction, including poor visibility, and parking problems in the area will be exacerbated;

Proposal will add to existing congestion and parking problems;

Could use proposal as an opportunity to improve road network, including introduction of traffic lights;

Query ability of local services, schools, dentists, doctors, electricity supply, drains, sewage etc to accommodate extra residents;

No public transport to schools and town;

Site is 1.5 miles from Stone town centre and is not a suitable location for affordable housing, Inspector aired this view in 1997;

Site location is not logical as it extends away from Stone;

Given traffic flow concerns suggest that proposal should be for 25 and not 35 new homes;

Query if consideration has been given to providing the proposed access at the bottom of Nicholls Lane in the area of Mill Bank Cottage and constructing a roundabout between Nicholls Lane and Hayes Bank on the junction with A520. This would be a benefit and introduce a traffic calming measure on A520;

Proposed access presents a concern in terms of traffic, noise and pollution;

Emergency access would require the substantial removal of trees and hedgerows;

Loss of property value;

Overlooking of neighbouring bungalows;

Proposal likely to be dull, characterless and generic housing

Application should be supported by a heritage statement;

Encroachment would be visible from A520,

Adverse impact on wildlife, including adjacent SBI;

Trust that current TPOs and conservation of hedgerows are stringently adhered to;

Object to loss of established trees and woodlands;

Query if hawthorn hedge is protected;

Welcome new tree planting to site's perimeter and to leave open areas to south-west, but strongly object to play area which is considered unnecessary. Play areas currently exist not far away in Stonefield Park;

Areas of open space should be protected;

Location of on-site open space does not take into account Police requirements that it should be overlooked on all sides;

Due to its topography the proposed on-site open space would be impractical for use and has only been chosen as it is uneconomical to develop;

Query results of submitted ecological report with local first hand evidence suggesting contrary results in relation to presence of bats and birds, and other animals;  
Increased pollution, including noise and light;  
Noise and disruption for existing residents during construction period;  
Flooding concerns, including along Nicholls Lane;  
Concerned that proposed drainage may create additional nuisance (offensive odours);  
Proposal may result in surface and foul water drainage problems in the area;  
Applicants have deliberately neglected the site such that paragraph 130 of the NPPF should be applied;  
Concerns over crime and safety;  
Proposal does not represent sustainable development;  
Submitted planning statement is materially inaccurate in terms of the visibility of the site;  
The presumption in favour of sustainable development in the NPPF does not apply;  
Appreciate that proposed housing would be an asset to the area – Seddons developments being of the highest quality;  
Concerned that applicant has applied for an extension of time to determine the application in order to respond to the conservation officer's comments;  
Consider that applicant has had sufficient time to consider the impact of the proposal on the conservation area and the extension of time should be refused;  
Do not consider that any response from the applicant will overcome the fundamental objection to the development; and  
If an extension of time is granted assume that sufficient time will be granted for people to comment.

#### **Responses received in relation to revised proposal:**

Bill Cash MP:

Given numerous objections received from constituents, object so that on the basis that the Council turn down this application there would be a full public inquiry for matters to be dealt with.

County Councillor Philip Jones:

Exits to road network will be via already congested roads, particularly busy at peak times with parents and pupils arriving and departing Alleynes School. Exits to A520 from Nicholls Lane and Airdale Road are dangerous with very limited visibility of approaching traffic;

Airdale Road slopes steeply down to A520 causing a hazard in wet and icy weather; and

Concerned that proposal will put pressure on already congested roads and dangerous junctions and should be refused on highway safety grounds.

Parish Council (Stone Town Council):

Members strongly object due to concerns regarding access from a safety point of view.

Adjacent Parish Council (Stone Rural):

Response awaited.

Borough Conservation Officer (BCO):

(i) Letter

Letter appears to suggest that the aesthetic and visual character of the conservation area is not important. Conservation areas by definition are areas of 'special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. The conservation area document sets out the importance of the visual character of Moddershall Valley, including its sylvan setting and sense of solitude. Indeed, a key element of the area is a landscape feature, the Scotch Brook, which powered all the mills within the area.

Letter states "the site proposed for development does not fall within its [the Conservation Area's] setting", but reasoning for this is unclear. "Setting" is defined as "the surroundings in which a heritage asset is experienced" (NPPF Annex 2). The heritage assets include the Moddershall Valley Conservation Area and grade II listed Hayes Mill, and the proposal site forms part of the surroundings in which they are experienced.

Suggested that the existing landscape does not 'open out' below Hayes Mill on the application site. At the time of designation the conservation area document referred to the sudden opening out of the Moddershall Valley below Hayes Mill, with 'smooth grassy slopes' running down to the road's edge to face the tangled woodland opposite. A neighbour's photograph demonstrates the former character of the site as open agricultural land, before hedges were left to mature and some light woodland planting to further reinforce the boundary. Beyond this planting, the site still has the character of open grassland, if somewhat neglected.

Correctly states that conservation area designation does not preclude new development. However, this does not over-ride the statutory duty of the local planning authority to have regard to protecting the character and appearance, including the setting, of a conservation area. Penultimate paragraph of letter implies that NPPF should be seen as over-riding this statutory duty. The Planning (Listed Buildings and Conservation Areas) Act 1990 remains in force, and is reinforced by the Historic Environment paragraphs within the NPPF itself. Reference to para 14 of NPPF as over-riding historic environment considerations is also erroneous; para 14 itself refers to the need to satisfy policies throughout NPPF to achieve sustainable development.

(ii) Visual Appraisal

Photos provided with the appraisal clearly demonstrate that in many areas the site is only 'filtered' from surrounding views by an overgrown hedge boundary with scant mature trees. Views 3, 4 and 9 particularly illustrate this point. Buildings around 8m high would clearly be evident above the tree-line, particularly where land rises from the Moddershall Valley towards the northwest, and in the sparsely planted gap opposite Millbank Cottages and Hayes Mill.

Appraisal is misleading in some areas e.g. 'footway' and 'signage' along Longton Road described as "urbanising" elements, and existing residential development along Church

Lane is used to argue that the Hayes Mill settlement is not isolated. The 'residential development' along Church Lane is itself an isolated farmstead at approximately 85m from Millbank Cottages and entirely typical of the existing rural landscape. An isolated farmhouse at 85m distance does not compare to the density of a suburban housing development that is proposed within 40m. Reference to existing development further along Nicholls Lane is also made, but at 250m distance, this clearly does not have the same impact on the open rural setting of the heritage assets as would the adjacent proposal.

Appraisal refers to views from windows of Hayes Mill and Millbank Cottages. Whilst useful, and again demonstrates that views are loosely filtered rather than screened, does not address concept of 'setting', as "the surroundings in which an asset is experienced" (NPPF), and which can be an integral part of the significance of a heritage asset, whether within or beyond the boundary of the asset itself (NPPF para 132). As previously stated, the setting of both the conservation area and listed Hayes Mill are rural in nature, and the isolated characteristic of mills and associated dwellings are identified in the conservation area document as an important element. This document refers to the importance of its "unique scenery" and states that the purpose of designation was to protect and recapture "the sense of solitude" surrounding the mills.

It is noted that "setting" should not be interpreted purely in terms of visual character. Saved PPS5 Practice Guide states: "Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration; by spatial associations; and, by our understanding of the historic relationship between places." (para 114) In this instance the proximity of a suburban development would harm the existing peaceful setting of the mill and cottages.

### (iii) Proposed Mitigation

Amended scheme removed all development from conservation area itself and to enhance the buffer with 5-7m of shelter planting to the south of the site in front of the "Public Open Space", and approximately 10-15m opposite the existing buildings at Hayes Mill and Millbank Cottages.

Purpose of enhanced planting in front of open space is unclear, being a less sensitive area in terms of visual intrusion. Additional planting between the development site and the Millbank Cottage and Hayes Mill site would go a little way to increasing the space around the settlement and screening from the new development. However, the development would still have a clear suburban character and encroach on the isolated setting of the former mill and associated workers cottages.

Additional boundaries of native hedge planting also proposed. Whilst appropriate to the character of the area, these would clearly not provide any screening to the suburban development.

### (iv) Additional Observations

Development at Airdale Spinney etc visible from the Longton Road and Moddershall Valley. Proposal site both has a less substantial tree boundary (including with any

supplementary planting as proposed), and is on land that rises towards the northwest. Whilst tree and hedge planting might provide some screening and filtering of views, the suburban character and density of the development would be clear. Initial expansion of Stone along Airdale Spinney reads as an extension to the town, but maintains a belt of open space allowing the isolated setting of the buildings of the Moddershall Valley to continue to be appreciated. The current application would extend the town to meet these isolated buildings.

(v) Conclusion

Whilst additional tree planting appreciated, there is little amendment to the scheme as a whole. The objection on grounds of harm to the setting of the Moddershall Valley Conservation Area and Hayes Mill grade II listed building remains.

County Archaeologist:

Initial review of the Staffordshire Historic Environment Record indicates no known archaeological assets will be directly impact by proposed scheme;

Advise that proposal is very carefully assessed in conjunction with the Historic Environment Assessment; and

If permitted, a staged archaeological evaluation is advised. The results of the evaluation will inform the need for archaeological mitigation, such as a watching brief or excavation.

Society for the Protection of Ancient Buildings (SPAB):

Strongly object;

Harm to setting of Moddershall Valley Conservation Area, in particular the listed water mills;

Impact on historic environment will be tremendous;

Conservation area takes in the sites of 9 historic watermills along Scotch Brook along their associated watercourses and attractive woodland setting;

Coppice Mill in particular has complete machinery and water wheel;

Moddershall Valley also important in industrial archaeology terms as it contains key flint mills and largely undisturbed setting;

Key characteristics of these mills is that they form small clusters in otherwise isolated rural locations; and

Proposal would do permanent harm to unique setting of these listed water mills in this conservation area.

Staffordshire Wildlife Trust (SWT):

Holding objection due to insufficient information on protected species (great crested newts and otter) and need for a revised layout to deliver biodiversity gain and enhance the adjoin SBI in line with NPPF, a Green Infrastructure Strategy for Stafford Borough, Stafford Biodiversity Action Plan and the Staffordshire BAP;

Application appears not to comply with NPPF, as unless POS and garden areas were to be of high value for wildlife, the overall loss of land to hard surfaces and fragmentation of

semi-natural; habitats in the area would result in the net loss of biodiversity value to the site;

Although well set out, with an area of POS and lower density housing towards the SBI, the plan could do more to achieve local green infrastructure priorities;

Plans do not reference green infrastructure strategy or appear to deliver a net gain for biodiversity;

Loss of area will impact on species present and result in less buffering of the SBI;

No clear assessment of potential impact on SBI, no consideration of the effect of housing being built directly adjacent, removal of adjoining semi-natural habitats, edge effects, added lighting, or potential pressure from residents access etc;

To aid protection a buffer of similar or complimentary habitat required along the length of the SBI a 10m buffer is normally advised;

To achieve this the POS might be repositioned with more of the space next to the POS, and a narrower band into the development;

Overall loss of semi-improved neutral grass, which unless mitigated by provision of a more valuable habitat within the layout would constitute a new loss;

Indirect impacts on surrounding woodland especially the SBI would be likely to reduce the value of habitats through fragmentation and added disturbance;

Great Crested Newts need to be reassessed with a Habitat Suitability Index carried out on all relevant linked ponds within 500m of the site, including garden ponds;

Survey of Scotch brook for otters should be carried out as development could disturb a resting site;

Site is a habitat for foraging barn owls, potentially brown hare and house sparrows. Species such as skylark may use the area, although disturbance will reduce this;

Recommend that a breeding bird survey should be secured by condition should permission be granted so important bird species can be identified and mitigation/enhancement secured in final design;

Layout and design of open space and gardens need to be provided for these species and others;

Sustainable drainage systems will be needed to manage surface water especially given the close proximity to a watercourse;

POS could include a wetland area; and

Proposal should meet with latest guidance and requirements for sustainable construction, renewable generation and adaptation for climate change.

19 signatory petition:

Addressed to the HA and raises concerns about highway safety and traffic generation, suggesting that car usage will be greater than applicant contends.

Neighbours: Representations received from 69 properties (include multiple submissions), summary of main issues raised:

Applicants asked for an extension of time to deal with conservation officer's comments – object to this as applicant has owned the field for 25 years and have had sufficient time to respond - trying to buy more time to mitigate against officer's comments;

Applicant advised to amend proposal by reducing size and scale of site and planting of more trees to screen the Moddershall Valley Conservation Area and so SBC may look more favourably and allow the development;

Concerned about limited time to respond to latest proposal and confusion over response date given;

Delayed receipt of neighbour notification letter impacts on ability to respond to revisions;

Amended proposal is little different;

Previous concerns and objections remain;

Conservation officer has identified harm that the proposal would cause;

New planting would provide little protection from proposed development and will not improve the natural setting in or outside the site;

Proposed tree planting will take many years to mature and will not mitigate the impact of the development;

Proposed tree screening will cause overshadowing and loss of light to property;

Visual appraisal is scant and incomplete, its measures are ill conceived, it is inaccurate and demonstrates zero knowledge and understanding of the area;

Visual appraisal has a distinct bias and fails to consider existing views from dwellings, including outdoor areas, towards the site;

No survey carried out during hours of darkness of which Nicholls Lane is situated in an 'intrinsically dark landscape' and accompanying street lighting will have a detrimental impact upon residential amenities;

Applicants' own statements are in conflict;

Query Tree Officer changing his mind on the proposal;

Consider that education contribution should be a greater amount;

Query decision now to recommend approval of application when previously refusal recommended;

Proposal would set an undesirable precedent and is premature to and would undermine the emerging local plan;

Notwithstanding housing land supply issues, to permit the application would be contrary to work carried out over the last 30 years to protect the site;

Proposal would not be in line with the NPPF which places emphasis on local plans and local wishes;



Development within a setting should be treated favourably only if they better reveal the significance of the asset – proposed planting will only hide the heritage asset;

Proposal would impact on whole area of protected woodland that borders about one third of the site. Applicant has repeatedly made the woodland integral and fundamental to the proposal citing its partial screening from public road and footpath;

Proposal would provide no space between proposed house/gardens and the boundary of the woodland which includes oak, beech and ash some already 25m tall and all may grow to some 35m to 40m tall. Many young beech and ash within a few metres that have capability to grow to full height;

As owner of conservation woodland have 25 years' experience that owners of bordering properties often found trees a worry, threat or simply intrusive due to blocking of light and view, or have concerns about trees falling on property or children;

Concerned that trees will be removed long before the end of their natural life and as replacements are discouraged the inevitable consequence is that the extent and quality of the woodland will diminish;

At present woodland is not subject to constraints of adjacent buildings and gardens and consequently can grow unhindered;

Proposed dwellings on land level with woodland would feel oppressive and hemmed in with pressure for pruning or removal of protected trees;

In mitigation a sufficient buffer between trees and dwellings would be required – allowing for anticipated growth of trees and falling distance this should be about 40m;

Progressive loss of woodland screening would make suburban back gardens more visible in heart of conservation area;

Concerned that proposal will result in pressure for future tree removal such that the Moddershall Valley Conservation Area woodland will be lost;

Existing woodland trees will render proposed houses and gardens dark, with inadequate light;

Concerned that applicant would not manage woodland, trees and hedgerows – existing meadow has been neglected for last 25 years;

Officer report contains material errors – statement is factually untrue regarding condition of trees and conclusion is at odds with conservation officer. No reasonable person could come to the conclusion that the proposal would not be seen as harmful when viewed from the lower lying Longton Road and footway – this brings into question the validity of section 16 conclusion;

Report mentions retention of existing and planting of new trees and hedges will partly reduce proposed impact such that public views will be filtered and screened – this is not true for boundary along Coppice Wood which is a significant boundary of the development;

Disappointed that no one has requested access to Coppice Mill woodland to assess the issues, but extend an invitation to officers and committee to visit Coppice Mill land its woodland path long the proposed site as this will allow greater appreciation of issues raised;

Contrary to applicants' assertions the proposal does not pay regard to the landscape;

Prior to applicants' ownership the site had an open aspect;

Decision on current proposal should echo the Council's recent refusal of permission at Oulton Croft;

People cannot afford house prices and many high end houses in Stone remain unsold;

Alternative land should be considered for housing which is more suitable and less sensitive;

Suggested environmental benefits of the proposal are insulting;

Adverse impacts far outweigh suggested benefits;

Site would be of more benefit as a wildlife park;

Quietness of area will reduce;

Feeling of safety would reduce if site developed;

Query accuracy, methodology and conclusions of transport statement;

SBC and SSC HA have not fully recognised just how dangerous the relevant junctions providing access to the 26 year old Airdale Spinney development have become. If application is approved significant increased chance of a fatal accident occurring.

At peak times, during school term, existing road network cannot cope with and sustain existing traffic, let alone additional 140 vehicular movements a day the proposal would generate. Issue is far too important to be resolved without a site visit during peak times;

Council should consider its responsibilities under the Human Rights Act, in particular Protocol 1, Article 1(right to peaceful enjoyment of all their possessions) and Article 8 (substantive right to respect private and family life), the courts in Britton V SOS concluded that the protection of the countryside falls within interests of Article 8. Private and family life encompasses not only the home, but also the surroundings;

Applicant will probably award the Council several hundred thousands of pounds to go ahead with plans, but the Council naturally won't want to go to appeal with them – will take backhander so money can spent on running Westbridge Park – money talks;

Dearth of information and public consultation about very sensitive and historic site proposed for development and what seems to be an inconsidered rush to make such an important decision;

Looming presence on an otherwise country land and probability of pollution though light and other sources;

Staffs Wildlife Trust's holding objection states that before determination a commitment to provide a 10m buffer to the SBI should be sought – have previously suggested why such a buffer should be much wider;

Consider change to POS could provide a buffer but its use as a play area would not provide the necessary similar or complimentary habitat;

In any event it is clear that development area cannot be immediately adjacent to the SBI as shown in the plans – the SBI ie the conservation woodland forms the full boundary to the south of the site;

When recommended 10m buffer is applied the length of the SBI border the developable space is reduced by about 15% and presumably the number of houses will be reduced to 29 – consider that the plan of the dwellings must be revised before application is determined;

Trust that the objection from Staffs Wildlife Trust will be acted on;

## ISSUES

### 1. National Planning Policy, Extant Development Plan Policy and the Principle of Proposed Development

The NPPF does not alter the statutory provision that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in determining applications.

The NPPF has at its heart a presumption in favour of sustainable development which should be seen as a 'golden thread' both in terms of plan-making and taking decisions on planning applications.

For the purposes of considering the current application, the SP and LP comprise the relevant parts of the Development Plan and were both adopted under pre-2004 planning legislation.

In the context of considering the current application, the Plan for Stafford is not at an advanced stage of preparation such that significant weight can be given to its policies and proposals.

A number of SP and LP policies have been afforded saved status by Direction of the Secretary of State such that they remain extant.

The application site is not allocated in the extant LP and there are no specific policies relating to the subject land.

The site lies outside Stone's Stafford's Residential Development Boundary (RDB) as defined in the Saved LP. Saved LP Policy HOU3 does not support new housing development outside RDBs in the open countryside unless where specifically allowed on an exceptional basis. SP Policy essentially mirrors LP Policy HOU3.

The principle approach of the SP and LP is to ensure that new residential development is located within identified settlements for which the LP identifies RDBs.

The extant LP was adopted in October 1998 and planned for development up to 2001. Since the adoption of the LP in 1998 no new housing allocations have been made.

The emerging local plan has not reached an advanced stage and therefore no reliance can be placed on proposed allocations needed to meet identified development needs.

Therefore existing SP and LP policies can be given due weight according to their degree of consistency with the NPPF. The NPPF confirms that for the purposes of decision-making Local Plan policies should not be considered to be out-of-date simply because they were adopted prior to the publication of the NPPF.

Para 49 of the NPPF advises that housing proposals should be considered in the context of the presumption in favour of sustainable development. Relevant housing supply policies should not be considered up-to-date if an LPA cannot demonstrate a 5-year supply of deliverable housing sites.

The December 2012 appeal decision received in respect of the residential redevelopment of the former Castleworks site in Stafford has confirmed that the Council does not have a 5-year supply of housing land, and that there has been persistent under delivery and consequently an additional 20% buffer is required.

The applicant in respect of the Nicholls Lane proposal highlights the inspector's conclusions on land supply. Furthermore, the applicant states that the appeal decision reinforces the thrust of national planning policy that addressing housing need where there is lack of a 5-year land supply is a strong material consideration (which in the case of the appeal proposal outweighed all other considerations including the site's location outside an RDB).

However, as the Council cannot demonstrate a 5-year supply of housing land and that this shortfall is exacerbated by a consistent period of under delivery, extant local plan housing policy based on development restraint is considered out of date in the context of the NPPF requirement of improving significantly housing supply. The continuation of this policy approach would be a considerable constraint on the supply of new housing land.

Para 14 of NPPF confirms the presumption in favour of sustainable development is at the heart of the NPPF. In decision making this means that where the development plan is

absent, silent or out-of-date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies taken as a whole.

The applicant initially stated that should planning permission be granted within 13 weeks and taking into account necessary further detailed work for reserved matters and undertaking infrastructure works, the earliest that development could start on site would be mid-2013, with delivery late 2013 onwards. In this context it should be noted that the statutory 13-week determination period for this application expired on 14 January 2013.

## 2. Loss of Agricultural Land

The DEFRA system classifies agricultural land into 5 grades - ranging from grade 1 as best quality to grade 5 as poorest quality. However, Grade 3 has been further subdivided into 2 subgrades: Subgrade 3a is good quality and Subgrade 3b is moderate quality. Whilst criteria for the sub-division of Grade 3 was published this does not correlate to the national resurveying of agricultural land.

It is acknowledged that the development of the best and most versatile agricultural land should not be permitted in favour of areas of poorer quality land except where this would be inconsistent with other sustainability considerations.

Grades 1 to 3a are classified as the best and most versatile agricultural land and so should be safeguarded in the above context. However, Grade 3b to 5 are of poorer quality and from an agricultural perspective the loss of land within these particular grades is not seen as significant.

It is understood that the application site has not been resurveyed or reclassified in terms of its grade. It is further understood that DEFRA no longer carried out routine re-grading survey work. In the circumstances it is considered reasonable to rely on existing historical information which classifies the site as Grade 3 - i.e. good to moderate quality.

In agricultural land supply terms, the application site does not amount to a large area of land given the predominant rural make-up of the surroundings and that the Borough is overtly rural in land use terms. It is not considered that the site raises materially important agricultural issues or is of national significance or would create a damaging precedent.

The agricultural output of the site appears to be nil or negligible and has been so for some time.

In the above context, it could be reasoned that the loss of this unused parcel of agricultural land would not have a materially adverse impact on overall land supply interests. Accordingly, there is no objection on this particular matter.

## 3. Residential Amenity/SAD

The outline form of the application does not allow a detailed assessment of the development proposal to be undertaken in relation to residential amenity interests, including the detailed application of SAD standards.

However, it should be possible with a careful and sensitive approach to design and layout to ensure that adequate levels of amenity (in terms privacy, outlook, natural lighting and private garden space) are afforded for existing neighbouring occupiers, as well as future occupiers of the proposed development. The necessary assessment in this regard would be carried out at a later, detailed (reserved matters or full application) stage.

#### 4. Vehicular Access, Transportation, Road Network Impact, Highway Safety and Parking

The originally submitted site plan indicates pedestrian, cycle and vehicular access from Airdale Spinney, pedestrian access link to public footpath 13 to north and pedestrian, cycle and an emergency access from Nichol's Lane to the east of the site. However, the emergency access element has been deleted from the amended scheme and instead additional tree planting is proposed.

The submitted 'block plan – access detail' shows a proposed 5.5m wide carriageway and 2m wide footway leading from Airdale Spinney which will serve the development.

A significant amount of concern has been raised by local residents who consider that existing difficult and dangerous road conditions would be exacerbated should the proposed development go ahead. However, the comments made do not seem to be informed by any technical or professional assessment of the proposal relative to the existing road network; instead they appear to be opinion and observation based. Clearly, neighbours' views need to be balanced and considered against the professional technical assessment carried out by the HA as part of a formal consultation process.

The HA in raising no objections has satisfied itself that the proposal would not be materially harmful to public safety interests (both vehicular and pedestrian) such that permission ought reasonably to be refused.

In the absence of clear technical evidence that demonstrates that the proposal would lead to dangerous highway situations, it is considered that the advice of the HA, including their suggested conditions, should be preferred and accepted in this instance.

The HA's response specified the deletion of the originally proposed emergency access as Nicholls Lane has restricted width for 2 vehicles to pass and does not have the benefit of segregated footpath. The HA considered that the inclusion of this access would lead to a detrimental intensification of use of Nicholls Lane to the detriment of vehicles and pedestrians. As highlighted above, the amended scheme does not now include any emergency access onto Nicholls Lane.

It would be necessary to ensure at the later detailed stage that each proposed dwelling would have sufficient on-plot parking provision (driveway and garages) commensurate with the size of the property and LP parking standards.

#### 5. Flood Risk Management and Drainage

A number of local residents have raised concern that the proposal will exacerbate existing drainage and flooding problems.

An application for planning permission can only reasonably be refused on drainage or flood risk grounds if there is serious doubt that the site cannot be adequately drained or, in terms of flooding, would be a source or recipient of unacceptable flood risk events.

Surface water generated by the proposed development will be dealt with by a sustainable drainage system that will allow controlled release to existing watercourse. The mains sewer system will be used to dispose of foul sewage.

The site is not located within a known and identified flood risk zone.

The EA have not suggested that the submitted flood risk assessment for the site is deficient in any material way and indeed have confirmed that they raise no objection to the proposal subject to conditions. Accordingly, no technical objection relating to flood risk or drainage has been raised by any responsible authority.

On this basis, there is no substantiated technical evidence that clearly indicates that the development would give rise to material harm in respect of the flood risk or drainage.

## 6. Ecological Implications

The submitted Extended Phase 1 Habitat Survey reveals that the site has no particular ecological significance. Other than habitats that could potentially support breeding birds, the site does not offer suitable habitats for other protected species.

The BBO raises no objection to the proposal and recommends that protection be afforded to nesting birds depending on the timing of works on site. An appropriately worded condition attached to any permission could satisfactorily deal with bird protection requirements.

## 7. Arboricultural Implications

The application site contains a number of trees including those subject of TPO No. 140 of 1985 and also some located within the Moddershall Conservation Area.

The off-site wooded areas broadly to the north, north-east and north-west of the application site are indicated as being within ownership of the applicant.

The 1979 Moddershall Valley Conservation Area document identifies 'significant groups of trees and hedgerows' comprising woodland on land broadly to the south, south-east and south-west of the application site.

The above trees are essentially non-coniferous species.

The submitted 'block plan – access detail' drawing identifies the removal of 3 trees afforded protection under Tree Preservation Order No. 140 of 1985 to enable vehicular access to the development site.

The BTO originally raised objection to the removal of one of the 3 above trees, a category A1 (high quality and value) mature lime identified as T13. However, following discussions with the agent the BTO is now satisfied that the new planting of 3 lime trees on the site will mitigate the impact of the loss of T13.

The BTO also highlights that at detailed planning stage consideration will need to be given to the constraints associated with tree root protection areas, future growth spreads and shading.

The submitted tree survey plan shows the planned removal of a number of trees outside the site but within the applicants' ownership, most notably adjacent to the eastern site boundary.

Appropriate planning conditions can secure protection for trees proposed for retention and incorporation into the development proposal, together with new planting.

In support of the amended proposal, the applicant places reliance on the continued presence of off-site trees to screen the proposal and also the planting of new landscaping. In this regard, land which includes deciduous trees which lies beyond and broadly to the north of the application site within the applicants' control is cited in mitigation. Furthermore, reference is also made to the screening benefits of the Coppice Wood which lies beyond the application site (broadly to the south) but which is not in the applicants' control. Coppice Wood essentially consists of established, non-coniferous trees located within the Moddershall Valley Conservation Area. The 1979 conservation area document identifies the land comprising Coppice Wood as 'significant groups of trees and hedgerows'.

The applicants' tree survey identifies 9 trees located to the south of the site which form part of Coppice Wood. Seven of these trees comprise semi-mature and mature specimens of fair physiological and structural condition, ranging from 14m to 23m in height with life expectancy ranging from 20 plus to 40 plus years, with most 30 plus years life. The remaining 2 trees are a semi-mature 14m high ash with a 10 plus year life expectancy and a mature beech 22m high with a life expectancy of 20 years plus. In respect of the mature beech the report identifies that it has a large cavity with main stem decay and is within falling distance of the application site. The report recommends that this same tree should be considered for heavy reduction to 5m metres with retention as a habitat feature.

The recently submitted parameters plan and illustrative masterplan drawings indicates the general location of additional tree and hedge planting within the site, particularly close to some boundaries, and on land beyond but within the applicants' ownership.

Additional shelter planting to include evergreen species is proposed within the public open space and play area which is adjacent to the northern edge of part of Coppice Wood. Additional native hedge planting, to include evergreen species, further along this same boundary is also proposed. Such planting will reinforce existing woodland planting at Coppice Wood.

It is considered that such additional planting on this boundary together with the number, location, existing and potential size, physiological and structure condition, and life expectancy of existing mainly broadleaf trees within Coppice Wood will combine to provide effective, appropriate screening and filtering such that the development will not be seen as harmful when viewed from the lower lying Longton Road (A520) and its associated footway.



The tree survey recommends that some existing off-site trees around the existing field gate on Nicholls Lane (opposite Millbank Cottages and Hayes Mill Cottage) should be removed. However, the parameters plan indicates the strengthening of this woodland area with additional trees and low level planting, including evergreen species. Such planting will also provide screening and filtering from public views from public footpath 13.

Additional shelter planting within the conservation area is also proposed and will enhance the additional woodland planting mentioned above such that public views of the proposed development from Nicholls Lane will be limited with an outlook of appropriate planting.

Given these circumstances there is no arboricultural objection to the proposal. Appropriately worded conditions attached to any permission can provide protection to existing trees, the provision of new tree and hedge planting, as well as a management plan to secure the long term protection of tree cover on and adjacent to the site on land within the applicants' ownership and control.

#### 8. Open Space Provision

LCS have identified deficiencies both in the quality and quantity of play facilities and sporting and recreation provision for all ages in the catchment area.

The outline nature of the application does not allow the precise quantum of open space to be provided on site to be determined at the moment, however 34sqm of open space per person is the appropriate multiplier.

The applicant has provided further information seeking to provide a little more information about the size and location of on-site provision. In the circumstances, it is appropriate to determine the detail of on-site open space by condition/S016 agreement and at reserved matters stage, such consideration will include the physical constraints and opportunities of the site.

The applicant queries the principle behind the Council's request for a financial contribution towards open space, play and sports facilities in the catchment and how any such payment would be spent.

Any necessary financial contribution will need to be justified as part of S106 negotiations which will involve the applicant. Accordingly, this matter can be decided in detail should the Council resolve to approve the application.

#### 9. Heritage Implications

The BCO has concluded that whilst a lack of detail of the development prevents a full impact assessment, the residential development of the site would nevertheless be harmful to the setting of the Moddershall Valley Conservation Area. Harm identified would arise from the loss of the sense of rural isolation around Hayes Mill buildings, as well as the imposition of suburban dwelling forms on the valley.

In response to the BCO's initial comments the applicant has submitted a letter and commissioned a visual appraisal, a supporting photographic appraisal with view point locations on an aerial photograph. The submitted visual appraisal responds to the BCO's

concerns over the initial development proposal with particular reference to the impacts on views from the Moddershall Conservation Area and impact on the setting of the Grade II listed Hayes Mill and its key characteristic of an isolated rural settlement.

The appraisal is based on a series of public viewpoints and how the site is viewed and experienced.

In terms of the conservation area (excluding Hayes Mill), the appraisal identifies 5 main viewpoints all of which are assessed as being experienced briefly at distant to middle distant and predominately strongly filtered by intervening vegetation. As a consequence, these same views are not clear or near. The nearer views are associated with the proposed public open space area. The appraisal identifies that there will be upward (oblique), heavily filtered middle distance views of the proposal from various points along Longton Road. However, the receptor will briefly experience these views and that they will not be the principal activity.

Four views have been assessed in respect of Hayes Mill and Hayes Mill Cottage and these are summarised below (Viewpoints 8 to 11):

Viewpoint 8. Application site and Hayes Mill Cottage are raised above Nicholls Lane which lies on a cutting. Existing landform, boundary and woodland planting effectively block views from Nicholls Lane and the cottage's ground floor. First floor dormer windows provide views from the cottage in this view towards the site with the proposal causing worse case moderate adverse impact with noticeable deterioration in middle distance views. However, as proposed planting grows the woodland screen will further filter the above middle distance views such that the impact will reduce to minor adverse after 15 years.

Viewpoint 9. Existing hedgerows on Nicholls Lane and trees behind significantly filter mid-level views of the site. Low level gaps in boundary hedgerow and absence of shrub planting to woodland behind provide for less filtered views. First floor views from Hayes Mill Cottage will be filtered near views. Views from Millbank.

Viewpoint 10. Views substantially filtered by hedgerow to Nicholls Lane and established woodland between this boundary and the site. Same view affords sight of red brick farmhouse close to Hayes Mill.

Viewpoint 11. Views of site substantially filtered by existing hedgerows to Nicholls Lane and established woodland planting between hedgerow boundary and the site.

The appraisal states that there are no views from the principal mill building, which is noted occupies a lower position in the landscape, is a single storey with no windows positioned towards the site. Furthermore, it is stated that existing vegetation between Nicholls Lane and the site provide substantial barriers to main views from Nicholls Lane and Hayes Mill.

The appraisal contends that residential properties along Nicholls Lane, Longton Road and Church Lane, together with footways and signage and audible traffic from Longton Road do not support the assertion that the perception is of an 'isolated settlement'.

The BCO has provided further comments in response to the applicants' further submission and amendments to the scheme.

The BCO is critical that the applicant has given insufficient consideration to the aesthetic and visual character of the conservation area. The BCO considers that the setting of the conservation area includes the development site and cites NPPF advice as 'the surroundings in which the heritage asset is experienced' which in this instance includes the conservation area and listed Hayes Mill.

The BCO highlights that the former character of the application site as open agricultural land has been altered by the growth of hedgerows and the carrying out of further woodland planting. The 1979 conservation area document makes reference to how the land to below Hayes Mill opens out. Despite such changes the BCO confirms that beyond the aforementioned planting the application site has the character of open grassland.

The BCO highlights that the submitted appraisal photographs demonstrates in many areas that the site is filtered from views by overgrown hedge with scant trees. The BCO also emphasises that proposed 8m high buildings would be clearly visible above the tree line.

The BCO maintains her position that the Hayes Mill settlement is isolated and that nearby development is itself also isolated. The BCO confirms that the conservation area document refers to the importance of its 'unique scenery' and that the area was designated to protect and recapture 'the sense of solitude' surrounding the mills.

The BCO also acknowledges that setting should not solely be interpreted in terms of visual character. Indeed, Saved PPS5 Practice Guide states that consideration should be given to how an asset is experienced in its setting, including factors such as noise, dust, vibration, spatial associations and by our understanding of the historic relationship between places. In this instance the BCO considers that the proximity of the proposed development would harm the existing peaceful setting of the mill and cottages.

The BCO also considers the proposed mitigation works. The BCO acknowledges that the reduced application site no longer includes any land within the conservation area and that additional buffer planting is to be carried out. In respect of the latter, the BCO points out that the additional planting between the development and mill and cottages would go a little way to increasing the space around the settlement and screening the proposed development. Nevertheless, the BCO still considers that the development would still be of suburban character and would encroach on the isolated setting of the former mill and associated workers cottages.

It is considered that the proposal as an extension of Stone would significantly reduce and transform an open area of land that forms part of the setting of the Moddershall Valley Conservation Area and the Grade II listed Hayes Mill. The residential development of this land, despite landscape planting proposed in mitigation, would reduce the existing open, rural isolated setting of these nearby historic buildings and consequently would have a harmful effect on heritage assets.

## 10. Impact on Character and Appearance of the Area

The application site lies within open countryside, but outside the North Staffordshire Green Belt.

The site is located within the Special Landscape Area as defined in the LP.

When first adopted in October 1998, the LP contained 3 policies which related to SLAs. These were E&D7 Development in the Countryside; E&D29 Areas of Designated Landscape Value; and E&D32 Development Proposals in Special Landscape Areas. The latter policy, E&D32, was not afforded Saved status beyond September 2007 and therefore does not remain as part of the statutory development plan. The SLA references contained in the remaining 2 saved policies are no longer relevant to the consideration of planning applications.

Taking into account that the latest SP and RSS did not include SLA policies and also the advice contained in paragraphs 24 and 25 of PPS7 (at the time extant national policy) relating to local designations, it was considered inappropriate to save the SLA and related LP Policy E&D32. In the circumstances, it is considered that no weight can be attributed to the SLA in the determination of the current application.

The Inspector's report following the inquiry into objections to the Draft Stafford Borough Local Plan 2001 was received by the Council in January 1997. The inspector in relation to the objection requesting that a piece of land reflective of the current application site should be included in an extension of Stone's RDB reached the following conclusions:

"The objection site is a field on the north-eastern fringe of Stone on the north side of Nicholls Lane. In essence, the objector's case is that Stone's RDB should be extended to include it. As the south-western boundary of the land adjoins the housing in Airdale Spinney and there is a detached house, White Lodge, to the north-west, the land is related to the existing pattern of development to a certain extent. However, as most of this wedge shape borders onto the countryside, my opinion is that it has more physical affinity with the countryside than it does with the neighbouring built-up area.

I appreciate that the land is not being put forward for inclusion in the Plan as a housing site. Nevertheless, the effect on including the land within Stone's RDB would be to create a presumption in favour of residential development by virtue of Policy HO4 [this transcribes to Policy HOU2 of the adopted LP]. This being so, I consider it is reasonable to have regard to the consequences of such action.

I accept that the Plan acknowledges that most of the greenfield sites are on the periphery of Stafford and Stone. Be that as it may, the RDB for Stone seems to have been defined in a sensible and logical manner in this particular locality. In my view, building on the objection site would result in a tongue of development extending away from the town, poorly related to its physical form. As I see it, it would be a harmful intrusion into an area of attractive countryside which also contributes to the setting of the Moddershall Conservation Area.

In the light of the foregoing I see no significant advantage in extending Stone's RDB to encompass the objection site.

#### Recommendation

I recommend that no modification be made to the Plan".

The Council subsequently accepted the inspector's recommendation that the RDB be not amended to include the subject land.

The inspector appreciated that the consequences of including the land within Stone's RDB would create a presumption in favour of residential development. It is acknowledged that the inspector's conclusions was not in response to a detailed housing development on the land, but nevertheless he felt able to consider that its residential development would be harmful to the character and appearance of the surrounding area.

The character of the application site does not appear to have markedly changed since the inspector's report in 1997. The site has not been subject to any physical development and it maintains its open, grassed character and appearance. The immediate surrounding area has also been subject to very little additional development such that its character has essentially not changed.

The Historic Environmental Character Assessment Stone Environs document published in July 2009 considered 16 Historic Environmental Character Zones (HECZ 9) including No. 9 Moddershall Valley.

Each HECZ has been evaluated against 7 assessment criteria (diversity of historic environment assets; survival, documentation; group value association, potential; sensitivity to change; and amenity value). The Sensitivity to Change criterion was specifically included to evaluate the impact of medium to large scale housing development.

Each criterion has been applied to each of the zone with a rating between 1 and 3, with 3 being the highest. A maximum score of 21 is achievable across all 7 assessment criteria.

The document notes that Moddershall Valley "is particularly sensitive to change where an early historic landscape is associated with the Listed watermills and associated structures which line the river".

The Moddershall Valley zone has achieved a maximum 3 score in respect of each assessment criteria such that its overall total is 21 which is the highest possible.

Staffordshire County Council's 2000 publication 'Planning for Landscape Change' identifies the application site as lying within the Needwood Claylands landscape. The site in landscape character type terms comprises sandstone hills and heath. The document states that such landscapes are of high quality, with few limiting factors. Modernised dwellings, power lines and urban expansion are identified as incongruous features.

The character and appearance of the site and its immediate environment is predominantly rural and undeveloped (save for the adjacent Airdale Spinney development). The

proposal to provide up to 34 dwellings would fundamentally alter the undeveloped nature of the site which essentially comprises open agricultural land.

The proposal would continue the existing pattern of nearby residential development thus consolidating built form into attractive and sensitive open countryside.

#### 11. Education Provision

Identified reasonable financial contributions towards education provision to mitigate the impact of the development can be appropriately secured by a S106 should it be resolved to permit the application.

#### 12. Affordable Housing

The HSRO has identified housing need in the area and additionally has confirmed that there is a significant annual shortfall of affordable housing units being provided.

The applicant acknowledges the need in the submitted heads of terms to provide 11 affordable units based on 35 new dwellings. Whilst the application has been amended to provide up to 34 dwellings the applicant has not proposed a reduction in the number of affordable housing units. The associated provision of 11 affordable units will assist in meeting objectively identified housing need and shortfall and this is seen as an important component part of the development.

A section 106 agreement would secure the requirement to provide in perpetuity the 11 affordable housing units generated by the development.

#### 13. Footpath Links and Pedestrian Safety

The PALO provides no detailed assessment or analysis as to why the proposed link would be demonstrably harmful to crime and safety interests. Furthermore, no reference is made to local crime statistics which might support the assumption made that the link would be a cause for concern.

In any event there seems no inherent reason as to why a short footpath link from the development to public footpath 13 could not provide security of use if careful attention is given to design and layout considerations. A recent site visit revealed that the public footpath appeared to be well used, with proposed development likely to further increase its use. It would seem possible that passive overlooking from nearby proposed dwellings, the incorporation of a suitable lighting scheme and appropriate design and layout of the link would minimise potential safety concerns.

Such matters, however, would be considered at a later date as part of a detailed proposal for the site.

#### 14. Residential Amenity Impact during Construction Period

The vehicular activity associated with the carrying out of the development will clearly give rise to some degree of noise, vibration, dust and general disturbance to neighbouring property over a sustained period, albeit of time-limited duration.

On-site construction activity is also likely to result in some impact on residential amenity interests, but again on a time-limited basis.

EHS raise no objection to the proposed development subject to restrictions on times of work, that noise, dust and vibration is minimised and that all works and deliveries are time-restricted.

It is considered both necessary and reasonable to impose conditions based on the requirements of the HEHS to limit the amenity impact on neighbouring residents during the construction phase of the development.

From an operational viewpoint, the activity associated with the proposed dwellings on the site would not give rise to significant noise and disturbance concerns such that planning permission ought to be refused in the interests of residential amenity.

#### 15. Other Benefits of the Proposal

The submitted planning statement advances that the proposal represents sustainable development and will provide economic, social and environmental benefits.

The economic benefits of the proposal (jobs during the construction phase, increased use of local services and facilities, as well as transport) will be advantageous to the local economy and viability. Increased revenue to the Council will result from additional council tax and New Homes Bonus payments.

In terms of social benefits, the proposal will provide a range of both market and affordable housing. New play and recreational space will be provided. It is also advanced that improved accessibility through the site to enable residents to better access the nearby countryside will result.

The applicant also suggests that the proposal will have a number of environmental benefits, including additional planting and landscaping, open space and improved access to existing public right of way. It is also suggested that the proposal will locate development in a less sensitive area than other sites around Stone.

#### 16. Human Rights Issue

A neighbour representation suggests that to grant planning permission would run contrary to human rights legislation as the development would affect private and family life.

The European Convention of Human Rights (ECHR) is brought into law by the Human Rights Act 1998. Article 1 of the First Protocol of the Act relates to the peaceful enjoyment of property. Article 8 of the Act bestows the right to respect for home, privacy and family life.

The impact of the proposal on residential amenity interests, including taking into account residents' representations, has been considered and weighed against the applicants' desire to develop the land.

Clearly, private interests have to be weighed against the wider public interests and also against competing private interests.

In this instance, it is not considered that the recommendation to permit would unduly interfere with local residents' right to respect for their home, privacy and family life and the right to the enjoyment of their property except insofar as it is necessary to protect the rights and freedoms of others, which in this case is the rights of the applicants.

On this basis any interference which may result is considered to be justified.

## 17. Conclusion

The proposal will cause harm to the setting of the Moddershall Valley Conservation Area and the associated Grade II listed Hayes Mill. Furthermore, the development will affect the rural character and appearance of the site and its surroundings. However, the retention of existing and new planting of trees and hedges will partly reduce the impact of the development such that public views will be filtered and screened.

It is also appreciated that the proposal would have some sustainability advantages, particularly given its distance from Stone town centre and that there would be some social, economic and environmental benefits resulting from the proposal.

It is acknowledged that the proposal will assist in increasing both market and affordable housing supply therefore helping to address the Council's lack of adequate housing supply. The proposal would also respond to the NPPF requirement to boost significantly the supply of housing.

When balancing the competing issues of this scheme, it is considered that the identified environmental disbenefits of developing the site for residential purposes would be outweighed by the clear and important need to provide much needed housing which is acknowledged as being considerable importance at the moment.

Accordingly, the proposal, in its amended form, is considered acceptable.

## RECOMMENDATION

Subject to the applicant first entering into a Section 106 agreement to secure affordable housing provision and a £128,490 financial contribution towards education provision and an unspecified financial contribution dependent on on- and off-site split and final housing type mix in respect of open space provision, approve subject to the following conditions.:-

1. This is an outline planning permission for the erection of no more than 34 dwellings on the site and before the development is commenced details of the appearance of all buildings and structures including materials to be used on all external surfaces; landscaping of the site and other areas of proposed planting on land owned and controlled by the applicants as shown on the Parameters Plan and Illustrative Masterplan; layout of the site including the disposition of roads and buildings; and the scale of all buildings and structures shall be submitted to and approved by the Local Planning Authority.



2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of one year from the date of approval of the last of the reserved matters to be approved.
4. Except insofar as may be otherwise required by other conditions to which this permission is subject the development shall be carried out in accordance with the following listed plans:

'Parameters Plan', Drawing ref. 3524/08E;  
'Illustrative Masterplan', Drawing ref. 3524/06C;  
'Illustrative Site Cross Sections', Drawing ref. 3524/12  
'Location Plan', Drawing ref. 3524/03 Rev C, dated Aug 2012,  
'Site Plan', Drawing ref. 3524/05 Rev E, dated Sept 2012; and  
'Block Plan – Access Detail', Drawing ref. 3524/11, dated Oct 2012

5. No development shall commence until full details of existing ground levels, proposed ground levels and floor levels of the proposed dwellings have been submitted to and approved in writing by the Local Planning Authority.
6. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk assessment (FRA) produced by Atkinson Peck Ref no. JSD/CMH/C15522 dated 11 October 2012 and the following mitigation measures detailed within the FRA:
  1. Limiting the surface water discharge from the site to 7.5l/s
  2. Finished floor levels are set no lower than 150mm above external ground levels.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be subsequently be agreed, in writing, by the local planning authority.

7. No development approved by this planning permission shall take place until such time as a scheme for surface water drainage disposal, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of the hydrological and hydrogeological context of the development, has demonstrated that the surface water run-off generated up to and including the 100 year critical storm plus 30% for climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event.
8. No development shall take place until a scheme, including timescale for implementation, for the provision of public open space to serve the development has been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved details. Once implemented the public open space shall thereafter be retained.

9. No development hereby approved shall be commenced until full details of the following have been submitted to and approved in writing by the local planning authority:  
  
Provision of parking, turning and servicing within the site curtilage;  
Means of surface water drainage; and  
Surfacing materials  
  
The development shall thereafter be implemented in accordance with the approved details.
10. Before the proposed development commences details shall be submitted to and approved in writing by the local planning authority indicating all road construction, street lighting, drainage including longitudinal sections and a satisfactory means of draining roads to an acceptable drainage outfall which shall thereafter be constructed in accordance with the approved drawings.
11. Before the proposed development commences details of the construction of the proposed pedestrian link, including any necessary lighting and signage, shall be submitted to approved in writing by the local planning authority.
12. The existing field gate onto Nicholls Lane shall be permanently closed up in a manner approved in writing by the local planning authority before the hereby approved development is brought into use.
13. All works, site works, construction and deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am and 2.00pm on Saturdays and not at all on Sundays or Bank Holidays.
14. No development shall take place until a management plan for the long term protection of existing trees identified for retention as part of the development proposal and areas of proposed planting on land owned and controlled by the applicants as shown on the Parameters Plan and Illustrative Masterplan has been submitted to and approved in writing by the local planning authority. Once approved the management plan shall be fully adhered to.
15. No ground clearance or construction work shall commence until temporary protective fencing has been erected in accordance with details to be submitted to and approved in writing by the local planning authority to protect those trees on and near the application site which are shown or indicated for retention in the submitted application documents. These details shall specify the height and type of the fences and distances from the bases of retained trees. The approved fences shall be retained during the development period and no works shall take place within the protected areas without the prior written consent of the local planning authority.
16. No development shall commence until details of any external lighting to serve the proposed development has been submitted to and approved in writing to the local planning authority.

16. Notwithstanding any details/description contained in the application documents, no ground clearance, demolition, or construction work shall commence until a construction method statement to British Standard 5837:2012 'Trees in relation to design, demolition and construction. Recommendations' detailing measures to be taken during construction to protect the long term health of existing trees identified to be retained has been submitted to and approved in writing by the local planning authority. Once approved, the construction method statement shall be implemented prior to any movement onto site and retained for the duration of the construction period.
17. No building works shall be undertaken in the bird-nesting season (March to August) unless it can be demonstrated by the developer through written submission of a method statement that breeding birds will not be affected by the development. Once approved in writing by the local planning authority the method statement shall be fully adhered to.
18. No development shall be commenced on site until a staged archaeological evaluation is carried out in accordance with a written specification which shall be submitted to and approved in writing by the local planning authority. The results of the evaluation together with any necessary mitigation works such as a watching brief or excavation shall be submitted to and approved in writing by the local planning authority. Any necessary archaeological mitigation works identified shall be carried out in accordance with the approved mitigation scheme prior to the commencement of any part of the approved development, unless otherwise agreed in writing by the local planning authority.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:-

1. The application has been made for outline permission only.
2. The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
3. The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
4. To define the permission and in accordance with guidance contained in DCLG 's 'Greater Flexibility for Planning Permissions' guidance (November 2009) relating to applications for minor material amendments.
5. To safeguard the character and appearance of the area. (Saved Policy HOU5 (a) of the Stafford Borough Local Plan 2001).
6. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants. (Saved Policy E&D50 of the Stafford Borough Local Plan 2001).

7. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site (Saved Policy E&D50 of the Stafford Borough Local Plan 2001).
8. To ensure the provision of open space provision for the benefit of residents of the proposed dwellings (Saved Policies HOU7 of the Stafford Borough Local Plan 2001).
9. In the interests of the safety and convenience of users of the highway. (Saved Policy MV10 (a) of the Stafford Borough Local Plan 2001).
10. In the interests of the safety and convenience of users of the highway. (Saved Policy MV10 (a) of the Stafford Borough Local Plan 2001).
11. In the interests of the safety and convenience of users of the highway. (Saved Policy MV10 (a) of the Stafford Borough Local Plan 2001).
12. In the interests of the safety and convenience of users of the highway. (Saved Policy MV10 (a) of the Stafford Borough Local Plan 2001).
13. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance (Saved Policy E&D5 of the Stafford borough Local Plan 2001).
14. In order to afford protection to existing and future trees which will mitigate the visual impacts of the proposed development in this sensitive rural locality (Saved Policy E&D30 of the Stafford Borough Local Plan 2001).
15. In order to afford protection to existing trees which are of amenity value to site and surrounding area and which are afforded protection by tree preservation order (Saved Policy E&D1 and E&D2 of the Stafford Borough Local Plan 2001).
16. In order to safeguard the day and night time amenities of the surrounding area (Saved Policy E&D7 of the Stafford Borough Local Plan 2001).
16. In order to afford protection to existing trees which are of amenity value to site and surrounding area and which are afforded protection by tree preservation order (Saved Policy E&D1 and E&D2 of the Stafford Borough Local Plan 2001).
17. In order to afford protection to nesting birds (Policy E&D41 of the Stafford Borough Local Plan 2001).
18. In order to afford proper archaeological investigation recording and protection. (Saved Policy E&D33 and E&D34 of the Stafford Borough Local Plan 2001).

#### INFORMATIVE(S)

- 1 That the applicant be informed that this permission does not entitle him to obstruct a public right of way. Development insofar as it affects a public right of way should not be started and the right of way should be kept open unless and until any necessary statutory orders have been made and confirmed.

- 2 That the applicants' attention be drawn to the comments of the Environment Agency, the Highway Authority, Ramblers Association, Staffordshire County Council Education, Police Architectural Liaison Officer, Borough Biodiversity Officer, Leisure and Cultural Services, County Archaeologist and Environmental and Health Services.
  
- 3 The local planning authority has worked in a positive and proactive manner in dealing with this application by suggesting changes to the proposal in order to make the development more acceptable. The local planning authority deferred consideration of the application beyond the statutory 13-week determination period to enable the applicant to amend the application and supply further information, which has now been provided. It is therefore considered that the proposals meet the provision of Paragraph 187 of the NPPF.

12/17800/OUT  
Land South Of Nicholls Lane And East Of Airdale Spinney, Stone



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Not to scale  
By: EM  
Dept: Planning & Regeneration  
O.S. REF: SJ 9134



Seddon Homes Limited  
C/O Indigo Planning  
FAO: Jen Popplewell  
Lowry House  
17 Marble Street  
Manchester  
Greater Manchester (Met  
County)  
M2 3AW

Date Registered 15 October 2012  
Decision Date 12 March 2013  
Issue Date 19 March 2013

## TOWN AND COUNTRY PLANNING ACT 1990

### REFUSAL OF OUTLINE PERMISSION

Application No:	12/17800/OUT
Proposed Development	Residential development of up to 34 dwellings including creation of a new access, provision of open space, car parking and ancillary landscaping
Location	Land South Of Nicholls Lane And East Of Airdale Spinney Stone Staffordshire
O. S. Reference:	391039 334998

Stafford Borough Council, in pursuance of powers under the Town and Country Planning Act, hereby refuse the above development in accordance with the accompanying plans and subject to the following reason :-

1. The proposal would cause significant and demonstrable harm to the Moddershall Valley Conservation Area. Harm would arise from loss of the sense of rural isolation which contributes to the setting and significance of the Conservation Area and the grade ii listed building, Hayes Mill. The imposition of suburban dwelling forms on the valley would adversely affect the rural character and appearance of the site and surroundings. The harm would outweigh the benefits of allowing development on the site that goes towards addressing the shortfall in housing land supply. The proposal is therefore contrary to paragraphs 131, 132, and 137 of the National Planning Policy Framework and saved local plan policies E&D18 and E&D23 (a) and (c) of the Stafford Borough Local Plan.

#### Stafford Borough Council

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2006-2007  
*Transforming the Delivery of  
Services Through Partnerships*  
2009-2010  
*Raising economic prosperity  
through partnership*





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Date Registered 15 October 2012  
Decision Date 12 March 2013  
Issue Date 19 March 2013

## TOWN AND COUNTRY PLANNING ACT 1990

### REFUSAL OF OUTLINE PERMISSION

#### INFORMATIVE

- 1 The local planning authority has worked in a positive and proactive manner in dealing with this application by suggesting changes to the proposal in order to make the development more acceptable. The local planning authority deferred consideration of the application beyond the statutory 13-week determination period to enable the applicant to amend the application and supply further information, however the proposal was considered to cause significant harm to the Moddershall Valley Conservation Area, and the setting of a grade ii listed building, Hayes Mill.

Head of Planning and Regeneration  
On behalf of the Council

#### Stafford Borough Council

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2006-2007  
Transforming the Delivery of  
Services Through Partnerships  
2009-2010  
Raising economic prosperity  
through partnership





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## Appeal Decision

Inquiry held on 7 – 10 October, 3 November and 8 December 2014.

Site visits made on 7 October and 3 November 2014

**by Anthony Lyman BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 15 May 2015**

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**Appeal Ref: APP/Y3425/A/13/2203362**

**Land south of Nicholls Lane and east of Airdale Spinney, Stone, Staffordshire.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Seddon Homes Limited against the decision of Stafford Borough Council.
  - The application Ref 12/17800/OUT, dated 12 October 2012, was refused by notice dated 19 March 2013 (Decision date 12 March 2013).
  - The development proposed is residential development of up to 34 dwellings including creation of a new access, provision of open space, car parking and ancillary landscaping.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Inquiry sat on six days: 7-10 October, 3 November and 8 December 2014. Accompanied visits to the site and surrounding areas were made on the 7 October and 3 November 2014. Further unaccompanied visits to the area were made the day before the Inquiry opened, during the evenings of 8 and 9 October, and on the morning of the 8 December 2014.
3. The application was made in outline with all matters other than access reserved for future determination.
4. The description of the development given above is taken from the application form. However, at the Inquiry it was agreed that the 'provision of open space, car parking and ancillary landscaping' were not matters before me and should be deleted from the description. The application was also made originally for up to 35 dwellings. However, during the application process the red line boundary of the site was amended and the number of proposed dwellings reduced to a maximum of 34. I have determined the appeal on that basis.
5. Shortly before the Inquiry opened, the appellants submitted by letter dated Friday 3 October, three rebuttal proofs of evidence relating to planning, heritage and landscape matters. At the opening of the Inquiry both the Council and the Rule 6 party sought an adjournment to allow sufficient time for these recently submitted documents to be considered. Having heard a response from

the appellants, I determined that the Inquiry would not sit on the afternoon of 7 October. In order to make best use of Inquiry time, the first accompanied site visit was undertaken on that afternoon. Subsequently, the appellants withdrew the rebuttal proofs relating to landscape and heritage matters and did not call their landscape witness, Xanthe Quayle to give oral evidence.

6. A completed Unilateral Undertaking pursuant of s106 of the Town and Country Planning Act 1990 and dated 26 November 2013 had been submitted by the appellants. Subsequently, a signed s106 Agreement dated 24 October 2014, between the appellants, the Council and Staffordshire County Council was submitted to the Inquiry. This makes provision for affordable housing and contributions towards, education facilities, public open spaces and play equipment. This Agreement also includes a clause whereby the Council and the County Council confirm that the 'owner' is released and discharged from the Unilateral Undertaking dated 26 November 2013. I will refer to this Agreement later in my Decision.
7. In June 2014 the Council adopted the Plan for Stafford Borough 2011-2031 (PSB) which replaced the Stafford Borough Local Plan 2001 (the Local Plan). Subsequently, on the 6 August 2014, the Planning Committee resolved to delete the reference to saved Policies E&D18 and E&D23 (a) and (c) of the Local Plan in the reason for refusal of the appeal application, as they were no longer relevant, and to rely instead on Policies N8 and N9 of the PSB. The Council's new resolution also deleted the reference to a shortfall in housing land supply contained in the reason for refusal.
8. At the start of the Inquiry the appellants clarified that the plan on which the appeal was based was the Further Refined Parameters Plan CL/B100. Subsequently, in a letter dated 28 October 2014, the appellants confirmed that the scale bars on that plan and the illustrative Landscape Master Plan CL/B101 were incorrect and, therefore, submitted Revision A of both plans. As only the scale bars had been adjusted to concur with the stated drawing scale, and no-one's interests would be prejudiced, I have had regard to these revised plans in determining this appeal.
9. In March 2015 English Heritage published three new Historic Environment Good Practice Advice Notes. Note 3 – *The Setting of Heritage Assets* supersedes the previous English Heritage publication with the same title. However, the particular parts of the guidance referred to in this Decision are similar in both versions.
10. In April 2015, English Heritage separated into two new organisations with planning related functions now under the remit of Historic England. However, for the purposes of this Decision, I have retained the term English Heritage as the documents to which I refer, including the new *The Setting of Heritage Assets*, are currently published under that heading.

### **Main Issues**

11. The main issues are, i) the effects of the proposed development on the significance of heritage assets, ii) the effect of other considerations including, housing land supply and sustainability on the planning balance.

## Reasons

### *Background*

12. The appeal site is a sloping grass field of approximately 1.9 hectares on the north-east outskirts of Stone. The proposal seeks outline permission for residential development of up to 34 dwellings, including affordable homes, with details of the proposed access submitted for determination at this stage. The narrow western edge of the red lined area of the site abuts the boundaries of two properties which form part of a development of detached dwellings on Airdale Spinney, built by the appellants in the late C20th. The proposed access to the site would run between these two properties making use of an existing 'stub' end on Airdale Spinney. There is little inter-visibility between the site and these properties and the new access would require the felling of shrubs and trees some of which are covered by Tree Preservation Orders (TPO).
13. Beyond the approximate northern and north-eastern boundaries of the appeal site there is a relatively narrow belt of woodland in the appellants' ownership. This was specifically planted after the appellants' parent company purchased the appeal site in 1988, in order to help screen any future development from Nicholls Lane and the designated Green Belt immediately beyond to the north, and from a small cluster of buildings including the Grade II listed Hayes Mill to the north-east, also in the Green Belt. A public right of way runs through part of this woodland from Airdale Spinney to Nicholls Lane. The proposal includes provision for a link from the development to the footpath. The lengthy southern boundary of the site abuts a privately owned, steeply sloping woodland known as Coppice Wood, which is part of the Moddershall Valley Conservation Area (MVCA). Coppice Mill and its associated flint kiln in the western part of Coppice Wood are also Grade II listed buildings.
14. The Council's reason for refusal related to the impact of the development on the setting of the conservation area and the listed Hayes Mill. Although the reason also referred to the effect on the character and appearance of the site and surroundings, the Council confirmed that they were not pursuing a landscape case.

### *Policy approach to development*

15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Section 72(1) of the Act sets out that, with regard to conservation areas, special attention shall be paid to preserving or enhancing their character or appearance.
16. The development plan for the area is the PSB which was adopted by the Council in June 2014. This supersedes the former Local Plan and all policies contained within it. Policies N8 and N9 are the main policies of relevance in considering the potential effect of development on heritage assets. Policy N8 relates to landscape character and requires development proposals to be informed by and be sympathetic to, landscape character and quality. Development should demonstrate that proposals with landscape or visual implications should protect, conserve and where appropriate enhance, amongst

other things, i) the elements of landscape that contribute to the local distinctiveness of the area, including heritage assets, ii) historic elements of the present day landscape and iii) the setting and views of and from heritage assets, including conservation areas and listed buildings. Policy N9 relates to the historic environment and states, amongst other things, that proposals will be expected to sustain and, where appropriate enhance the significance of heritage assets and their setting. This Policy then sets out a number of criteria to be taken into account to justify potential loss or harm to the significance of a heritage asset, including its setting.

17. With the adoption of the PSB, all settlement development boundaries designated in the Local Plan ceased to exist. Policy SP7 of the PSB and its supporting text advises that new settlement boundaries will be established in a Site Allocation Development Plan Document (DPD) in accordance with a number of criteria set out in the Policy. The DPD is not yet available, and Policy SP7 confirms that in the meantime, the acceptability of individual proposals will be assessed against the same criteria. Criterion (f) requires development not to adversely impact on the special character of the area, including all designated heritage assets. The Statement of Common Ground (SoCG) confirms that both main parties agree that if the proposal meets the requirements of Policies N8 and N9, then Policy SP7 is *'the determinative policy in this appeal'*.
18. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Significance is defined as *'the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence but also from its setting'*. However, the setting itself is not a heritage asset.
19. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Substantial harm to or loss of a Grade II listed building should be exceptional.
20. Planning Practice Guidance (PPG) confirms that what matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset, and that, in general terms, substantial harm is a high test and may not arise in many cases. Works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.
21. The heritage assets relating to this appeal are the MVCA and the Grade II listed Hayes Mill, as agreed in the SoCG. The Council argue that the setting and significance of both of these heritage assets would be harmed by the proposed development. I will consider the effect of the proposal on the significance of each of these heritage assets. It is considered that development would not impact on the significance of the listed Coppice Mill buildings, due to their distance from the appeal site boundary.

### *The Moddershall Valley Conservation Area*

22. The MVCA is linear in form and comprises the narrow valley of the Scotch Brook extending from Stone to the upper reaches of the Moddershall Valley and also incorporates the village of Moddershall. The valley played an important part in the growth and development of the Staffordshire pottery industry. Several watermills along the Scotch Brook ground flint and bone which was used to improve the whiteness and quality of the pottery products. A statement prepared at the time of designation of the MVCA describes the Scotch Brook as one of the most intensively exploited water courses in Staffordshire<sup>1</sup>. It states that the area is of particular note *for the remarkable state of preservation of the mills and their machinery without equal elsewhere in the country*. The Moddershall Valley is described as an area of outstanding interest, due to the historical and industrial archaeological significance of the surviving mills and their attractive setting.
23. The MVCA covers six surviving flint mills, their watercourses, mill ponds, weirs, sluices and associated workings. The conservation area boundary also encompasses open fields and areas of ancient woodland on the steep valley sides which contribute to the 'dramatic scenery' of the valley recognised in the designation statement.
24. I was advised that interest in the history of the pottery industry is growing nationally and that the historic character and appearance of the Moddershall Valley is of more than local interest. Given the recent safeguarding of the Wedgwood Collection, referred to at the Inquiry, I have no reason to disagree with this view. The historic importance of the valley is further enhanced as it is the home of the first purpose-built wet grinding flint mill which survives in good condition today. The importance of such examples of technological innovation is recognised by English Heritage in its document 'Conservation Principles - Policies and Guidance'.
25. The character of the Moddershall Valley is distinctly rural, despite its industrial past. The mills, each with a small cluster of buildings, are strung out along the valley and, when operational, formed isolated hubs of locally noisy activity. Today, of course, the mills are silent as they were at the time the conservation area was designated, and the over-riding character of the valley is one of tranquillity and unspoilt rural isolation, apart from the noise of the traffic on Longton Road, which runs through the valley. The MVCA designation statement states that *'while it is for its mills that the Moddershall Valley is most renowned, these are mostly concealed in local woodlands, and it is the scenery which first impresses'*.
26. At the request of local residents, I visited the area late one evening after nightfall and experienced for myself the distinctive features of the all pervasive darkness, remoteness and peaceful solitude along Nicholls Lane adjacent to the appeal site and in the vicinity of Hayes Mill. The designation statement, whilst acknowledging the noise generated by the traffic on Longton Road, recognises *the sense of solitude that must once have surrounded these mills*. I take this to refer to when the mills were operational, and therefore, I am not persuaded by the appellants' assertion that solitude and tranquillity are not characteristics of the significance of the heritage assets. With regard to English Heritage's

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<sup>1</sup> Moddershall Valley Conservation Area – Staffordshire County Council Designation No.76 (CD 4.11)

- guidance<sup>2</sup> on evaluating significance, I consider that the MVCA is of particularly high significance based on evidential, historical and aesthetic values.
27. The lengthy southern boundary of the appeal site immediately abuts the MVCA and the privately owned Coppice Wood within it. In 1997, the Inspector's report on the Local Plan considered that the appeal site formed part of the setting of the MVCA and I see no reason to disagree given that little has changed physically in the intervening period other than the growth of the woodland belt planted by the appellants. The land in Coppice Wood slopes steeply down from the appeal site to Scotch Brook and the Longton Road beyond. The mill race to Coppice Mill and other associated engineering features are clearly visible through this part of the historic wood. At the narrowest part of the wood, the mill race is approximately 16m from the appeal site boundary.
28. Coppice Wood, which is a County Wildlife Site and a Site of Biological Interest (SBI), provides a degree of screening of the appeal site from the Longton Road and from the adjacent pedestrian footpath. Nevertheless, on my formal site visit in October, it was possible to see areas of the appeal field from the highway through gaps in the woodland. Furthermore, the woodland is largely deciduous, and as I saw on my visit to the area in December 2014, the loss of leaves opened up views of the appeal site which would be evident for several months of the year. At the time of that visit, houses in Airdale Spinney, previously largely concealed, could be seen high above the wooded slopes of Coppice Wood, despite their own boundary treatments. And yet these buildings are roughly twice as far from the Longton Road as some of the proposed dwellings. The fact that a building may be visible is not in itself necessarily harmful. However, views of an urban housing estate within the immediate setting of the MVCA characterised by isolated small clusters of buildings, would not preserve the character of the MVCA or the significance of this heritage asset.
29. Although the woodland trees are protected by the conservation area status, many of them are mature and the density of the woodland may well change over time. Furthermore, a tree report commissioned by the owner of Coppice Wood advises that the development would be likely to lead to pressure from future occupants to crown reduce some trees in Coppice Wood to reduce potential overshadowing and branch fall on safety grounds. If this were to happen, further harm to the woodland and the contribution it makes to the significance of the MVCA could occur.
30. To enhance the screening, the appellants' Further Refined Parameters Plan, indicates a belt of structure planting along the length of the boundary with the MVCA. However, given the elevated position of the appeal site, I am not convinced that the proposed structure planting would effectively screen the development, particularly the upper parts of the houses and their roofs. English Heritage<sup>3</sup> advises that, within the setting of heritage assets, screening ought never to be regarded as a substitute for a well designed development and that seasonal and diurnal effects, such as changes to foliage, need to be considered, as well as the permanence and longevity of screening in relation to the effect on the setting.

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<sup>2</sup> Conservation Principles, Policies and Guidance (2008)

<sup>3</sup> The Setting of Heritage Assets

31. The County Council's Historic Environment Character Assessment<sup>4</sup> describes the Moddershall Valley as of particular interest with reference to the ancient woodlands and the historic mills area. It identifies the area, including in the vicinity of the appeal site, as being highly sensitive to housing expansion and infrastructure development which would impact on the well preserved historic landscape character of ancient woodlands and the setting of individual listed buildings.
32. The appellants consider that the appeal site does not have a rural character or appearance, and describe the area as suburban. I am not persuaded by these arguments nor the claim that the development would be a logical extension to Stone both on plan and on the ground. Airdale Spinney itself appears on plan as an urban extension protruding into the countryside with the wooded Moddershall Valley on one side, the rolling appeal field on another and, with the exception of a few intervening houses, the Green Belt on the third side. The proposed development would have only a narrow link to the existing estate and would appear as an intrusive and incongruous urban projection into the open setting of the conservation area with all the associated noise, disturbance, garden paraphernalia and lighting pollution from 34 dwellings close to the MVCA boundary. Although the appellants suggested that a condition could restrict external lighting, this would do little to curb general domestic lighting, car headlights and street lights, all of which would harm the character and significance of the conservation area. I am not convinced that the proposed structural planting would adequately overcome these impacts.
33. The Framework defines the setting of a heritage asset as the surroundings in which the heritage asset is experienced. Paragraph 132 of the Framework advises that the significance of a heritage asset can be harmed or lost through development within its setting, and confirms that great weight should be given to the asset's conservation. I conclude that the proposed development would harm the significance of the designated heritage asset, although that harm would be less than substantial.
34. The Framework advises that less than substantial harm should be weighed against the public benefits of the proposal. These would include the provision of a mix of market and affordable housing in a sustainable location, and substantial investment in the local economy both during construction and in the ongoing support for local businesses by future residents. The provision of public open space and enhanced tree planting throughout the development would be further benefits. Nevertheless, I attach considerable weight and importance to the harm that would be caused to the setting, and thereby the significance of this heritage asset, which would not be outweighed by these benefits. By not preserving the character of the MVCA the proposal would fail to accord with the objectives of Policies N8 and N9 of the PSB, and the provisions of the Framework.

#### *Hayes Mill*

35. Hayes Mill was listed in 1979 after its industrial use had ceased. According to the Council the mill dates from around 1750 and was used until the 1970's. The disused building was converted to residential use in the mid 1980s. As I saw on my site visit, both the internal and external restoration and conversion have been undertaken most sympathetically and sensitively with much of the

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<sup>4</sup> Historic Environment Character Assessment for the Stone Environs (July 2009)

- internal historic plant and machinery retained in situ within the residential accommodation. External features such as the mill wheel and kiln chimney are also still in existence.
36. The appellants argue that, due to the residential conversion, the mill has lost its industrial appearance and character since its listing, and that its historic value and significance has been diminished. I am not persuaded by this argument as the building can be clearly read today as an historic former mill complex in a rural setting. Although the adjacent C19th Hayes Cottage and Millbank Cottages are not listed, I have no reason to dispute the evidence presented at the Inquiry that these buildings were historically associated with the operation of the mill. This seems to me to be entirely logical given their location. In terms of evidential, historic and aesthetic values, Hayes Mill scores highly in terms of significance.
37. Prior to the planting of the tree belts by the appellants referred to above, the then open field of which the appeal site forms part, extended to Nicholls Lane directly opposite the mill complex. Photographic evidence demonstrated a clear inter-visibility between the field and the buildings at that time. Although it was argued that there was an historic link between the mill and the field, which was said to have been used agriculturally to support the mill workers, the evidence is not conclusive and I attach limited weight to this argument.
38. Nevertheless, English Heritage advises<sup>5</sup> that the setting of a heritage asset which closely resembles the setting in which the asset was constructed is likely to contribute to the asset's significance. This is the position with Hayes Mill where, except for the relatively recent tree planting, the appeal site forms part of the C18th/C19th field pattern contemporary with the mill. The field remains an important part of the wider setting of this designated heritage asset, emphasising the mill's rural and isolated location, characteristic of most of the mills in the MVCA.
39. Wider views of the mill complex are limited. Nevertheless, in elevated views from Church Lane, the proposed residential development would be visible in the context of Hayes Mill and its cottages, thereby impacting adversely on its rural, isolated setting. The impact of the proposed development would be particularly harmful after nightfall, when the light pollution would invade the characteristic ambiance of the mill and its setting.
40. I conclude that the development of a suburban, albeit landscaped, residential estate in such close proximity to the Hayes Mill complex, would be harmful to the setting, and the contribution that the setting makes to the significance of the designated heritage asset, although that harm would be less than substantial. Nevertheless, having regard to s66 of the Act and the various court judgements and appeal decisions referred to by the parties, including those identified below<sup>6</sup>, I attach considerable importance and weight to this harmful impact, which would not be outweighed by the public benefits set out above. By failing to sustain the significance of Hayes Mill, and by not conserving the local distinctiveness of the area's heritage assets, the proposed

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<sup>5</sup> The Setting of Heritage Assets

<sup>6</sup> i) Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council and others (EWCA Civ 137);  
ii) R. (on the application of the Forge Fields Society) v Sevenoaks DC [2014] EWHC 1985 (Admin);  
iii) APP/L2630/A/13/2196884; iv) APP/L2630/A/13/2207755



development would not accord with the objectives of Policies N8 and N9 of the PSB, the Framework and section 66(1) of the Act.

*Other considerations – Housing land supply*

41. Shortly before the Inquiry opened, the Council provided an updated housing land supply (HLS) position as at 31 August 2014, which rolled forward all components of the HLS situation by five months compared to the HLS statement at 31 March 2014. The appellants disputed the Council's claim in the revised statement that a five year supply of deliverable housing land could be demonstrated.
42. In his final report, published on the 11 June 2014, the Local Plan Inspector stated, *'Although SBC cannot currently demonstrate a 5 year supply of housing land, this will be rectified when the plan is adopted, particularly with the allocation of the SDLs (strategic development locations) as confirmed in the latest housing trajectory (MM104); regular updating of the housing trajectory and 5 year land supply will help to ensure that the Plan is effective'*. The PSB was adopted by the Council in June 2014, only months before this Inquiry opened.
43. PPG advises that up-to-date housing requirements and the deliverability of sites to meet a five year supply will have been thoroughly considered and examined prior to adoption, in a way that cannot be replicated in the course of determining individual applications or appeals. The Court of Appeal Judgement relating to Hunston Properties Limited<sup>7</sup> similarly found that, *"It is not for an Inspector on a Section 78 appeal to seek to carry out some sort of local plan process as part of determining an appeal, so as to arrive at a constrained housing requirement figure. An Inspector in that situation is not in a position to carry out such an exercise in a proper fashion, since it is impossible for any rounded assessment similar to the local plan process to be done. That process is an elaborate one involving many parties who are not present at or involved in the Section 78 appeal."*
44. With regard to the advice in PPG and the Hunston Judgement above, it is not for me to carry out a forensic analysis of the housing statistics. Nevertheless, I will address the broader issues relating to the Council's housing land supply considering first the housing requirement.

*Housing requirement*

45. The objectively assessed housing need (OAN), as set out in the recently adopted PSB, identifies an annual requirement for 500 dwellings. Although I was advised at the Inquiry that the PSB was the subject of a challenge by another developer, both parties agreed that the requirement for 500 dwellings per year should form the basis of the HLS calculations for the purposes of this appeal. Subsequently, in submissions regarding the 2012-Based Household Projections for England (2012-2037), both the Council and the appellants confirmed that that High Court challenge had failed and that the Council's OAN of 500 dwellings per annum was sound. The Council acknowledged that there has been a persistent under-delivery of houses in previous years and that the backlog should be accounted for using the Sedgefield method. The application of a 20% buffer of land brought forward from later years in the plan to provide

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<sup>7</sup> St Albans City and District Council v Hunston Properties Ltd and Secretary of State for Communities and Local Government, [2013] EWCA Civ 1610.

for choice, in accordance with paragraph 47 of the Framework, was agreed between the parties. I have no reason to disagree with this approach.

46. The parties disagreed however, as to how the 20% buffer should be applied. The appellants argued that the application of the buffer should include the backlog. The Council stated that it has never been their practice to apply the buffer to the backlog and that that was the basis of their submissions on housing to the examination of the PSB which was accepted by that Inspector. The appellants made reference to the Decision of the Secretary of State relating to two proposals in Wychavon<sup>8</sup> where the Inspector's conclusion, that the 20% buffer should be applied to the five year requirement including the backlog, was endorsed. In closing however, the appellants acknowledged that this was the first time that this approach had been endorsed.
47. Neither the Framework nor the PPG provide guidance on the approach to be taken. The shortfall identified in the latest update of the HLS to 31 August 2014 is 448 dwellings. This equates to a backlog of 90 dwellings per year to be added to the annual OAN of 500 dwellings from 2014 to 2019. Applying the 20% buffer to this sum of 590 dwellings, in accordance with the appellants' methodology, would result in an annual figure of 708 dwellings, compared to the 690 if the buffer was applied to the OAN before the backlog was included.

#### *Supply of housing land*

48. The updated HLS statement advises that sufficient sites exist for the delivery of 3,790 houses between 1 September 2014 and 31 August 2019, giving a supply of 5.5 years based on 690 dwellings per year. The appellants, in their rebuttal proof, considered that using their annualised figure of 708 dwellings and by reassessing site delivery, the deliverable supply was only 2,900 dwellings, representing a supply of 4.1 years, although in closing, a slightly revised supply of 3,062 dwellings was suggested, giving a 4.3 year supply.
49. The Council's housing land supply calculations rely on three categories of site, - small sites for less than 10 dwellings with planning permission, large sites with planning permission for 10 or more dwellings, and Strategic Development Locations (SDLs). The key areas of disagreement between the Council and the appellants related to the projected delivery from the large sites with planning permission and the SDLs.
50. The Council confirmed that, with regard to the large sites, their revised calculations were based on developers' latest estimates of the number of houses to be delivered on their sites in the five years to 31 August 2019. Where no information was forthcoming, a 10% slippage had been applied by the Council to the original estimates for those sites. The Council's re-analysis of the likely contribution from the large sites resulted in the output from some sites being reduced, a number of sites with planning permission being removed from the five year calculation, and the delivery from other sites increased.
51. This approach suggests to me that the Council's re-assessment of the supply from large sites had been a realistic exercise to refine the analysis using, amongst other things, best available information directly from the developers themselves. I consider that this approach is preferable to applying a blanket 10% lapse rate even to developers' own figures. I acknowledge that the PSB

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<sup>8</sup> APP/H1840/A/13/2199085 & APP/H1840/A/13/2199426

Inspector applied a 10% slippage to all large sites. However, I agree with the Council that such a broad brush approach was more appropriate at that time when considering a twenty year plan period.

52. I have no reason to doubt the information on delivery of dwellings supplied by developers. The appellants described the email evidence as 'poor'. However, in response to a specific question from me at the Inquiry, the appellants could not suggest why any developer would exaggerate their anticipated delivery of dwellings from their own sites, which might justify a slippage rate being applied. Furthermore, it is reasonable to assume that those individual developers/promoters working closely with the Council over a long period of time would have a better, in depth understanding of their own sites and their ability to finance and deliver houses than the appellants, despite their undoubted expertise.
53. With regard to one specific large site, Yarnfield, the appellants argued that an email from Barratt Homes stating that the whole site would be delivered in the five year period should not have been accepted by the Council, given the fact that the site was in different ownerships, and that a lower delivery had previously been indicated. Nevertheless, the Council confirmed at the Inquiry that, following further discussions with the developer, there was confidence that the 241 units included in the latest HLS assessment could be delivered in the next five years, instead of the 136 relied on by the appellants.
54. With regard to the delivery from the SDLs, the Council is dependent on them to provide the majority of the housing supply in future years. Some of these allocations have yet to be granted planning permission and I acknowledge that there are often difficulties and delays associated with bringing forward such large sites/urban extensions, including infrastructure, master plans and environmental impact assessments. The appellants have not disputed the projected housing delivery rates once the SDLs are up and running, but in their calculations have pushed back the start date of the delivery from those sites.
55. The Council, in the latest HLS assessment, considered that the SDLs will deliver 1,994 dwellings by 31 August 2019, whereas the appellants argued that only 1,525 will realistically be delivered. The appellants considered that, the increased contribution from the SDLs attributed by the Council, is the result of rolling forward the five year period to include delivery in the first five months of the 2019/20 monitoring year, and increasing the contribution from those sites in that year. However, this does not seem to me to be an unreasonable approach. The appellants' expert witness stated, '*I estimate that the additional contribution these sites (SDLs) will make in the first five months of 2019/20 will be a maximum of 192 dwellings.*' As stated, this is one person's estimate of something that may happen in five years time. I acknowledge that the Council's HLS is also a projection of supply in the future, but it is one to which I attach greater weight given the Council's stated regular contact and informed discussions with developers.

### *Conclusion on HLS*

56. I have considered the detailed submissions on HLS, the subsequent comments on the 2012 based housing projections and the discussions at the Inquiry round table session. I have also had regard to the conclusions of the PSB Inspector, following his far more comprehensive examination of the housing

situation in Stafford Borough, as adopted in the PSB only a few months before this Inquiry opened.

57. Assessing a five year housing land supply is, by its nature, an entirely predictive exercise in a constantly changing scenario. It is likely that some assumptions made by both the Council and the appellants may be flawed or disproven in time. Nevertheless, it seems to me that, on the evidence before me, the Council's approach has been realistic, thorough and yet cautious, and that on the balance of probability, it is likely that a five year supply of deliverable housing land exists, irrespective of whether the annual figure of 690 or 708 referred to above is applied. The Council's assessment has made no allowance for supply from windfall sites and, although I have no evidence before me on past rates of delivery from windfalls, it is entirely reasonable to assume that delivery of housing from such sites will contribute to and strengthen the HLS position over the next five years.

*Other considerations – sustainable development*

58. The appeal site is sustainably located on the edge of Stone with all the services and facilities the town has to offer, although at the Inquiry it was stated by local residents that public transport serving the area was limited.
59. The Framework confirms that to achieve sustainable development for which there is a presumption in favour, economic, social and environmental gains should be sought jointly and simultaneously. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.
60. I have already referred to the economic and social gains that the development would generate. With regard to the environmental dimension, local residents argued that the introduction of this urban development, with associated light pollution, noise and disturbance and the loss of the open field would result in the reduction of foraging grounds for bats, birds and other wildlife and would harm the Coppice Wood SBI. However, the appellants pointed out that the SBI was designated for its botanical interest as the citation does not mention any faunal species, and that the appeal site comprises an area of semi-improved grassland which is not species diverse.
61. I note the representations of the Staffordshire Wildlife Trust and I acknowledge the concerns of residents, particularly those living in the vicinity of Hayes Mill and at Coppice Mill and their eloquent descriptions of the local area and its wildlife. However, given the amount of additional tree and hedge planting that the appellants propose, and the landscaped public open space, I am not convinced that, on balance, the scheme would be significantly detrimental to local biodiversity. Nevertheless, the Framework defines an environmental role as, amongst other things, protecting and enhancing the historic environment. Given my earlier findings regarding the harm to the significance of the designated heritage assets, I conclude that the environmental dimension would not be satisfied and that therefore, the proposal would not represent sustainable development.

*Other matters*

62. The Rule 6 Party, known as Nicholls Lane Field Action Group, and many local residents argued that the development would reduce the gap between Stone

and the village of Oulton to less than a third of a kilometre. Although coalescence of these two quite different communities would be undesirable, the presence of the Green Belt immediately north of Nicholls Lane should ensure that Oulton retains its distinctiveness and separate village identity.

63. The potential for the development to cause increased flooding and drainage problems was another matter raised by local residents. Surface water would be dealt with by a sustainable drainage system and discharged at an attenuated rate via an existing outfall serving the adjoining development. Foul water would be pumped to the main sewer in Airdale Spinney. The Environment Agency raised no objection to the surface water proposals of the scheme subject to the imposition of conditions. Provided that conditions relating to the foul drainage scheme for the site were also imposed if the appeal were to succeed, I have no reason to conclude that any flooding and drainage issues would be exacerbated by the proposal.
64. Nicholls Lane is very narrow, unlit and has no pedestrian footpath immediately alongside. Subject to the permanent closure of an existing gated access to the field from Nicholls Lane, which the appellants have agreed to, the highway authority raised no objections to the development or the proposed access on highway safety grounds. In these circumstances, I have no compelling evidence to persuade me that highway safety would be compromised.

### **Planning Balance and Conclusion**

65. Given my conclusions on HLS and sustainable development, paragraphs 49 and 14 of the Framework are not engaged, and relevant Council policies for the supply of housing are not out-of-date. The proposal would conflict with the objectives of Policies N8 and N9 of the PSB, and would not satisfy the objectives of Policy SP7 - criterion 'f', to justify development of this greenfield, albeit edge of settlement site.
66. The harm to the significance of the heritage assets, arising from the proposed development within the setting of the conservation area and the listed Hayes Mill, would be less than substantial. Nevertheless, I attach considerable importance and weight to that harmful impact which would not be outweighed by the identified public benefits. The development would not accord with one of the core planning principles of the Framework which seeks to conserve heritage assets in a manner appropriate to their significance so that they may be enjoyed for their contribution to the quality of life of this and future generations.
67. Therefore, for the reasons given and having had regard to all other matters raised, including various appeal decisions and court judgements referred to me, the appeal is dismissed. The submitted s106 agreement was designed to mitigate the impact of the proposal. However, in view of my conclusion, there is no need for me to consider the contents of the submitted s106 agreement further.

*Anthony Lyman*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Jack Smyth of Counsel  
He called

Penny McKnight	Conservation Officer
Sarah Poxon	Planning Officer
Melissa Kurihara	Senior Planning Officer

### FOR THE APPELLANT:

Paul Tucker, Queens Counsel  
He called

Sarah Wozencroft	Indigo Planning Ltd
Maggie Gatland	Indigo Planning Ltd

### FOR NICHOLLS LANE FIELD ACTION GROUP – RULE 6 PARTY

Anne Williams of Counsel  
She called

Tony Bonser	Local Resident
Gill Stanford	Local Resident
John Sayer	Local Resident
Jane Bonser	Local Resident
Charmain Hawkins	Beacon Planning Ltd
Peter Weatherhead	Peter Weatherhead Planning

### INTERESTED PERSONS:

(In order of appearance)

Councillor Joyce Farnham	Stafford Borough Council
Councillor Phillip Leason	Stafford Borough Council
Councillor Lynne Bakker-Collier	Stafford Borough Council
Dr Barry Job	Midland Mills Group
Sophie Jordan	Local Resident & Moddershall Valley Trout Farm
David Scrivens	Parish Councillor – Oulton Village
Dr D Hitchings	Local Resident
Miles Kitchener	Local Resident
Councillor Geoff Collier	Stafford Borough Council
Richard Sidley	Resident – Splashy Mill
Jen Fearn	Local Resident
Christopher Brown	Local Resident
Martin Robinson	Local Resident
Peter Warman	Local Resident
Sir William Cash	Member of Parliament
Jolyon Guy	Local Resident

## **DOCUMENTS SUBMITTED DURING THE INQUIRY**

1. Opening on behalf of the Nicholls Lane Field Action Group (Rule 6 Party)
2. Opening submissions on behalf of the Appellant
3. Appeal Decision - APP/L2630/A/13/2196884 (Wymondham)
4. Statement of Common Ground signed and dated 10 October 2014
5. Council's response to appellants' rebuttal proof on HLS
6. Copy of letter from appellants to the Council dated 8 October 2014 re trees in Coppice Wood
7. Copy of letter from Mr Bonser to the Council dated 11 October 2014 in response to appellants' letter above
8. Letter from appellants, dated 13 October 2014 enclosing copy of draft s106 Agreement and CIL Compliance Note
9. Appeal Decision – APP/B3030/A/12/2183042 (Hawton)
10. Extract from English Heritage letter dated 12 July 2013 re screening by vegetation
11. Full copy of the above letter from English Heritage
12. Decision Notice re farm manager's dwelling at Moddershall Valley Trout Farm
13. Extract from Encyclopedia of Planning Law re Forge Fields Society judgement
14. Extract from Recording Britain Vol. III, re Coppice Mill.
15. Extract from Wychavon case re application of the 20% buffer
16. Copy of emails from Bovis Homes and Barratt Homes to the Council dated 19 & 20 February 2014
17. Copy of completed s106 Agreement dated 24 October 2014
18. Letter from Staffordshire County Council dated 30 October 2014 to Mr Bonser
19. Appeal Decision APP/Y3425/A/14/2217183 (North Road, Stone)
20. Appeal Decision APP/Y3425/A/14/2210911 (Gnosall)
21. Appeal Decision APP/L2630/A/13/2207755 (Hempnall)
22. Appeal Decision APP/B3030/A/13/2208417 (Southwell)
23. Appeal Decision APP/Y3425/A/14/2217578 (Ashflats Lane, Stafford)
24. Opinion by Paul Tucker QC dated 7 December 2014, re the above appeal Decision at Ashflats Lane, Stafford
25. Web article by Bob Gibbens
26. Letter from Barbara Palmer dated 5 October 2014
27. Letter from Ron Glover dated 5 October 2014
28. Letter from Jim Elton dated 5 October 2014
29. Bus timetables
30. Submission by Councillor Joan Farnham
31. Submission by Councillor Phillip Leason
32. Submission by Dr Barry Job
33. Submission by Sophie Jordan
34. Submission by David Scrivens
35. Submission by Dr D Hitchings
36. Submission by Miles Kitchener
37. Submission by Richard Sidley
38. Submission by Jen Fearn
39. Submission by Christopher Brown
40. Submission by Martin Robinson
41. Submission by Jolyon Guy
42. Suggested itinerary for informal visit around the area by Inspector
43. Itinerary for 3 November site visit
44. Letter from Mrs J Fearn dated 26 November 2014
45. Closing submissions on behalf of Nicholls Lane Field Action Group
46. Closing submissions on behalf of the Council
47. Closing submissions on behalf of the appellants
48. CIL Compliance Note

## # Call-ins withdrawn #

<b>Application</b>	13/19605/FUL	<b>Case Officer:</b>	P Atkins
<b>Date Registered</b>	16 December 2013	<b>Target Decision Date</b>	7 March 2014
<b>Address</b>	Land at Walton Heath, Common Lane, Stone, Staffs	<b>Ward</b>	Walton
		<b>Parish</b>	Stone Town
<b>Proposal</b>	Residential development including creation of a new access onto Spode Close, creation of open space, associated landscaping and associated infrastructure		
<b>Applicant</b>	David Wilson Homes (Central, Mercia and West Midlands)		
<b>Recommendation</b>	Refuse		

### REASONS FOR REFERRAL TO COMMITTEE

The application has been called in by Councillor M F Williamson (Ward Member for Walton) for the following reason:

"The site is presently outside the existing development boundary, nor is it a proposed site in the emerging Plan for Stafford Borough. The proposed access to the site runs through an existing development that contains 2 traffic calming measures. The proposed flood attenuation measures will be inadequate to prevent flooding of the water course running down the A34."

The application has also been called in by Councillor Mrs J Hood (Ward Member for Walton) for the following reason:

The proposed site is outside of the existing boundary and is not included in the emerging plan for Stafford Borough. The access proposed for Spode Close is a major safety concern to residents already living on the estate. The estate is inclined to flood due to inadequate drainage system in place on the existing David Wilson estate.

An increase of one hundred and fourteen houses across the Eccleshall Road from the Longhope Drive development of five hundred new houses will put an overwhelming strain on an already inadequate infrastructure. The development will also prove to be a major highways problem adding to traffic coming to a standstill at peak times. If there is a problem on the M6 this causes the town to become gridlocked due to traffic chaos in Walton.

The proposed development threatens to impact on residents quality of life due to noise, flooding and environmental damage."



## **Context**

The application seeks full planning permission to erect 114 dwellings with open space and associated landscaping and infrastructure. Vehicular access will be through an existing residential estate with a single access and egress point from Spode Close. A 3m wide emergency access and footpath link to the adjacent Common is also included in the development.

The site is an irregularly-shape piece of agricultural land amounting to about 5 hectares which adjoins the built-up western edge of Stone. Essentially, the site will adjoin existing modern residential development at Spode Close, Essex Drive, Marlborough Road and Windsor Close. The site will also adjoin an area of Common Land. Vehicular and pedestrian access will be via Spode Close. A secondary pedestrian link is also proposed to Stone Common. A potential emergency access adjacent to the main proposed access at Spode Close is proposed.

The development proposes both open market and affordable housing. A range of different house types and sizes are proposed, including detached, semi-detached and terraced. An apartment building is also included.

The layout includes a 'central spine' of open space which includes the retention of existing trees and hedgerow. In addition, an open space area will skirt the boundary of the site where it adjoins open countryside. This area, which will include existing and new tree and hedge planting, will provide informal recreation opportunities, including walking and dog walking, as well as softening the edge of the proposed development.

Concentrated hedge and tree planting is proposed to adjacent residential boundaries in order to filter views and mitigate the impact of the development.

## **Officer Assessment – Key Considerations**

### **1. Principle of Residential Development**

Residential development on this rural site, which is outside of Stone's Residential Development Boundary (RDB), would conflict with provisions of the Stafford Borough Local Plan 2001 (LP). However, Saved Policy HOU3 will be replaced by the emerging Plan for Stafford Borough which has been given weight in the Inspector's recent Recommendations for Further Main Modifications to the new Plan for Stafford Borough (17 December 2013), following the emerging Plan's Examination in Public. This accompanies the Inspector's acceptance of Stone's key Strategic Development Location for housing, on land off Eccleshall Road at Walton Hill, which "seems sound, deliverable, viable, effective and fully justified with robust and comprehensive evidence". Indeed, outline planning permission for 500 new houses has recently received a resolution to approve subject to a Section 106 agreement.

Strategically, paragraph 49 of the National Planning Policy Framework (NPPF) is most clear about housing proposals; it states that "Housing applications should be considered in the context of the presumption in favour of sustainable development."

It continues 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." However, the Council does now have a 5 year plus 20% housing land supply.

Notwithstanding this, the NPPF emphasises in a core principle (paragraph 17) the need to proactively drive and support sustainable economic development to deliver homes. Whilst it states that the intrinsic character and beauty of the countryside should be recognised, paragraph 9 also states that pursuing sustainable development involves widening the choice of high quality homes.

In this context, the current application site is considered to be of a relatively small-scale and in a sustainable location adjoining the edge of the settlement of Stone and close to the amenities and services of the town. It does not have any special planning designations or intrinsic ecological value, and paragraph 17 of the NPPF suggests that land such as this of a lesser landscape quality may be used for development. No objection is therefore raised in principle to this sustainable development proposal.

Policies and Guidance:

National Planning Policy Framework

Paragraphs 9, 14, 17 (core principles);  
Section 1 - Building a strong, competitive economy;  
Section 4 - Promoting sustainable transport; and  
Section 6 - Delivering a wide choice of high quality housing

Adopted Stafford Borough Local Plan 2001 – Saved Policies:

E&D1 - General requirements;  
E&D2 - Townscape or landscape setting;  
E&D7 - Development in open countryside;  
HOU3 - Residential development outside of RDBs

Emerging Plan for Stafford Borough

Spatial Principle 7 - Supporting the location of new development  
Policy Stone 2 - West and South of Stone

## **2. Landscape character**

The application is supported by a landscape and visual impact assessment. In relation to visual effects, the assessment concludes that the development's impact would be low to negligible. In this regard, the assessment states that views of the site are sporadic and discontinuous. New tree and shrub planting on the site's periphery could provide mitigation to the two most critical areas from properties which back onto the site and publically accessed areas off Common Lane, adjacent to the site.

Having regard to the landscape character of the local area and given that the development will stay within and retains the defining field boundary vegetation and

extends the existing residential area in a proportioned and appropriate manner, the assessment considers that local landscape character will not be significantly compromised, with minor significance impact.

The proposal includes the retention of existing and new planting of trees and hedgerows which will screen, filter and enclose the development. Such peripheral landscaping will also provide an appropriate interface with neighbouring countryside.

Given the above, there is no landscape and visual objection to the development.

Policies and Guidance:

National Planning Policy Framework

Paragraph 17 – Core principles

Adopted Stafford Borough Local Plan 2001 – Saved Policies:

E&D2 – Townscape and landscape;

E&D7 – Development in the open countryside

### **3. Vehicular Access, Transport and Parking**

Significant concern has been raised by nearby residents as to the implications of the proposed development on the road network, in particular increased congestion and adverse impact on road safety interests.

Whilst it does not appear desirable to provide access to the site via a single access through an existing housing estate, the Highway Authority (HA) have considered the application (which includes a transport assessment and travel plan) and raises no objection to the development subject to conditions and a Section 106 agreement to secure a travel plan monitoring fee and a financial contribution towards the Stafford Borough Integrated Transport Strategy 2013 - 2031.

The Transport Assessment concludes that the proposal is sustainable in terms of key transport elements. It is advanced that the site includes safe and suitable access for all future occupiers. The accessibility analysis concludes that the application site has good levels of accessibility to local amenities, shops, schools and public transport routes.

In terms of trip generation, the development is assessed as acceptable given its type and scale in key peak times and on average during the daytime.

Taking into account other local committed housing development, the proposal would have acceptable impacts on the Walton roundabout which is currently operating within capacity. It is stated that the cumulative impacts of the proposal would not be severe enough to create highway capacity constraints and that the majority of the impact arises from the main strategic allocation, for which a series of mitigation measures are to be provided.

Having regard to the conclusions of the Transport Assessment and the HA, it is considered that the proposal would have acceptable highway impacts.

Policies and Guidance:

National Planning Policy Framework

Section 4 on sustainable transport

Adopted Stafford Borough Local Plan 2001 – Saved Policies:

MV10 – Land development requirements

#### **4. Flood Risk and Drainage**

The application is supported by a flood risk assessment (FRA) which does not identify any impediment to the proposed residential development. The FRA confirms that the development will suitably attenuate flows up to and including the 1 in 100 year plus 30% rainfall event. Flow from the development will be less than the Greenfield run-off rate from the site. On-site storage is proposed and other sustainable drainage techniques are to be investigated at the detailed design stage.

Severn Trent Water will be offered adoption of on-site sewers to the development.

The Environment Agency, noting that the site lies within Flood Zone 1 (the lowest zone of flood risk), raises no objection to the proposal.

It is recommended that appropriate conditions could secure specific design details of proposed surface and foul water drainage systems.

Policies and Guidance:

National Planning Policy Framework

Section 10: Meeting the challenge of climate change, flooding and coastal change

Adopted Stafford Borough Local Plan 2001 – Saved Policies:

Policy E&D50 – Land drainage and flooding

#### **5. Impact of Trees and Hedges**

The applicants' arboricultural assessment, which acknowledges the presence of Tree Preservation Order No. 37 of 1975, advances that the proposal has been designed to retain and incorporate the majority of existing individual trees, especially those to boundaries. Only a small section of Tree Group 5 will require removal in order to gain vehicular access to the development site.

The Tree Officer has considered the proposal, including the submitted arboricultural material, and raises no objection. The Tree Officer's suggested conditions relating to

protection and landscaping can be incorporated into any grant of planning permission.

Important hedgerows on the site are to be retained where possible and enhanced and this is seen as advantageous to the development.

It is also important to note that the proposal includes significant new tree planting which in time will enhance the appearance of the development, whilst providing an landscaped boundary to surrounding agricultural land and existing dwellings. In the above context, there is no objection to the development.

Policies and Guidance:

National Planning Policy Framework

Section 11: Conserving and enhancing the natural environment

Adopted Stafford Borough Local Plan 2001 - Saved Policies

E&D44 – Development affecting trees and hedgerows

## **6. Other environmental considerations**

An environmental noise assessment has been prepared in support of the proposed development. In conclusion, the assessment advises that future residents will not be affected by adverse noise sources subject to suitable glazing requirements. Such specifications can be secured by planning condition.

The Environmental Health Officer raises no objection to the proposal in principle, subject to conditions relating to the construction phase. Given the close proximity of the application site to existing dwellings, it is considered that the suggested conditions are considered necessary and reasonable.

It is considered that the loss of agricultural land is not harmful to overall provision in the wider area. In this regard, the need to meet identified housing needs is seen as of greater importance.

Policies and Guidance:

National Planning Policy Framework

Section 11 – Conserving and enhancing the natural environment

Adopted Stafford Borough Local Plan 2001 - Saved Policies

E&D1 (iv) - General requirements - environmental safeguards;  
E&D55 – Contaminated land

## **7. Layout, Design, Scale and Appearance**

The proposed design of dwellings (scale, form and appearance) is considered acceptable.

The development includes a wide range of house types, including individually designed dwellings which positively engage corner locations.

All house types, including the apartment building, have accommodation over 2 floors and display the principles of traditional architecture.

The layout combines formal and informal arrangement of dwellings in order to add variety to the overall development.

Particular attention has been paid to limiting the concentration of hard surfaced parking spaces by use of landscaping and inclusion of intervening space. Where possible house types have been chosen which include parking to one side and to the rear to limit car dominated frontages.

The incorporation of a long stretch of open space running through the centre of the site will provide an attractive open and landscaped feature which will include existing and new hedge and tree planting.

The proposal has also been sensitively designed to limit the impact of the development on adjoining open countryside by the incorporation of open space area on the outer edge of the site with open countryside. Upon maturity, such planting will provide a good level of screening such that the proposal will be sufficiently mitigated by having an appropriate landscape buffer with open countryside, including the adjacent area of Common land.

The proposed layout is also sensitive to existing neighbouring dwellings, which include bungalow house types, by the introduction of new tree and shrub planting close to common boundaries.

It is considered that the development has been sensitively designed to minimise its impact on the surrounding area, including adjoining countryside and dwellings.

In this context, there is no design-based objection to the proposal.

Policies and Guidance:

National Planning Policy Framework

Paragraphs 7 - 9, 17, 47, 50, 55, 56 – 68 and 69

Adopted Stafford Borough Local Plan 2001 (LP) – Saved Policies

E&D1 General Requirements;

E&D2 Consideration of Landscaping or Townscape Setting;

E&D44 Development Affecting Trees and Hedgerows;

E&D48 Landscape Proposals Submitted with planning Applications;

E&D49 New Tree and Shrub Planting Proposals;  
HOU1 Development in Existing Residential Areas; and  
HOU5 Residential Development: Layout and Design

Staffordshire Residential Design Guide (2000)

## **8. Residential Amenity**

In the interests of privacy, the design and layout of the development avoids directly opposing principal window situations of less than 21m between existing and proposed dwellings. Similarly, there is sufficient separation distances between existing and proposed dwellings to provide acceptable levels of outlook and natural lighting. Overall, the proposal is considered acceptable in the context of Space About Dwellings (SAD) guidance relative to the amenity of existing neighbouring dwellings.

A significant number of the proposed dwellings do not accord with the principal window to site boundary 6m SAD guidance separation distance. Whilst these breaches are significant in distance and number it is considered unlikely that harmful privacy intrusion would result as passers-by would have to make a conscious effort to stop and look into windows of proposed dwellings.

The minimum 10.5m and 14m SAD separation distances between proposed dwellings is achieved with only very few minor reductions, none of which would undermine the need to provide acceptable levels of natural light and outlook.

There are only a few instances where the 21m separation distance between proposed dwellings is not provided, however the offset, front-to-front siting relationships will, nevertheless, enable the provision of adequate privacy for future occupiers.

The proposal would provide a good standard of private garden space for future occupiers with many dwellings exceeding minimum length/width and overall area SAD guidance. There are a small number of plots that have modest triangular shaped rear garden areas but which nevertheless provide reasonable provision.

The aforementioned SAD breaches are not individually or cumulatively so serious that it would be reasonable to refuse planning permission on residential amenity grounds. In this regard the SAD guidance document itself recognises that appropriate amenity levels can be provided without necessarily adhering to minimum standards based guidelines.

The Police Architectural Liaison Officer (PALO) suggests the inclusion of a rumble strip in the interests of security, however a resident has raised concern that such a feature may generate unacceptable levels of noise. The scheme does not include a rumble strip and the HA's response does not suggest any such need. Whilst the PALO's suggestion has some security benefit, it is considered that a lesser impact alternative, perhaps in the form of contrasting coloured surface material, could achieve a similar outcome without noise consequences.

It is recognised that the construction period is likely to last for a significant period of time and that associated noise and disturbance will impact on existing residents.

However, this is a non-permanent effect and therefore of time-limited duration. Whilst it would not be appropriate to refuse permission in such circumstances, it would be necessary to seek to minimise and manage the effects of construction by imposing conditions based on the response of the Environmental Health Officer.

The proposed development of 114 dwellings would generate on a daily basis a significant number of vehicular movements which would have to pass through an existing residential estate.

The applicants' submitted transport assessment identifies that there will be 61 vehicle trips in the AM peak (08.00 to 09.00), 75 vehicle trips in PM peak (17.00 to 18.00) and 605 vehicle trips in the 12 hour period between 07.00 and 19.00.

The proposed development includes a single access/egress point from Spode Close. Traffic to and from the proposed development would need to travel at least along Spode Close, Wedgwood Avenue, Crestwood Drive and Common Lane before using Eccleshall Road.

No alternative means of access appears to have been considered in any detail, including the potential route along Marlborough Road onto Pirehill Lane which would provide a more direct and therefore less sinuous route than that currently proposed.

Having regard to the anticipated volume of additional traffic, the limited ability to disperse traffic throughout the surrounding road network and the orientation and close proximity of neighbouring dwellings, it is considered that the proposal would adversely affect the amenity of nearby dwellings through noise and general disturbance.

Policies and Guidance:

National Planning Policy Framework

Paragraph 17

Adopted Stafford Borough Local Plan 2001 (LP) – Saved Policies

E&D1: General Requirements;

E&D5: Noise Attenuation Requirements;

HOU1: Development in Existing Residential Areas; and

HOU5: Residential Development: Layout and Design

Supplementary Planning Guidance: Space About Dwellings

Emerging Plan for Stafford Borough

Spatial Principle 7 – Supporting the location of new development

## **9. Ecology and Biodiversity**

The Council's biodiversity officer has considered the proposal, including the submitted ecological appraisal, and is of the view that the development will not



adversely affect any statutory sites, habitats or protected species. Furthermore, biodiversity enhancements can be secured by planning condition. Accordingly, there is no objection to the proposal.

Policies and Guidance:

National Planning Policy Framework

Section 11 - Conserving and enhancing the natural environment

Adopted Stafford Borough Local Plan 2001 (LP) – Saved Policies

E&D37 Nature Conservation: Sites of European Importance;

E&D38 Nature Conservation: Sites of National Importance;

E&D39 Nature Conservation: Sites of Regional/Local importance; and

E&D40 Mitigation and Amelioration of Impact on Sites of Nature Conservation Interest

## **10. Habitat Regulations - Cannock Chase Area of Special Conservation (SAC)**

The application site lies close to the edge of the 15km zone of influence of the Cannock Chase Special Area of Conservation (SAC) which is designated under European legislation.

The application is supported by a Habitat Regulations Assessment identifies that the proposal itself would contribute no more than 0.06% of the total annual recreational visits to the SAC which is an extremely small percentage. The assessment goes on to say that with on-site recreational opportunities, which are well-linked to other facilities in the wider area, the recreational pressure from the development either alone or in combination it is not likely that there would be a significant effect on the SAC.

The assessment confirms that accessible on-site public open space is to be provided which include footpaths to enable linkages to off-site recreational areas, including Stone Common to the immediate west. The on-site and off-site footpaths will enable dog walkers to make use of both long and short circular walks from the application site. Links further afield provide access to other footpaths and byways, including longer walks. As a consequence, the various routes provide a number of realistic options for local recreation, including dog walking, jogging and cycling which would reduce residents' desire to visit Cannock Chase SAC for areas of open space. The proposal, therefore, is unlikely to have a significant effect upon the designated features of the Cannock Chase SAC.

It is considered that on-site open space including footpaths and their links to immediate and wider area recreational opportunities (including the nearby Common area) could contribute towards mitigation of the impact on the SAC.

However, a £350 contribution per dwelling (secured by a Section 106 agreement) could assist in providing strategic Suitable Alternative Natural Greenspace to further mitigate the impact of the development. The applicant has confirmed as acceptable the payment of £350 per dwelling.

As with other development proposals, a condition could secure the provision of 'welcome packs' for future occupiers of the development which would promote and provide information on local open spaces, walking and cycle routes so as to discourage travel to the SAC.

In this context, there is no objection to the development as it is considered that appropriate mitigation can be secured. However, further comments are awaited from Natural England in relation to your officers' Habitats Regulations assessment of the proposal, and this will be reported to committee verbally.

Policies and Guidance:

National Planning Policy Framework

Section 11 – Conserving and enhancing the natural environment

Adopted Stafford Borough Local Plan 2001 - Saved Policies

E&D37 Nature conservation: sites of European importance;

E&D38 Nature conservation: sites of national importance;

E&D39 Nature conservation: sites of regional/local importance; and

E&D40 Mitigation and amelioration of impact on sites of nature conservation interest

The emerging Plan for Stafford Borough: Policy N6 – Cannock Chase Special Area of Conservation (SAC)

## **11. Open Space, Recreation and Sports Provision**

The Parks and Open Space Development Officer is unconvinced that the proposal provides acceptable open space provision.

Amenity open space in this area is substandard and the nearby Spode Close play area is of insufficient size and low quality, and too close to existing residential properties to provide suitable facilities for future occupiers of the proposed development. The existing play area is constrained and impossible to expand. Furthermore, there are some doubts over the ownership of the play area and therefore the applicants' ability to make use of this existing facility. On this basis, the proposal makes insufficient provision for children's play.

The Parks and Open Space Development Officer is also critical of the retention of the hedgerow which will divide the central area of open space thus limiting its use, including for informal ball games. However, the retention of the hedgerow is seen as an important natural feature of the site. Whilst its existence may curtail some use, the open space area will, nevertheless, remain usable. On this basis, there is no objection on this particular matter.

The Parks and Open Space Development Officer is also concerned that an absence of a footpath link through the site may lead to pedestrians using the shared access driveway as a short cut. However, such use is not seen as a reason for rejecting the proposed layout.

The applicants' response to the Parks and Open Space Development Officer is awaited.

Policies and Guidance:

National Planning Policy Framework

Paragraph 17 - core principles - health and wellbeing; Section 8 - Promoting healthy communities

Adopted Stafford Borough Local Plan 2001 - Saved Policies

HOU7 - Public open space requirements for new residential development; and  
HOU8 - Commuted sums for open space provision

## **12. Affordable housing**

The applicants originally proposed the provision of 30% affordable housing based on the requirements of adopted Local Plan Policy HOU17. However, the applicant has verbally agreed to provide 40% affordable housing to accord with Policy C2 - Affordable Housing of the emerging Plan for Stafford Borough.

The existing layout of affordable housing (based on 30% of overall numbers) is located towards the south-eastern part of the site. However, it is notable that market housing is also proposed on this same of the site such that an overconcentration is avoided.

However, further confirmation is awaited from the applicant in respect of identifying the location of the additional affordable housing units (based on 40% provision) and Committee will be advised of this at their meeting.

Policies and Guidance:

National Planning Policy Framework

Paragraph 17 - core principles; Section 6 - Delivering a wide choice of high quality homes

Adopted Stafford Borough Local Plan 2001 - Saved Policies

HOU17 – Provision for Affordable Housing; and  
HOU18 – Subsidised Affordable Housing

The emerging Plan for Stafford Borough: C2 - Affordable Housing

## **13. Education Provision**

The Education Authority's requirements in respect of middle and secondary school (including sixth form) contributions can be secured by a Section 106 agreement. However, the Education Authority advises that first school demands generated by

this application and other nearby development proposals can only be met by securing additional land next to Manor Hill First School to enable its expansion. The Education Authority advises that the current applicants discuss such requirements with the developers of the Strategic Development Location site for 500 houses at Walton Hill. However, it is not within the gift of the current applicants to secure such land. On this basis, a financial contribution towards first school provision (for which the Education Authority is currently unable to define) can be secured by a Section 106 agreement.

Policies and Guidance:

National Planning Policy Framework

Paragraph 17 - core principles - community and cultural facilities and services;  
Section 8 - Promoting healthy communities

Adopted Stafford Borough Local Plan 2001 - Saved Policies

Saved Policy INT1 - Planning obligations

### **Conclusions**

Whilst it is considered that the proposed housing would be sustainable development, the single access/egress point from Spode Close and the large anticipated volume of additional traffic generated by the development, together with the constrained ability to disperse additional vehicles in the surrounding residential area, is such that the proposed development would adversely affect the amenity of nearby dwellings through noise and general disturbance and result in unacceptable levels of noise and disturbance that would have a significantly harmful effect on the living conditions of neighbouring residents.

### **Consultations**

Forward Planning:

The Council can demonstrate a 5 year supply of housing land, including a 20% buffer. This application is a substantial residential proposal that lies outside the identified Strategic Development Locations and the proposed development strategy.

Considerable weight should be attached to the emerging Plan for Stafford Borough which has demonstrated that for the plan period objectively assessed housing need can be fully met, as supported by Paragraphs 215 and 216 of the National Planning Policy Framework. It has an up-to-date evidence base, is at a late stage in its development and has been produced in accordance with the National Planning Policy Framework.

The application proposes that 40% of the dwellings will be affordable housing, this meets the policy requirements set out in the emerging Plan for Stafford Borough. Policy C2 requires developments of 12 or more units in Stone to provide 40% affordable housing. The most up to date viability evidence the Council has shows

that 40% affordable housing is deliverable at Stone. The Council expects an independent economic viability assessment to be provided if this is disputed.

Following the receipt of the Inspector's Recommendations for Further Main Modifications the Council has sought representations on a number of main modifications to the Plan. Stone is identified in the Plan as the second most sustainable settlement in the hierarchy (SP4). There is a main modification affecting the apportionment of residential development to take place at Stone, MM9, which increases the apportionment from 8% to 10%. This equates to an extra 200 units required at Stone over the Plan period.

The planning history of the site includes an outline planning application for residential development 03/00534/OUT that was refused and dismissed at appeal (APP/Y3425/A/03/115747). Reasons for refusal included the need for affordable housing not being sufficient to allow the development and the significant effect this site would have on the countryside.

The proposed development is on a green field site outside the Residential Development Boundary (RDB) for Stone. The development of the site for housing would, therefore, be in conflict with Saved Policy HOU3 of the Stafford Borough Local Plan 2001. The existing RDBs will be removed upon the adoption of the Plan for Stafford Borough; and edge of settlement development will be controlled under SP7. The application is not considered to be in accordance with the requirements SP7.

Stone Town Council:

Strongly object as better infrastructure needs to be put in place before new housing can be considered. There is a history of poor drainage in the area. Proposal is outside of the residential development boundary and is not in the Stafford Borough Council Plan.

Highway Authority:

No objection subject to a Section 106 agreement to secure a £2150 travel plan monitoring fee and £60,000 for the Stafford Borough Integrated Transport Strategy 2013 - 2031, and subject to conditions (no occupation until accesses, including emergency access, have been provided; details of road construction including lighting and drainage, surface water drainage; details of construction traffic routing, compound and storage areas; operatives parking; and wheel cleaning/washing facilities.

Environment Agency:

Located within Flood Zone 1 (low probability of flooding). Recommend consultation with Lead Local Flood Authority and/or Local Land Drainage section to provide information to support review of submitted flood risk assessment where surface water flooding is/may be an issue.

Surface water run-off should be controlled through a sustainable drainage approach to surface water management ie SUDS.

Where disposal is to be made to public sewer, the water company should confirm that there is adequate spare capacity in the existing system taking account of future development.

Developers encouraged to reduce run-off rates from previously developed sites as much as possible, preferably to Greenfield rates, wherever possible using infiltration and attenuation techniques.

Surface water flood risk assessments should include an increase of 30% in peak rainfall intensity.

Pumping of surface water is unsustainable, preference for a gravity system.

School Organisation (Staffordshire County Council):

Excluding affordable housing units, the proposal would add 17 first school pupils, 10 middle school aged pupils, 7 high school pupils and 2 sixth form pupils. All schools are projected to be full for the foreseeable future.

Request contributions towards first, middle and secondary provision.

County council currently in the process of securing additional land on the strategic housing site to enable the expansion of Manor Hill First School. Level of housing proposed on two sites (in addition to the strategic site) may be a cause for concern unless these sites can contribute to additional land and contributions in order to expand the local schools.

Suggested that the developer discusses with the applicant of the strategic housing site to develop a strategic solution across the two additional housing sites to mitigate impact on first school provision.

Additional land required for both or one of the additional housing sites to allow expansion of Manor Hill into a 2 FE school plus educational contributions towards the additional cost of building extra capacity.

In addition to additional education provision for first school places (cost as yet unknown) seek 8 middle school places (total of £138,270), 7 high school places (total of £116,354) and 2 sixth form places (total of 36,054) giving a current overall total of £290,678.

Environmental Health Officer:

Recommend conditions to safeguard nearby residential occupiers from undue disturbance during construction activities, including time restrictions of construction and deliveries, no burning on site, damping down facilities to prevent excessive dust, carrying out of road sweeping, any equipment left running shall not be audible at site boundary with residential properties and screening required to prevent excessive noise.

Adequate drainage required.

Ensure that suitable refuse and recycling facilities are provided.

Housing Officer:

Council policy that at least 30% affordable housing should be secured by a Section 106 agreement.

Parks and Open Spaces Development Officer:

Amenity open space in this area falls short of national guidelines and is in need of refurbishment.

Applicant does not propose to construct a play area due to close proximity of the Spode Close play area, however no assessment has been made to assess if it is of sufficient size to cater for existing and proposed demand

Existing play area is low quality and immediately adjacent (less than 4m away) from properties. Current industry best practice is a location with a minimum 25m buffer.

Play area is of insufficient size under the Strategy to cater for new development, nor of sufficient quality. The site is constrained and not possible to expand. Applicants' proposal is not sound in terms of Council's policy.

The existing play area and associated land is in private ownership. Does not appear that any consultation has taken place with the management company to ascertain their views on increased usage, given they are responsible for repairs, maintenance and cleansing, which will be increased as a result of the current proposal.

Retention of the hedge is not acceptable as divides the open space into 2 halves with its resultant use severely restricted and will prevent areas from being used as informal balls games area etc.

No footpath link through the site, therefore likely that the shared access driveway will be used by pedestrians as a short cut.

Proposed emergency access is outside red edge application site.

Object – no contribution towards children's play; poorly designed open space which will lead to conflict; and emergency access proposed on land outside applicants' ownership.

Should the application be approved, recommend that an off-site contribution towards play provision and sports facilities are secured, based on Council's current policy.

Tree Officer:

Proposed tree loss and works considered acceptable subject to mitigation replanting and completion of works on veteran tree by an arboricultural approved contractor who is suitably experienced and competent.

No objections, subject to conditions (protection and landscaping).

Biodiversity Officer:

Applicants' ecological assessment found that land has low ecological value. No great crested newts found. No active badger setts identified, but recommended that a resurvey is carried out prior to commencement of works.

If mature trees to be removed or have works undertaken a bat survey would be first required.

No works to be undertaken during bird nesting season unless applicant demonstrates that breeding birds will not be affected.

Five bird boxes and one barn owl box required with locations to be determined by an ecologist.

Hedgerows and trees should be retained where possible and appropriate native species used to fill any gaps. Any loss should be replaced. Recommended that these are managed on a three-year rotation for wildlife value.

Police Architectural Liaison Officer:

Recommend use of Secured by Design products.

Natural England:

Local planning authority's responsibility (not applicants') to produce habitats regulations assessment.

Site lies within the 15km zone of influence around the Cannock Chase Special Area of Conservation (SAC) where it is estimated that 75% of visits are generated. Scale of housing development predicted within this zone is thought likely to increase visitor numbers on the SAC by 15% and considered that this will have significant effects on the interest features for which the SAC was classified. Likely effects arise from wear and tear and dog fouling along paths.

Considered necessary before any grant of permission to secure measures which will avoid the likelihood of significant effect from arsing, or to undertake an appropriate assessment of the effects of this development with regard to conservation of objectives of the SAC.

Proposal may provide opportunities to incorporate features into the design which are beneficial to wildlife and biodiversity enhancements should be secured.

Neighbours: 44 replies received, summary of main issues raised:

Existing problems (on-going for 10 years) associated with adjacent David Wilson Homes development remain unresolved – the Council and the developer deny responsibility for their resolution;



Permission should not be granted until remedial work has been completed;  
Proposed access is unacceptable – current estate already suffers from congestion, with Spode Close virtually blocked off if residents and visitors park on the road;  
Additional traffic will increase disruption and stress to residents, including from noise and car headlights at night;  
Traffic impact will be felt at peak times on Eccleshall Road;  
Adverse impact on highway safety, including for children who use the small park near Spode Close;  
Construction traffic will be a danger to the public and cause disruption and noise;  
Proposal will be a problem for existing and future residents;  
Existing bus service won't be able to negotiate the proposed 'maze';  
Alternative access arrangement for both proposed developments in the area should be considered which will represent a win-win for all;  
Existing drainage problems should be addressed by developer;  
Freezing of unadopted roads in winter is dangerous with no Council gritting service;  
With snow whole estate and Spode Close in particular, becomes impassable other than for 4 x 4 vehicles;  
Concerned about emergency access if there was a major problem;  
Concerned that increased vehicles will be a safety issue for children;  
Existing infrastructure in Stone is already gridlocked and would not be able to cope with planned new developments;  
Already difficult to access schools, doctors, dentists and shops – additional 2000 – 8000 people will not help this;  
Proposal will not complement or enhance the local community;  
Proposal falls outside Stone's Residential Development Boundary and not included in the Stafford Borough Council Plan;  
Land is Green Belt;  
Government does not view an up to date development plan as crucial to the delivery of the requirements of the NPPF;  
NPPF figures also need to be considered in the context of history and reality – not once in the last 20 years has any Government met the stated need for 240,000 new houses per year – in fact UK house building has not achieved half of such a requirement;  
Appreciate that the Council need to plan for 800 new homes in Stone by 2026 – this has partially been met by 500 new homes west of Longhope Drive. Also, a proposal for 215 new homes on Tilling Drive. If current application is approved this will mean a total of 829 homes;  
Proposal would result in the creation of an undesirable precedent for residential development in the open countryside which the Council would find difficult to resist;  
Proposal will prejudice the regeneration of Stone-on-Trent;  
Applicant does not look after existing open areas and has been an eyesore for almost 10 years;  
Similar application made in 2003/2004 by Castle Homes (owned by applicant) and was refused and dismissed on appeal;  
Previous application refused via Marlborough Road as farmer refused to sell a small strip of land to the developers;  
Site includes 2 trees protected by a tree preservation order which are adjacent to access;  
Land is a habitat for many protected species;  
Rumble strip suggested by Police Architectural Officer would cause extreme noise pollution, particularly when used by 200 vehicles each day;

Response of Highway Authority disregards existing residents on the estate;  
Consequent changes cannot be mitigated by Section 106 requirements;  
200 proposed homes on 2 nearby sites (additional to 500 in the emerging) have not  
be planned as part of the review of the local plan and will have a significant impact  
on this part of the town;  
200 new homes will bring only profit for the developer and land owner and this does  
not represent the interests of the strategic future of Stone as set out in the plan or the  
effect on the environment;  
Concerned about the location of affordable housing on the site – majority of adjacent  
residents are elderly and this shows a lack of respect and concern for future well-  
being;  
Affordable housing should be spread throughout the site;  
Concerns over impact of the development on existing wildlife on the site – retention  
of hedgerows will not off-set the impact of the development;  
Query where additional residents will work?  
Existing long standing flooding problems will be exacerbated;  
Conclusions of flood risk assessment based on theoretical knowledge and statistical  
data which cannot assimilate unknown factors such as climate change;  
Proposed flood attenuation measures will clearly be inadequate and will not prevent  
flooding of the watercourse down to the A34;  
Existing foul sewer system is not fit for purpose;  
Increased pollution;  
Proposal will ruin the semi-rural nature of the area;  
Visual impact and will be intrusive when viewed from the Common;  
Will significantly impact on the amenity of the Common;  
Proposal will have an urbanising effect;  
Loss of sunlight, daylight and privacy to existing residential property, including to  
gardens;  
Only low level properties currently surround the site;  
Loss of best and most versatile agricultural land, with subsequent adverse impact on  
food supply;  
Land has been left for grazing for the last few Summers so as to allude to non-arable  
use;  
Irrelevant that site is a small part of a wider area – this is a common situation; and  
Impact of HS2 could impact on the completion of new residential development to the  
west of Stone.

### Relevant Planning History

Part of current application site only:

03/00534/OUT – Residential development – Refused May 2003, subsequent appeal  
dismissed July 2004.

91/27163/OUT - Development of land for permanent residential (some low cost) &  
open space purpose duplicate application to 27095 – Refused June 1992,  
subsequent appeal dismissed in April 1993.

91/27095/OUT - Development of land for permanent residential & open space  
purpose - Refused December 1991.

Beyond the current application (to the north):

98/37110/FUL - Erection of 64 detached dwellings with garages and associated roads and sewers and public open space - Approved March 2000.

**Recommendation** – Refuse for the following reason:

1. The amount of additional traffic generated by the proposed development, together with the constrained ability to disperse additional vehicles in the surrounding residential area would result in unacceptable levels of noise and disturbance that would have a significantly harmful effect on the living conditions of neighbouring residents. This would be contrary to Saved Policies E&D1 (iv), E&D5 and HOU1 (iii) of the Stafford Borough Local Plan 2001, Spatial Principle 7(l) of the emerging Plan for Stafford Borough and Paragraph 17 of the National Planning Policy Framework.



David Wilson Homes (Central,  
Mercia And West Midlands)  
C/O Wardell Armstrong  
FAO Mr Frank Hayes  
Sir Henry Doulton House  
Forge Lane  
Etruria  
Stoke On Trent  
Staffordshire  
ST1 5BD

Date Registered 6 December 2013  
Decision Date 24 March 2014  
Issue Date 24 March 2014

### TOWN AND COUNTRY PLANNING ACT 1990

### REFUSAL OF PERMISSION FOR DEVELOPMENT

Application No: 13/19605/FUL  
Proposed Development Residential development including the creation of a new access onto Spode Close, creation of open space, associated landscaping and associated infrastructure  
Location Land At Walton Heath Common Lane Stone  
O. S. Reference: 389439 332360

Stafford Borough Council, in pursuance of powers under the Town and Country Planning Act, hereby refuse the above development in accordance with the accompanying plans and subject to the following reasons :-

1. The amount of additional traffic generated by the proposed development, together with the constrained ability to disperse additional vehicles in the surrounding residential area would result in unacceptable levels of noise and disturbance that would have a significantly harmful effect on the living conditions of neighbouring residents. This would be contrary to Saved Policies E&D1 (iv), E&D5 and HOU1 (iii) of the Stafford Borough Local Plan 2001, Spatial Principle 7(l) of the emerging Plan for Stafford Borough and Paragraph 17 of the National Planning Policy Framework.

Head of Planning and Regeneration  
On behalf of the Council



## Appeal Decision

Hearing held on 23 September 2014

Site visit made on 23 September 2014

**by Victoria Lucas-Gosnold LLB MCD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 24 October 2014**

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### **Appeal Ref: APP/Y3425/A/14/2220297 Land at Spode Close, Stone, Staffordshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by David Wilson Homes (Central, Mercia and West Midlands) against the decision of Stafford Borough Council.
  - The application Ref 13/19605/FUL, dated 15 November 2013, was refused by notice dated 24 March 2014.
  - The development proposed is residential development including the creation of a new access onto Spode Close, creation of open space, associated landscaping and associated infrastructure.
- 

### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. Since the Council's determination of the original application, they have adopted 'The Plan for Stafford Borough' (June 2014). The saved policies referred to from the Council's Local Plan (2001) are therefore no longer part of the development plan. For the purposes of this appeal, I must have regard to the up to date policy position. As the appellant and other third parties have been given the opportunity to respond to this change in the policy framework during the appeal process, I am satisfied that their interests have not been prejudiced in this regard. I have determined this appeal accordingly.
3. Both parties have referred to several policies from the 2014 Local Plan and also a number of national guidance and statements including paragraphs from the National Planning Policy Framework (the 'Framework'). I have referred only to those policies which I consider to be relevant to my decision.
4. At the hearing, the appellant submitted a draft Unilateral Undertaking (UU) which sought to make provision for education, a number of sustainable transport measures, including the implantation of a travel plan, on site and off site open space, affordable housing, Suitable Alternative Natural Greenspace (SANG) and sports contributions. As the UU was in draft form, I agreed with the parties at the hearing that a completed UU could be submitted within seven working days from the date of the hearing. A completed UU was duly submitted within this timetable and I have taken account of it in my decision.

5. The draft UU was discussed at the hearing during which the parties were given the opportunity to discuss its content. I was made aware that the Council had made a request prior to the hearing for a financial contribution towards sports provision. I asked the Council to provide evidence as to how the amount requested was arrived at. The Council indicated to me that the evidence upon which they had relied was rather extensive and covered the whole Council area. I therefore agreed with the parties that the Council should be allowed seven working days from the date of the hearing to submit the relevant written evidence in abbreviated form. This information was submitted within the agreed timetable and I have therefore taken account of it in my decision. In the interests of fairness, I also allowed the appellant an additional five working days to comment on the written evidence submitted via a written representation as they had not had the opportunity to discuss this during the course of the hearing.

### **Application for costs**

6. At the hearing, an application for costs was made by David Wilson Homes (Central, Mercia and West Midlands) against Stafford Borough Council. This application will be the subject of a separate Decision.

### **Main Issue**

7. The main issue is the effect of the development proposed on the living conditions of neighbouring residents with particular regard to noise and disturbance.

### **Reasons**

8. The appeal site is currently farmland, comprising two fields on the south-western edge of the market town of Stone. The site is bordered to the north and east by an existing development of modern housing. An area of public open space, a common and car park lie to the west of the site, with agricultural fields to the south west leading up to the M6 motorway. Hedgerows define the boundaries of the site, with the exception of its eastern boundary and a belt of trees which runs along its eastern and northern boundary. Additionally there are a number of individual trees situated along the central part of the site which follow an existing hedgerow. The site area is approximately 4.9 hectares and slopes gently downwards towards the existing residential area. I understand that the appeal site is not allocated for any particular use in the development plan.
9. The appeal proposal would see the construction of 114 dwellings, 40% of which would be intended to be provided as affordable housing. The dwellings proposed would comprise a mix of house types and styles including detached, semi-detached and terraced. A mix of one to four bedroom houses would also be provided. Areas of public open space are proposed including a central area of amenity green space and an area of natural and semi-natural greenspace. Elements of the existing landscape would be retained and enhanced via the proposed planting of new woodland along the perimeter of the appeal site. Proposed pedestrian corridors would be created through the site linking both the existing residential estate next to the site and areas of open space. The development proposed would be served by a single access point off Spode Close.

10. My attention has been drawn to the planning history of the appeal site. Previous planning applications for similar types of development have been refused by the Council. There is also a previous appeal decision<sup>1</sup> which was dismissed. In that appeal the Inspector concluded that the proposal would be harmful to the character and appearance of the area. However, since that decision was issued in 2004 there has been a significant change in the policy framework at both the local and national level. Therefore, whilst I have had regard to that decision, I have determined this appeal on its own merits and in line with the up to date policy position.
11. Spode Close is a cul-de-sac with five dwellings. Vehicles exiting and entering the proposed access for the appeal scheme would do so via this cul-de-sac in the first instance. They would then pass through three 'T' junctions within the estate before reaching the nearest major distributor road, Common Lane. The estate roads are of a suitable width in order to accommodate two-way traffic. There is however a 'pinch point' on Coalport Drive located either side of its junction with Spode Close. The highway narrows to a single cars width at this point and there are bollards either side of the highway which restrict the width of the highway.
12. Given the small number of dwellings located on Spode Close, vehicle movements are currently likely to be largely restricted to the residents who live there and any associated visitors. This is particularly so given that it is a cul-de-sac. There is also a small area of open space at the head of the close and a children's play area which has various pieces of play equipment installed. This links with Wedgewood Close and provides a pedestrian link between the two roads. This play area and Spode Close itself adjoin open fields. In terms of the existing levels of noise, the distant hum of traffic from the M6 motorway can be heard. However, I am in agreement with local residents and the Council that this is very much a constant, low level noise which fades into the background. It is therefore not unduly dominant as a result. The predominant characteristics of Spode Close are therefore a peaceful, quiet environment with very few vehicle movements. This is also true of other estate roads in the area, although as one travels further away from Spode Close towards Common Lane, the environment become less quiet due to the increase in vehicles travelling along those roads in order to access the wider estate.
13. At the hearing, the appellant referred to a vehicle count which was undertaken in May 2014 at Spode Close and was submitted as part of the transport evidence in support of the original application. In the am peak there were two cars, in the pm peak there was one car and over a twelve hour period there was 21 cars in total counted. It is anticipated that as a result of the development proposed, there would be 63 vehicles in the am peak, 76 vehicles in the pm peak and 623 over a twelve hour period in total. Whilst I note there is some dispute as to whether the particular day of the count was during the school holidays, the evidence does show that there are currently a small number of vehicles travelling along Spode Close and that this would see a significant increase as a result of the development proposed.
14. The Council accepts that the proposal would not be harmful in relation to highway safety or the free flow of traffic as a result of traffic associated with the development proposed. I understand that the relevant parking standards

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<sup>1</sup> APP/Y3425/A/03/1135747 Decision date: 2004

would also be satisfied. I also note that the highway authority did not object to the proposal in this regard, subject to conditions. The transport evidence submitted by the appellant also indicates that there would be sufficient capacity on the estate roads to accommodate the development. The technical noise evidence also found that there would be no material change to the level of noise as a result of the development proposed and the Council's environmental health officer did not object to the proposal in this particular regard.

15. The Council does not dispute the science of the technical evidence submitted per se, it is rather the conclusion of that evidence which is at issue. I am in agreement with the Council that the assessment of the living conditions that residents currently experience in the area, and Spode Close, in particular, is necessarily a subjective judgement. As such, a purely scientific appraisal of the effects of the scheme may find it more difficult to assess this particular element.
16. The fact is that the evidence does show that, when compared with the existing situation, there would be a significant increase in the volume of traffic travelling along Spode Close in particular and other estate roads close to the appeal site as a result of the development proposed. There are several highway features including junctions and a 'pinch point' which those vehicles would need to negotiate before exiting the wider housing estate. This would result in several manoeuvres having to be undertaken by the drivers of those vehicles including breaking, accelerating and general engine noise. The nature of that noise would be different to the background hum of traffic from the M6 motorway as it would be experienced by residents at close quarters and would be intermittent throughout the day.
17. Vehicles accessing the development proposed would be likely to be a constant feature throughout the day and into the evening. I understand that the majority of dwellings on the Close have front facing living rooms and front facing main bedrooms situated approximately 5 metres from the highway. Many residents are also retired and therefore more likely to be at home during the day. Residents using their main living areas and bedrooms would therefore be likely to experience the noise associated with vehicles using the proposed access at close quarters. This is particularly so during the summer when they may choose to leave their windows open and therefore would be more likely to be disturbed by the comings and going of future residents accessing the proposed development. This would be materially different to the quiet and peaceful living environment which residents on Spode Close in particular currently enjoy. The appeal proposal would therefore have a significantly harmful on the living conditions which those residents currently enjoy as a result.
18. I also have concerns regarding the effect of the development proposed on the children's play area which I understand is used by children from the wider estate. Whilst I accept that children are capable of dealing with change, the play area currently benefits being located in a relatively traffic free environment. The increase in vehicles as a result of the development proposed would greatly alter this and would increase the number of potential hazards which children wishing to access the play area would have to negotiate. I consider that the use of the access proposed would therefore materially affect the amenity value of that play area as a result.



19. Accordingly, I conclude that the proposal would be harmful to the living conditions of neighbouring residents with particular regard to noise and disturbance. The proposal would therefore conflict with spatial principle 7 (I) of 'The Plan for Stafford Borough' (June 2014) which, among other things, states that development will, in principle, be acceptable because it will not adversely affect the residential amenity of the locality. The proposal would also conflict with one of the core planning principles of the Framework which states that planning should always seek to secure a good standard of amenity for all existing occupants of buildings (paragraph 17).

### **Other Matters**

#### *Emergency Access*

20. I note that there is some dispute as to whether a suitable emergency access for the appeal scheme could be created. An illustrative plan was submitted by the appellant at the appeal which did show that one could be created. However, this would involve building the emergency access on part of the public open space next to the existing play area. At the hearing, it was indicated to me that this area of land is owned by an independent estate management company and not the appellant. As such, it does not appear to be within the control of the appellant. I note that the provision of an emergency access was a requirement of the highway authority to be secured via a condition to ensure that safe and suitable access could be maintained for the proposed development in light of an emergency occurring. Therefore notwithstanding the concerns that the Council and third parties have expressed regarding this access, in light of this uncertainty, I am not convinced that a suitable emergency access would be capable of being implemented, were the appeal to succeed. This is a matter which adds to the harm that I have identified above.

#### *Unilateral Undertaking*

21. A Statement of Common Ground was submitted by the parties and this shows that there are areas of agreement between them. In particular, the Council acknowledges that the appeal site is in a sustainable location and that the principle of the development proposed is acceptable, subject to the relevant development plan policies being satisfied. There is also agreement that the site has no particular planning, ecological or landscape designation. Whilst I appreciate the concerns of local residents and Councillors in relation to the proposal, I must also acknowledge that the appeal scheme would have several benefits, if the appeal were to succeed. In particular, a completed UU was submitted by the appellant which aims to secure a number of measures. I shall consider these in turn.
22. Policy C2 of the Local Plan requires that within Stone, residential developments of 12 dwellings or more must provide 40% affordable housing units on development site. At the hearing, the Council disputed whether or not the appeal scheme would in fact provide the required amount. This is because plans submitted with the appeal showed that 35 affordable units would be provided, whereas 40% of 114 units would require 45 affordable units to be provided. The completed UU submitted is clear that 45 affordable units would be provided as part of the scheme and would therefore comply with policy requirements.

23. There is, however, a provision in the UU which would make it possible for affordable units to be sold as open market dwellings should an affordable housing provider not be found within a three month period. Whilst I acknowledge the appellant's position that such an event would be unlikely, this would mean that were this measure to be engaged, some or all of the affordable housing provided would not be available in perpetuity. This is a weakness in the UU, nevertheless in light of the harm that I have identified above, this has not been a decisive factor in my consideration of this appeal.
24. Additionally, based on the information before me, and taking account of the completed UU, I am satisfied that, were the appeal to succeed, the proposal would make suitable provision for a financial contribution towards education, the implementation of a travel plan, the provision of suitable off site and on site recreational open space and SANG. I note that the Council disputes whether or not it should have to pay its own legal costs involved in transferring ownership of the on-site open space and play area provision. However that has not been a decisive factor in my consideration of this appeal.
25. In terms of the financial contribution sought by the Council towards a Transport Strategy, I was provided with a document entitled 'Stafford Borough Integrated Transport Strategy 2013-2031' (November 2013). Whilst Appendix 2, figure 5 of that document does show a 'Stone Local Transport Package' there is little specific information within that document as to how the figure of £60,000 was arrived at. Similarly, in relation to the financial contribution sought for sports provision, the document submitted by the Council refers to a Sport England 'Sports facility calculator' which has been used to calculate the figure of £38,508. However, there is little specific information to indicate whether there is a particular shortfall of sports provision in the area and how this figure was arrived at. I therefore have some concerns, based on the information before me, as to whether these two particular requirements are necessary, related directly to the development and fairly related in scale and kind.

#### *Housing land supply*

26. Evidence was submitted during the course of the appeal regarding the housing land supply situation in the area<sup>2</sup>. At the Hearing the appellant indicated that they wished to reserve their position regarding the Council's publicly stated levels of housing land supply in relation to possible future appeals. However, they were also clear that it was not a matter which they wished to raise specifically in regard to this appeal. Notwithstanding this, the appellant has drawn my attention to the Inspector's report following the examination of 'The Plan for Stafford Borough'. This does indicate that the housing requirements for the area should not be treated as a maximum figure. Therefore, even if there is no identified shortfall of housing land supply in the area, this would not necessarily preclude development proposals for housing coming forward. Rather, it is a question of assessing the particular harm which may occur as a result of the specific proposal in question. I note the appellant's position and have also had regard to the Framework which does state that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49).

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<sup>2</sup> Including a previous appeal decision regarding this matter – APP/Y325/A/12/2172968 Decision date: December 2012

*Other considerations*

27. There are also a number of neutral matters, where a lack of harm does not weigh in favour of the proposal. These include that the site is greenfield. Although several local residents have expressed concerns in this regard, there is nothing in the Framework which explicitly rules out the development of greenfield sites.
28. I am also satisfied that the proposal would have a neutral effect on the character and appearance of the area. This is because the appeal proposal would be located on the edge of an existing residential development. Documents and plans submitted with the appeal show that the house types proposed would largely reflect the local vernacular. The proposal would therefore relate well to the existing residential area. Landscaping (both retained and that proposed) in addition to the creation of areas of public open space would assist in visually integrating the proposal into the landscape and townscape of the area.
29. I note the concerns expressed by local residents as to the effect of the proposed development on their living conditions with regard to outlook, light and privacy. However, based on the information before me, suitable separation distances could be achieved. Additionally, the enhanced landscaping proposed around the perimeter of the site could effectively screen existing dwellings from the proposed development. The proposal would therefore not be harmful in this regard.
30. The majority of notable features on the site with habitat potential for wildlife, such as the existing hedgerows and mature trees, would be retained as part of the appeal proposal. Additional planting proposed as part of the scheme could enhance the existing habitat potential on the site for wildlife. Based on the information before me, I am therefore satisfied that the proposal would not be harmful to protected wildlife, specifically bats and badgers which may use the site and also any bird species. Conditions could be attached to ensure that retained trees are protected during construction work via maintaining suitable Root Protection Areas, if the appeal were to succeed.
31. The consultation response from Natural England indicates that due to the proximity of the Cannock Chase SAC, there may be some effects as a result of the development proposed. This would be as a result of the potential for the proposal to increase visitor numbers to the SAC. However, based on the information before me, I am satisfied that suitable mitigation measures could be put in place to overcome those concerns.
32. A Flood Risk Assessment was submitted with the application. The site is within Flood Zone 1 and is not therefore considered to be at risk of fluvial flooding. The Assessment found that the development proposed will not be affected by current or future flooding from any source. It also found that the proposal would not increase flood risk elsewhere. I also note that the Environment Agency and the relevant water company responsible did not object to the proposal in relation to this issue, subject to conditions. Therefore, although I appreciate the concerns of local residents and Councillors, I am satisfied that the proposal would not be harmful in this regard.
33. A soil assessment was undertaken and submitted by the appellant with the original application. This indicates that the proposal would result in the

permanent loss of approximately 5 hectares of the best and most versatile agricultural land, classified as subgrade 3a. However, due to the limited size of the land involved and the extent of other agricultural land in the vicinity it concludes that agricultural productivity in the locality would not be significantly affected by the appeal proposal. Additionally, a condition could be put in place, were the appeal to succeed, requiring soils on the site to be safeguarded through best practise handling and stockpiling techniques to ensure they would be suitable for future use. I therefore find no harm in this regard.

### **Conclusion**

34. Drawing matters together, I have acknowledged the benefits associated with the development proposed in my decision. These include the provision of 114 additional dwellings, of which 40% would be affordable units, the provision of recreational open space (both on and off site), a financial contribution towards education provision and the implementation of a transport plan. There are also areas of agreement that exist between the parties, including that the principle of the development proposed would be acceptable and that the appeal site is within a sustainable location. There are also several neutral matters, whereby a lack of harm does not weigh in favour of the proposal.
35. Whilst I have had regard to the benefits of the scheme, I conclude that they do not demonstrably outweigh the harm that I have identified above. This is because this particular appeal proposal would result in a significant increase in vehicle movements that would substantially increase the levels of noise and disturbance significantly above that currently experienced by residents in Spode Close in particular and other surrounding roads, albeit to a lesser extent. This would be significantly harmful to the living conditions of those residents as a result. I have also found that the proposal would not provide a safe and suitable emergency access and this adds to my concerns.
36. For the reasons given above, having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Victoria Lucas-Gosnold*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Hugh Richards	No. 5 Chambers
Jon Rowson	Barratt and David Wilson Homes
Frank Hayes	Wardell Armstrong
Mark Dawson	Wardell Armstrong
Damian Meehan	RPS Group

### FOR THE LOCAL PLANNING AUTHORITY:

John Heminsley	Planning Officer (Part time), Stafford Borough Council
Matthew Ellis	Development Team Leader, Stafford Borough Council

### INTERESTED PERSONS:

Mr J and Mrs J Jenkins	Local resident, Spode Close
Mr S Lovatt	Local resident, Spode Close
Mr Slater	Local resident, Essex Drive
Cllr Michal Williamson	Stafford Borough Council
Cllr Margaret Goodhall	Stafford Borough Council
Cllr Mrs Jill Hood	Stafford Borough Council

## **DOCUMENTS**

### BY THE APPELLANT:

- A map showing a proposed 3.7m Emergency Access Route – described during the hearing as an illustrative example
- A copy of a written costs application
- A draft Unilateral Undertaking

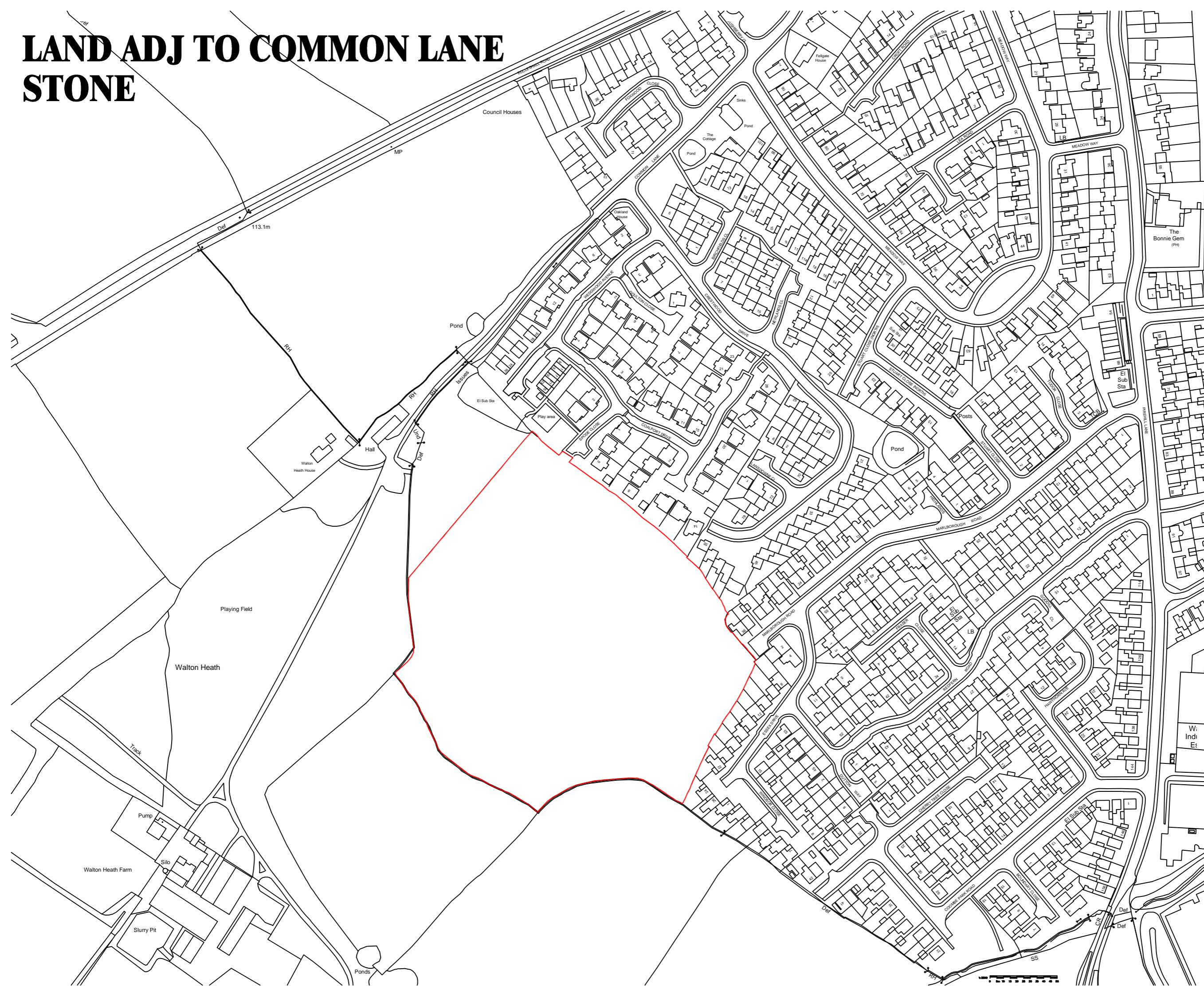
### BY THE COUNCIL:

- A written response to the costs application
- Stafford Borough Integrated Transport Strategy 2013-2031 (November 2013)


# LAND ADJ TO COMMON LANE STONE

**WARNING TO HOUSE-PURCHASERS**  
Property Misdescriptions Act 1991

Buyers are warned that this is a working drawing and the contents of this drawing may be subject to change at any time and alterations and variations may occur during the progress of the build process. As such the layout, form, content and dimensions of the finished construction may differ materially from those shown. Whilst we make every effort to ensure our drawings are up to date there may from time to time be an unavoidable delay in updating these due to changes in regulations and/or planning. Purchasers are advised to check with the Sales Adviser whether any alterations have been made to this drawing. The contents of this drawing do not constitute a contract, part of any contract or warranty.



Rev	Description	Date	Drawn	Chk'd



**DAVID WILSON HOMES**  
Mercia

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**Project**  
W:  
Indi  
E:

**COMMON LANE**  
WALTON HEATH, STONE

**Drawing Title**  
Location Plan

**Scale**  
1:2500 @ A3

**Date**  
10/11/13

**Drawn By**

**Drawing Ref**  
H6340:02

**Revision**  
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<b>Application</b>	15/21873/FUL	<b>Case Officer:</b>	Sarah Poxon
<b>Date Registered</b>	16 March 2015	<b>Target Decision Date</b>	15 July 2015
<b>Address</b>	Land At Walton Heath Common Lane Stone Staffordshire	<b>Ward</b>	Walton
		<b>Parish</b>	Stone Town
<b>Proposal</b>	Residential development including the creation of a new access onto Marlborough Road, creation of open space, associated landscaping and associated infrastructure		
<b>Applicant</b>	David Wilson Homes		
<b>Recommendation</b>	Refuse		

## **REASON FOR REFERRAL TO COMMITTEE**

This application has been called in by Councillor J Hood (Ward member for Walton) for the following reason:

"The proposed site is outside of the existing boundary and is not included in the plan for Stafford Borough. The main vehicular access proposed for Marlborough Road and additional access for pedestrians and emergency vehicles is a major safety concern to residents already living on the estate. The proposed site is a bog throughout most of the year and regularly flood, drainage on the surrounding estate is inadequate and suffers from flooding.

An increase of one hundred and fourteen new homes across the Eccleshall Road from the Longhope Drive development of five hundred new homes, plus the Taylor Wimpey development of eighty four new homes close by will put an overwhelming strain on an already inadequate infrastructure.

This development will prove to be a major Highways problem adding to traffic coming to a standstill at peak times. When a problem occurs on the M6 the town becomes gridlocked due to traffic chaos in Walton.

The proposed development threatens to impact on residents quality of life due to noise, flooding and environmental damage"

This application has also been called in by former Councillor M F Williamson and Councillor M R Goodall (Ward Member for Walton) for the following reason:

"The increase in traffic generated by the proposed development, together with the constrained ability to disperse the additional vehicles in the surrounding residential

area would result in unacceptable levels of noise and disturbance having harmful effects on neighbouring residents.

This is contrary to spatial principle 7(l) of T.P.S.B and paragraph 17 of the N.P.P.F"

## **Context**

This is a full application for 114 dwellings with access off Marlborough Road. A similar application (13/19605/FUL) was submitted in 2013 with access off Spode Close, but was refused on the basis that the additional traffic would result in unacceptable levels of noise and disturbance that would have a significantly harmful effect on the living conditions of neighbouring residents. A subsequent appeal was dismissed on the same grounds. That appeal has been challenged in the High Court where the Judge found in favour of the appellants and quashed the decision and referred the appeal back to the Planning Inspectorate for re-determination. Subsequently an application has been made for permission to challenge the High Court decision. These matters do not directly affect the determination of this application.

This application seeks full planning permission to erect 114 dwellings with open space and associated landscaping and infrastructure. Vehicular access will be through an existing residential; estate with a single access and egress point from a continuation of Marlborough Road. A 3m wide emergency access and footpath link would be provided from Spode Close.

The site is an irregularly-shaped piece of agricultural land amounting to about 5 hectares which adjoins the built-up western edge of Stone. Essentially the site will adjoin existing modern residential, development at Spode Close, Essex Drive, Marlborough Road and Windsor Close. The site will also adjoin an area of Common Land.

The proposal includes 68 market houses (2 x 2 bed, 11 x 3 bed, 55 x 4 bed), and 46 affordable houses (8 x 1 bed, 27 x 2 bed, 11 x 3 bed). The dwellings are a mixture of detached and semi-detached units, with 4 x 3 bed and 4 x 2 bed bungalows, with the rest of the units being two storey.

The layout includes a "central spine" of open space which includes the retention of existing trees and hedgerow. In addition an area of open space will skirt the boundary of the site where it adjoins open countryside. This area, which will include existing and new tree and hedge planting, will provide informal recreation opportunities including walking and dog walking, as well as softening the edge of the proposed development.

Concentrated hedge and tree planting is proposed to adjacent residential boundaries in order to filter views and mitigate the impact of the development.

The application is accompanied by the following reports:

- Planning Supporting Statement
- Design and Access Statement



- Transport Assessment and Travel Plan
- Landscape Visual Impact Assessment
- Arboricultural Assessment
- Ecological Appraisal
- Habitat Regulations Assessment
- Flood Risk Assessment
- Air Quality Assessment
- Soils Assessment
- Noise Report
- Sustainability Appraisal
- Statement of Community Involvement

## **Officer Assessment – Key Considerations**

### **1. Principle of Development**

The site lies in Open Countryside, outside the former Residential Development Boundary for Stone. However it adjoins the existing built up area to the east and south sides of the application site area.

#### Planning Policy

The National Planning Policy Framework (NPPF), paragraph 49 in section 6 states that “Housing applications should 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.” The Council has to show a 5 year + housing supply to meet the requirements of the NPPF which is set out by the housing provision within the Plan for Stafford Borough. However, the Council does have a 5 year plus 20% housing land supply.

Notwithstanding this, the NPPF emphasises in a core principle (paragraph 17) the need to proactively drive and support sustainable economic development to deliver homes. Whilst it states that the intrinsic character and beauty of the countryside should be recognised, paragraph 9 also states that pursuing sustainable development involves widening the choice of high quality homes.

#### Key Considerations

The application site is located on a greenfield site adjacent to Stone. Stone is required to accommodate 10% of the overall housing requirements for the Borough over the Plan period, totalling 1,000 new houses. At this stage no further development on greenfield land is required to meet the Plan’s housing requirement for Stone. However it is recognised that an element of provision may occur on brownfield sites within the town, as encouraged by Spatial Principle 7.

The proposed development is for 114 houses, including new public open space. Spatial Principle 4 sets out the housing distribution for the Sustainable Settlement Hierarchy across the Borough, with 10% being at Stone, or 1,000 units of the 10,000 units required over the Plan period.

The Council is monitoring the proportion of development completed and committed at each level of the hierarchy closely. Currently the Council has over 1,000 units completed or committed at Stone.

The Council accepts that the provision of 10,000 units over the Plan period is not a maximum, but considers that any growth above this figure must be delivered in proportion with the development strategy set out in Spatial Principle 4 (i.e. 10% of development to take place in Stone).

It is vital that new development in the lower levels of the hierarchy is not allowed to significantly exceed the proportional split as this would significantly distort the intended growth pattern seriously undermining the recently adopted Local Plan. It could also have detrimental impact on the delivery of the Strategic Development Locations.

The proportion of development committed at each level of the hierarchy obviously changes regularly as new developments are granted permission. However, trends can be determined. The current figures show that the target figures in SP4 are likely to be exceeded at all levels of the hierarchy.

However, they also show that the highest “overshoot” is taking place at the Key Service villages, with significant overshoot also occurring in Stone. These lower levels of the hierarchy should not be allowed to overshoot significantly above the overshoot happening at Stafford town (the highest level of the hierarchy) which should accommodate 70% of all growth in Stafford Borough.

Allowing this development of 114 houses at Stone would cause an unacceptable distortion to the proportions of development anticipated at each level of the hierarchy.

The agent however in his letter of 12 May 2015 states that the proposed 1000 new homes in Stone should not be treated as a maximum figure, and suggests that is confirmed by the Planning Inspector’s Report on the Examination of The Plan for Stafford Borough. However it is the 10,000 overall housing provision for Stafford Borough which the Council confirmed is not intended as a maximum figure.

The agent also states that the proposed scheme will contribute to achieving the scale of new housing proposed within Stone as set out in SP4. Therefore the scheme is in accordance with Spatial Principle 4. This is not accepted as the scale of new housing proposed within Stone as set out in SP4 has already been achieved. Whilst the NPPF supports sustainable development the development proposed would lead to an unsustainable growth pattern which is contrary to the objectives set out in the NPPF and if the application was to be approved would undermine the strategy.

As highlighted in Appendix E of the Plan for Stafford Borough the Council may consider restricting new development in areas where the indicative housing proportions have been exceeded.

It is considered that a development of this scale, at this settlement, would undermine Spatial Principle 4 and the development strategy of the Plan for Stafford Borough.

The proposed development is on a greenfield site adjacent to Stone. The development of the site for housing would, therefore, need to be in line with Spatial Principle 7 of the Plan for Stafford Borough.

Policy SP7 of the Plan for Stafford Borough (PSB) notes that development will be acceptable if it (amongst other criteria):

a) is in, or adjacent to, an existing settlement;

*The site is directly adjoining existing residential development.*

b) is of an appropriate scale to the existing settlement;

*Stone town is the second largest settlement within the borough with a population of 16,385 people in 2011. The town acts as a focus for retail, commercial and industrial uses for the borough. The application proposes 114 dwellings. The proposed development is considered appropriate in scale to the existing settlement.*

c) is accessible and well related to existing facilities;

*The site is some 1.5km from Stone centre, 1km from the community centre, 1.6km from the doctors surgery, there are 2 first and 1 middle school within 0.8km, and the library is 1.6km away.*

d) is accessible by public transport, or demonstrates that the provision of such services could be viably provided;

*There are bus services within the vicinity.*

e) is the most sustainable in terms of impact on existing infrastructure, or demonstrate that infrastructure can be provided to address development issues;

*A planning contribution toward education and transport provision has been accepted by the Appellant.*

f) will not impact adversely on the special character of the area, including not impacting on important open spaces and views, all designated heritage assets including, Listed Buildings, Conservation Areas and locally important buildings, especially those identified in Conservation Area Appraisals;

*Stone Conservation Area is 1.5km away, There would be no adverse impact on any designated heritage assets.*

g) will appropriately address the findings of the Landscape Character Assessment, and the conservation and enhancement actions of particular landscape policy zone / zones affected;

*The site and its surrounding landscape do not fall within any designated landscape character areas with statutory or policy protection, and it will not significantly compromise the local landscape character.*

h) will not lead to the loss, or adverse impact on, important nature conservation or biodiversity sites;

*The Ecological Appraisal indicated that the site was found to have a low ecological value. The appraisal also found that the development will not adversely affect any statutory sites, habitats or protected species.*

i) will not lead to the loss of locally important open space or, in the case of housing and employment, other locally important community facilities (unless adequately replaced);

*The proposal is not identified as locally important open space or community facility. Areas of open space are proposed as part of the scheme.*

j) will not be located in areas of flood risk or contribute to flood risk on neighbouring areas;

*Surface water run-off from the redeveloped site will be restricted. There will be no increase in the risk of flooding downstream as a consequence of the development.*

k) will ensure adequate vehicular, pedestrian and cycle access as well as cycle and short stay parking facilities on the site;

*The scheme would not have an unacceptable impact on highway capacity or interfere with the free flow of traffic on the local road network. In addition, the scheme would not undermine highway safety.*

l) will not adversely affect the residential amenity of the locality.

*See detailed comments in sections 7 and 8 below.*

## Conclusion

The proposed development is on a green field site adjacent to Stone. The Council can demonstrate a 5 year supply of housing land, including a 20% buffer. The Plan for Stafford Borough has demonstrated that for the plan period objectively assessed need can be fully met.

Although a proportion of the Borough's housing provision is required at Stone (10%) the amount of housing currently committed at this level of the hierarchy has exceeded this proportion.

The proposal would lead to a disproportionate amount of development taking place at a lower level of the sustainable settlement hierarchy. This will undermine the development strategy set out in Spatial Principle 4 of the Plan for Stafford Borough.

## Policies and Guidance:-

### National Planning Policy Framework:

Paragraph 9 (Achieving Sustainable Development)

Paragraphs 11-14 (Presumption in Favour of Sustainable Development)

Paragraph 17 (Core Planning Principles)

Paragraph 49 (Delivering a Wide Choice of High Quality Homes)

### Plan for Stafford Borough:

SP1 Presumption in favour of sustainable development

SP2 Stafford Borough Housing & Employment Requirements

SP3 Stafford Borough Sustainable Settlement Hierarchy

SP4 Stafford Borough Housing Growth Distribution  
SP7 Supporting the Location of New Development  
Stone 1 Stone Town  
Stone 2 West and South of Stone

## **2. Landscape Character**

The application is accompanied by a landscape and visual impact assessment. In relation to visual effects, the assessment concludes that the impact of the proposed development would be low to negligible. In this regard, the assessment states that views of the site are sporadic and discontinuous. New tree and shrub planting on the periphery of the site could provide mitigation to the two most critical areas from properties which back onto the site and publically accessed areas off Common Lane, adjacent to the site.

Having regard to the landscape character of the area and given that the development will stay within and retain the defining field boundary vegetation and extend the existing residential area in a proportioned and appropriate manner, the assessment concludes that local landscape character will not be significantly compromised, with minor significant impact.

The proposal includes the retention of existing and new planting of trees and hedgerows which will help screen, filter and enclose the development. Such peripheral landscaping will also provide an appropriate interface with the neighbouring countryside.

Given the comments above, there is no landscape and visual objection to the development.

Policies and Guidance:-

National Planning Policy Framework:

Paragraph 109 (Conserving and Enhancing the Natural Environment)

Plan for Stafford Borough:

N1 Design

N4 The Natural Environment and Green Infrastructure

N6 Landscape Character

## **3. Vehicular access and parking**

The access proposed is from Marlborough Road and then onto Pirehill Lane, with an emergency access and pedestrian access off Spode Close. The Highway Authority have no objections to the proposed access, subject to conditions and a Section 106 Agreement to secure a travel plan monitoring fee and a financial contribution towards the Stafford Borough Integrated Transport Strategy 2013 – 2031.

The Transport Assessment concludes that the proposed development is an appropriate scheme that should not have a material negative impact on the surrounding highway and transportation network. The accessibility analysis

concludes that the application site has good levels of accessibility to local amenities, shops, schools, and public transport routes.

Taking into account other committed housing development in the local area, the proposal would have an acceptable impact on the Walton roundabout which is currently operating within capacity. It is stated that the cumulative impacts of the proposal would not be severe enough to create highways capacity constraints and that the majority of the impact arises from the main strategic allocation, for which a series of mitigation measures are to be provided.

Having regard to the conclusions of the Transport Assessment and the highway authority, it is considered that the proposal would have an acceptable impact on the highway infrastructure.

With regard to any potential issue regarding a “ransom strip” in third party ownership at the end of Marlborough Road, the agent has commented that the strip of land in question is adopted highway and is in the ownership of Staffordshire County Council, and has provided a copy of the highway adoption plan.

It is acknowledged that there are a number of objections from local residents in terms of the impact on their amenity, and this is addressed in the section 8 on residential amenity below.

Parking provision complies with the Councils adopted standards.

On this basis it is considered that the road infrastructure has the capacity to accommodate the potential additional traffic without detriment to highway safety.

Policies and Guidance:-

National Planning Policy Framework:  
Paragraph 32 (Promoting Sustainable Transport)

Plan for Stafford Borough:  
T1 Transport  
T2 Parking and manoeuvring facilities  
Appendix B: Car parking standards

#### **4. Flood Risk and Drainage**

The application is supported by a flood risk assessment (FRA) which does not identify any impediment to the proposed residential development. The FRA confirms that the development will suitably attenuate flows up to the 1 in 100 year plus 30% rainfall event. Flow from the development will be less than the greenfield run-off rate from the site. On-site storage is proposed and other sustainable drainage techniques are to be investigated at the design stage.

Severn Trent Water will be offered adoption of on-site sewers to the development.

It is recommended that appropriate conditions could secure specific design details of proposed surface and foul water drainage systems.

Policies and Guidance:-

National Planning Policy Framework:

Paragraph 103 (Meeting the Challenge of Climate Change, Flooding and Coastal Change)

Plan for Stafford Borough:

N1 Design

N2 Climate Change

## **5. Impact on Trees and Hedges**

The applicants' arboricultural assessment acknowledges the presence of Tree Preservation Order No. 37 of 1975 and notes that the proposal has been designed to retain and incorporate the majority of existing and individual trees, especially those to boundaries. Only a small section of Tree Group 5 will require removal in order to gain pedestrian and emergency vehicular access to the development site from Spode Close.

The Tree Officer has noted that T2 and T8 have both suffered failure. The agent has indicated that it is intended to retain the remainder of the trees to provide a habitat for invertebrates.

The Tree Officer has no objection in principle but has asked for some if not all of the hedge through the central public open space to be retained. The agent notes that, on the previous application, the Parks and Open Space Development Officer suggested that the hedgerow should be removed in order to create more usable open space, and they reluctantly agreed to this. However the applicant is happy to retain the central hedgerow, and suggest an appropriately worded condition.

The Tree Officer has also expressed concern about the shading effect of a tree to be retained on plot 33 and has asked that that plot be omitted from the scheme. However the agent notes that, in planning and design terms, trees can exist close to the southern boundaries of residential gardens, and whilst some shading could occur to plot 33, this will not result in an unacceptable level of amenity. The agent's comments on this point are accepted – any requests to prune or fell this tree in the future would have to be dealt with at that time.

Hedgerows generally enclose the site and these will generally be retained and enhanced, which will help minimise the impact of the development on the wider area. It is also noted that the proposal includes for significant new tree planting within and around the site, which will in time enhance the appearance of the development, whilst providing a landscaped boundary between the proposed dwellings and surrounding agricultural land.

In the context of the above, there is no objection to the development on these grounds.

Policies and Guidance:-

National Planning Policy Framework:

Paragraph 118 (Conserving and Enhancing the Natural Environment)

Plan for Stafford Borough

N1 Design

N4 The Natural Environment and Green Infrastructure

## **6. Other Environmental Considerations**

An environmental noise assessment has been submitted in support of the proposed development. In conclusion the assessment advises that future residents will not be affected by adverse noise sources subject to suitable glazing requirements. Such specifications can be secured by planning condition.

The Environmental Health Officer raises no objection to the proposal in principle, subject to conditions relating to the construction phase. Given the close proximity of the site to existing dwellings, it is considered that the suggested conditions are considered necessary and enforceable.

In terms of the loss of agricultural land, it is not considered that this is harmful to overall provision in the wider area

Policies and Guidance:-

National Planning Policy Framework:

Paragraph 123 (Conserving and Enhancing the Natural Environment)

Plan for Stafford Borough:

N1 Design

## **7. Layout, Design, Scale and Appearance**

The density is 114 dwellings on 5h hectares, ie a density of 22.8 dwellings per hectare. The proposed design of the dwellings, in terms of scale, form and appearance, is considered acceptable. The development includes a wide range of house types, including bungalow and two storey houses which range from one to four bedrooms.

Particular attention has been paid to limiting the concentration of hard surfaced parking spaces by the use of landscaping and inclusion of intervening space. Where possible house types have been chosen that provide parking to the side and to the rear to limit car dominated frontages.

The inclusion of a long stretch of open space running through the centre of the site will provide an attractive open and landscaped feature which will incorporate existing and new hedge and tree planting.



The proposal has also been sensitively designed to limit the impact of the development on adjoining open countryside by the incorporation of open space area on the outer edge of the site to the open countryside. Upon maturity, such planting will provide a good level of screening such that the proposal will be sufficiently mitigated by having an appropriate landscape buffer with open countryside, including the adjacent area of common land.

The proposed development also respects the existing neighbouring dwellings, which include bungalows, by the introduction of a new tree and shrub planted buffer close to common boundaries.

In terms of the proposed facing materials, it is proposed to use 3 facing bricks (red, stock and blaze), render and 2 different roof tiles (grey and brown), which is acceptable.

The Police Architectural Liaison Officer (PALO) makes a number of comments in respect of details of the scheme in terms of lighting, boundary treatment and planting adjacent gable ends to prevent nuisance. The agent comments that the scheme has been designed with "Secured by Design" principles in mind, but the applicant would accept a suitably worded condition to cover the planting to the gable ends.

It is considered that the development has been sensitively designed to minimise its impact on the surrounding area, including both adjacent dwellings and the open countryside. In this context, it is not considered that there are any design-based objection to the proposed development.

Policy and Guidance:-

National Planning Policy Framework:

Paragraphs 56, 60, 61, 63 and 64 (Requiring Good Design)

Plan for Stafford Borough:

N1 Design

## **8. Residential Amenity**

### Space about Dwellings

In the interests of privacy the layout and design of the development generally avoids directly facing principle window situations of less than 21m between existing and proposed dwellings. Similarly, there is sufficient separation distances between existing and proposed dwellings to provide acceptable levels of outlook and natural lighting. Overall, the proposal is considered acceptable in the context of Space about Dwellings (SAD) guidance relative to the amenity of existing neighbouring dwellings.

There are a significant number of instances on the proposed layout where the proposed dwellings do not accord with the principle window to site boundary 6m SAD guidance separation distance. Whilst these breaches are significant in distance and number it is considered unlikely that harmful privacy intrusion would result as

passers-by would have to make a conscious effort to stop and look into the windows of those dwellings.

The minimum 10.5m and 14m SAD separation distances between proposed dwellings is generally achieved with only a very few minor reductions, none of which would undermine the need to provide acceptable levels of natural light and outlook.

There are only a few instances where the 21m facing principle window separation distance between proposed dwellings is not provided. However, the offset, front to front siting relationships will, nevertheless, enable the provision of adequate privacy for future occupiers.

The proposal would provide a good standard of private garden space for future occupiers, with many dwellings exceeding minimum length and width and overall area SAD guidance. There are a small number of plots that have modest triangular shaped rear garden areas, but which nevertheless provide reasonable provision to meet SAD standards.

The SAD breaches mentioned above are not individually or cumulatively so serious that it would be reasonable to refuse planning permission on residential amenity grounds. In this regard the SAD guidance document itself recognises that appropriate amenity levels can be provided without necessarily adhering to minimum standards based guidelines.

#### Neighbour Amenity

It is recognised that the construction period is likely to last for a significant period of time and that associated noise and disturbance may impact on existing residents. However, this is a non-permanent effect and therefore time limited relative to the construction period. Whilst it would not be appropriate to refuse permission in such circumstances, it would be appropriate to minimise and manage the effects of construction by imposing the conditions suggested by the Environmental Health Officer.

The previous application was refused on the basis of the effect of the traffic generated by the proposal on the amenity of neighbours in existing dwellings on the adjoining road network, particularly Spode Close. Spode Close is a cul-de-sac with 5 dwellings. Vehicles exiting and entering the proposed access for the appeal scheme would do so via this cul-de-sac in the first instance and then pass through three "T" junctions within the estate before reaching the nearest major distributor road, Common Lane. The estate roads are of a suitable width in order to accommodate two-way traffic, but there is a "pinch point on Coalport Drive located either side of its junction with Spode Close. The highway narrows to a single cars width at this point and there are bollards either side of the highway which restricts the width of the highway.

The Inspector noted:

".....The predominant characteristics of Spode Close are therefore a peaceful, quiet environment with very few vehicle movements. This is also true of other estate roads in the area, although as one travels further away from Spode Close towards

Common Lane, the environment becomes less quiet due to the increase in vehicles travelling along these roads in order to access the wider estate.

On this point, she concluded:

“Accordingly, I conclude that the proposal would be harmful to the living conditions of neighbouring residents with particular regard to noise and disturbance. The proposal would therefore conflict with spatial principle 7 (i) of The Plan for Stafford Borough (June 2014), which, amongst other things, states that development will, in principle, be acceptable because it will not adversely affect the residential amenity of the locality. The proposal would also conflict with one of the core planning principles of the Framework which states that planning should always seek to secure a good standard of amenity for all existing occupants of buildings (paragraph 17).”

The proposed development of 114 dwellings would generate on a daily basis a significant number of vehicular movements which would have to pass through the existing residential area. The applicants submitted transport assessment identifies that there will be 61 vehicle trips in the AM peak (08.00 to 09.00) and 605 vehicle trips in the 12 hour period between 07.00 and 19.00.

The access currently proposed is through Marlborough Road onto Pirehill Lane, with emergency and pedestrian access only from Spode Close. This provides a more direct and therefore less sinuous route than the previous proposal. On this basis it is considered that it would have less direct impact on residents along the route, and is acceptable on this basis.

Policies and Guidance:-

National Planning Policy Framework:  
Paragraph 17 (Core Planning Principles)

Plan for Stafford Borough:  
SP7 Supporting the location of new development  
T1 Transport  
N1 Design

Supplementary Planning Guidance:  
Space about Dwellings

## **9. Ecology and Diversity**

The Council's biodiversity officer has considered the proposal, including the submitted ecological appraisal, and notes that the survey work needs to be updated. A revised report has been provided.

However he is of the view that the development will not adversely affect any statutory sites, habitats or protected species. Furthermore, biodiversity enhancements can be secured by planning conditions. Accordingly there are no objections to the proposal in this regard.

Policies and Guidance:-

National Planning Policy Framework:

Paragraph 118 (Conserving and Enhancing the Natural Environment)

Plan for Stafford Borough:

N1 Design

N4 The Natural Environment and Green Infrastructure

N8 Landscape Character

## **10. Habitat Regulations – Cannock Chase Area of Special Conservation (SAC)**

The application site lies just within the 15km zone of influence of the Cannock Chase Special Area of Conservation (SAC) which is designated under European legislation.

The application is supported by a Habitat regulations Assessment which identifies that the proposal itself would contribute no more than 0.06% of the total annual recreational visits to the SAC which is a very small percentage. The assessment goes on to say that with on-site recreational opportunities, which are well-linked to other facilities in the wider area, the recreational pressure from the development either alone or in combination, it is not likely that there would be a significant effect on the SAC.

The assessment confirms that accessible on-site public open space is to be provided which includes footpaths to enable linkages to off-site recreational areas, including Stone Common to the immediate west. The on-site and off-site footpaths will enable dog walkers to make use of both long and short circular walks from the application site. Links further afield provide access to other footpaths and byways, including longer walks. As a consequence, the various routes provide a number of realistic options for local recreation, including dog walking, jogging and cycling which would reduce the resident's desire to visit Cannock Chase SAC for areas of open space. The proposal, therefore is unlikely to have a significant impact upon the designated feature of the Cannock Chase SAC.

It is considered that on-site open space including footpaths and the links to immediate and wider areas of recreational opportunities (including the nearby Common area) could contribute towards mitigation of the impact on the SAC.

The Council's revised mitigation regime for the SAC (Cannock Chase SAC – Guidance to mitigate the impact of new residential development) requires a developer contribution of £159 per dwelling only where the development is within 8km of the SAC.

As with other development proposals, a condition could secure the provision of "welcome packs" for future occupiers of the development which would promote and provide information on local open spaces, walking and cycle routes so as to discourage travel to the SAC.

In this context there is no objection to the development as it is considered that appropriate mitigation can be secured.

Policies and Guidance:-

National Planning Policy Framework

Paragraph 118 (Conserving and Enhancing the Natural Environment)

Plan for Stafford Borough

N4 The Natural Environment and Green Infrastructure

N5 Sites of European, National and Local Nature Conservation Importance

N6 Cannock chase Special Area of Conservation (SAC)

## **11. Open Space, Recreation and Sports Provision**

Sport England has registered an objection to the scheme on the basis that the site plan indicates no on-site sports provision and the S106 Heads of Terms include an open space contribution for an equipped play area only. However they note that they are happy to reconsider their view in light of provision or contributions that reflect the standards/priorities set out in the Stafford Borough Open Space, Sports and Recreation Assessment 2013.

The Council's Leisure and Culture Officer notes that amenity open space in this area is substandard and the existing play area at Spode Close is of insufficient size and low quality and too close to existing residential properties to provide suitable facilities for future occupiers of the proposed development. The existing play area is constrained and impossible to expand. Furthermore it is noted that the play area is in private ownership and therefore there are doubts as to the applicant's ability to make use of this facility. On this basis it is felt that the proposal makes insufficient provision for children's play.

The Officer is also critical of the retention of the hedgerow which will divide the central area of open space, thus limiting its use, including for informal ball games. However, the retention of this hedgerow is seen as an important natural feature of the site. Whilst its existence may curtail some use, the open space will, nevertheless, remain useable. On this basis there is no objection on this particular matter.

The Officer also raises concern about the limited pedestrian links to and through the open space and the conflict between pedestrians and vehicles, and that shared access driveways will become used as a shortcut and further pedestrian links should be developed. However, this is not seen as a reason for rejecting the proposed layout.

In terms of open space requirement the Officer asks for open space that includes an equipped play area with a site area of 8078m<sup>2</sup>, which would have a capital cost of £103,031.49. If the suggested 20% onsite / 80% offsite split is used this would result in 1615.6 sq.m. of casual play/amenity open space to be provided on site, and a financial contribution of £82,425 for off-site (for improvement/enhancement of open space and plat area at Walton Common, Tilling Drive or Whitemill Lane) open space, and a financial contribution of £38,387 for on-site and £10,717 for off-site maintenance. In terms of sports provision she asks for contributions towards the

redevelopment of wet side provision at Westbridge Park (£38,127), and sport hall enhancement (£44,677) and artificial turf pitch improvements (£6512) at Alleynes Academy. These would be covered under a S106 Agreement, and would address the objection raised by Sport England.

Policies and Guidance:-

National Planning Policy Framework:

Paragraph 17 (Core Planning Principles)

Paragraph 73 (Promoting Healthy Communities)

Plan for Stafford Borough:

N1 Design

C7 Open Space, Sport and Recreation.

## **12. Affordable Housing**

The submitted layout includes for 46 affordable dwellings – 37 for rent and 9 intermediate (40%). The mix contains 8 x 1 bed apartments, 4 x 2 bed bungalow, 23 x 2 bed house, 11 x 3 bed house, with a mix of semi-detached and terraced units. The provision and retention in perpetuity of these units would be controlled through a Section 106 Agreement. The bungalows and most of the units are located in the south east corner of the site, with a further 6 in the centre and 3 at the northern end of the site.

The Housing Strategy and Research Officer has confirmed that the mix is fine. She would prefer the spread of units to be more throughout the site; she would be happy if they could break the cluster of affordable in the south east into two parts, so there isn't such a strong concentration of affordable at the bottom end of the site.

The scheme therefore meets the comments of the Housing Officer in terms of house size, tenure, and split, but not clusters of 15 – see above. However, the cluster is less than that shown on the previous application, and therefore it is considered that it would be difficult to object to the scheme on this basis. On this basis the proposed affordable housing is acceptable.

Policies and Guidance:-

National Planning Policy Framework

Paragraph 50 (Delivering a wide choice of high quality homes)

Plan for Stafford Borough

C1 Dwelling Types and Sizes

C2 Affordable Housing

## **13. Education Provision**

The Education Authority notes that all local schools (First, Middle, High and Sixth Form) are presently full, but their requirements in respect of contribution of £433,929

towards First School provision, Middle School provision and Secondary provision can be secured by S106 Agreement.

Policies and Guidance:-

National Planning Policy Framework:

Paragraph 17 (Core Planning Principles)

Paragraph 72 (Promoting healthy communities)

Plan for Stafford Borough:

I1 Infrastructure Delivery Policy

#### **14. Other issues**

The latest proposed line for HS2 Western Leg (West Midlands to Manchester) is to the west of the site. The current proposal is for it to be on the east side, but close to the M6 motorway. The distance from the edge of the site to the proposed line is some 420m, the safeguard corridor being some 60m on this side of the line. Whilst there may be the potential for some noise, particularly where the line is on the south west side of the site, this is partially mitigated by the presence of the M6 motorway. In any event this proposal is only at the consultation stage.

With regard to the Section 106 Agreement, the agent has queried this, on the basis of the Inspectors comments on the previous application, particularly paragraph 25 which indicates that there seems to be a lack of evidence available on some of the suggested planning contributions, and that he has not received any evidence of the need for these planning contributions. However he has confirmed that all points raised are acceptable.

A Section 106 Agreement would be required to cover:

- A contribution to local education provision - £433,929
- Provision and retention of affordable housing (46 dwellings)
- A travel plan and monitoring fee of £2,150
- A contribution of £60,000 towards the Stafford Borough Integrated Transport Strategy.
- A contribution towards sustainable travel of a free 3 month bus pass, a cycle and a travel information pack per dwelling.
- Provision of 1615.67 sq.m. of casual play/amenity open space to be provided on site, a financial contribution of £20,606.29 for on-site and £82,425.19 for off-site (for improvement/enhancement of open space and plat area at Walton Common, Tillington Drive or Whitemill Lane) open space, and a financial contribution of £38,386.89 for on-site and £10,718.02 for off-site maintenance.
- Off site Sports Contributions of

Category	Per person	Contribution for 114units
Pool	£146	£38,127
Sport Courts / Halls	£171	£44,677
Artificial Turf Pitches (3G)	£25	£6,512

The contribution should be directed towards the redevelopment of wet side provision at Westbridge Park and Sport Hall enhancement and ATP improvement at Alleyne's Academy.

Policies and Guidance:-

National Planning Policy Framework  
Achieving sustainable development

Plan for Stafford Borough  
N1 Design

## **15. Conclusions**

The current application shows a changed access arrangement from application 13/19605/FUL– through Marlborough Road onto Pirehill Lane, with emergency and pedestrian access only from Spode Close. This provides a more direct and therefore less sinuous route than the previous proposal. On this basis I consider that it would have less direct impact on residents along the route, and is acceptable on this basis.

However, as the Council can demonstrate a 5 year supply of housing land plus 20% buffer, it is considered that the objectively assessed need for the Plan period can be fully met. It is considered that the amount of housing currently committed at this level in the settlement hierarchy for Stone (10%) has exceeded this proportion. It is noted that the proposal would lead to a disproportionate amount of development taking place at a lower level of the sustainable settlement hierarchy, and that this will undermine the development strategy set out in Spatial Principle 4 of the Plan for Stafford Borough.

## **Consultations**

National Planning Casework Unit (CLG) 29.04.2015

If the Committee are minded to approve the application the Secretary of State would request that you hold issuing the decision notice to allow consideration of a request to call in the application.

Parish Council – 01.04.2015.

Members strongly object due to overdevelopment and an inappropriate access, suggesting this development would require its own private road.

Forward Planning Officer – 08.05.2015

- Officer Assessment – Key Considerations

The proposed development is on a greenfield site adjacent to Stone. The development of the site for housing would, therefore, need to be in line with Spatial Principle 7 of the Plan for Stafford Borough. Paragraph 49 of the NPPF states:- “Housing applications should 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.” The Council has to show a 5 year + housing land supply to meet the requirements of the National Planning Policy Framework (NPPF) which is set out by the housing provision within the Plan for Stafford Borough. The Council can currently demonstrate a 5 year



supply of housing land, including a 20% buffer, in the context of the Plan for Stafford Borough.

This emphasis is also made in a core planning principle (paragraph 17 of the NPPF) to proactively drive and support sustainable economic development to deliver homes that the country needs, as well as encourage the re-use of existing resources, including conversion of existing buildings. Furthermore paragraph 9 states that pursuing sustainable development involves widening the choice of high quality homes.

The application site is located on a greenfield site adjacent to Stone. Stone is required to accommodate 10% of the overall housing requirements for the Borough over the Plan period, totalling 1,000 new houses. At this stage further no further development on greenfield land is required to meet the Plan's housing requirement for Stone. However it is recognised that an element of provision may occur on brownfield sites within the town, as encouraged by Spatial Principle 7.

The proposed development is for 114 houses, including new public open space. Spatial Principle 4 sets out the housing distribution for the Sustainable Settlement Hierarchy across the Borough, with 10% being at Stone, or 1,000 units of the 10,000 units required over the Plan period.

The Council is monitoring the proportion of development completed and committed at each level of the hierarchy closely. Currently the Council has over 1,000 units completed or committed at Stone.

The Council accepts that the provision of 10,000 units over the Plan period is not a maximum, but considers that any growth above this figure must be delivered in proportion with the development strategy set out in Spatial Principle 4 (i.e. 10% of development to take place in Stone).

It is vital that new development in the lower levels of the hierarchy is not allowed to significantly exceed the proportional split as this would significantly distort the intended growth pattern seriously undermining the recently adopted Local Plan. It could also have detrimental impact on the delivery of the Strategic Development Locations.

The proportion of development committed at each level of the hierarchy obviously changes regularly as new developments are granted permission. However, trends can be determined. The current figures show that the target figures in SP4 are likely to be exceeded at all levels of the hierarchy.

However, they also show that the highest "overshoot" is taking place at the Key Service villages, with significant overshoot also occurring in Stone. These lower levels of the hierarchy should not be allowed to overshoot significantly above the overshoot happening at Stafford town (the highest level of the hierarchy) which should accommodate 70% of all growth in Stafford Borough.

Allowing this development of 114 houses at Stone would cause an unacceptable distortion to the proportions of development anticipated at each level of the hierarchy. The Council is also awaiting an outstanding appeal decision for 34 houses at Stone which, if allowed, would further distort the spatial strategy at this level of the hierarchy.

As highlighted in Appendix E of the Plan for Stafford Borough the Council may consider restricting new development in areas where the indicative housing proportions have been exceeded.

It is considered that a development of this scale, at this settlement, would undermine Spatial Principle 4 and the development strategy of the Plan for Stafford Borough.

- Affordable Housing

Affordable housing of 40% of the total number of dwellings would be required. The application proposes that 40% of the dwellings will be affordable housing. The Plan for Stafford Borough in Policy C2 requires developments of 12 or more units in Stone to provide 40% affordable housing.

The most up to date viability evidence the Council has shows that 40% affordable housing is deliverable at Stone. The Council expects an independent economic viability assessment to be provided if this is disputed.

- Policies and Guidance:-

NPPF – Paragraph 9 – pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life including: widening the choice of high quality homes. Paragraphs 14 and 17 (Core Principles) – planning should be genuinely plan-led; they should provide a practical framework within which decisions on planning applications can be made; objectively identify and meet the housing needs of an area; proactively drive and support economic development to deliver homes; always seek to secure high quality design and a good standard of amenity; encourage the reuse of existing resources, including conversion of existing buildings; prefer land of lesser environmental value for development; encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; Paragraphs 47 and 50 – Delivering a wide choice of high quality housing.

Plan for Stafford Borough 2011-2031 - Spatial Principle 1 – Presumption in favour of Sustainable Development; Spatial Principle 2 – Stafford Borough Housing and Employment Requirements; Spatial Principle 3 – Stafford Borough Sustainable Settlement Hierarchy; Spatial Principle 4 – Stafford Borough Housing Growth Distribution; Spatial Principle 7 – Supporting the Location of New Development; Policy T1 – Transport; Policy T2 – Parking and Manoeuvring Facilities; Policy C1 – Dwelling Types and Sizes; Policy C2 – Affordable Housing; Policy N1 – Design; Policy N2 – Climate Change; Policy N6 – Cannock Chase Special Area of Conservation (SAC); Policy I1 – Infrastructure Delivery Policy.

- Conclusions

The proposed development is on a green field site adjacent to Stone. The Council can demonstrate a 5 year supply of housing land, including a 20% buffer. The Plan for Stafford Borough has demonstrated that for the plan period objectively assessed need can be fully met.

Although a proportion of the Borough’s housing provision is required at Stone (10%) the amount of housing currently committed at this level of the hierarchy has exceeded this proportion.

The proposal would lead to a disproportion amount of development taking place at a lower level of the sustainable settlement hierarchy. This will undermine the development strategy set out in Spatial Principle 4 of the Plan for Stafford Borough. Whilst a number of other factors and consideration will need to be taken into account when determining this planning application, the planning policy advice is to refuse this proposed development.

Tree Officer – 15.04.2015

There is no objection in principle to the proposed development as the tree stock on site has been suitably accommodated within the scheme. Unfortunately Trees T8

(Oak) and T2 (Hybrid black poplar) have both suffered catastrophic failure in the recent past and little remains apart from 10ft high stems, however this will not affect the general layout.

An area that raises concern is the location of Plot 33 in relation to T3 (Category A – Oak). As the tree is located in the south eastern corner of the site there is the possibility of shading issues during part of the day. Therefore I would request that the possibility of losing one plot in this location should be examined. The site layout can more than accommodate one unit elsewhere and relieve post development pressure on this aforementioned Category 'A' tree.

The removal of the central spine of hedge line is a disappointment. The possibility of retaining suitable sections of this hedge line, to retain some form of a linear feature would be preferred, as this has beneficial ecological implications. The hedge line is only approximately 1.2m high; admittedly the species composition is poor however this could easily be improved.

An updated site layout in relation to the trees, including a Tree Protection Plan will also be required in relation to the proposed layout.

#### Environmental Health Officer – 25.03.2015

This Service has no objections to the application subject to the following conditions:

The following conditions are recommended in order to safeguard nearby residential occupiers from undue disturbance during development:

1. All works, including demolition, site works and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
2. Deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays. Delivery vehicles shall not park on the access highways to the site.
3. There should be no burning on site during development
4. Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust.
5. Road sweeping shall be carried out at regular intervals, both on the site and on the access highway to prevent excessive dust.
6. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.
7. Screening shall be provided to the site to protect residential dwellings from exposure to excessive noise. Details of such work shall be agreed with the local authority and carried out before other works begin.
8. Ensure that there are sufficient refuse and recycling bin storage facilities and that they are easily accessible by the collection service.

#### Biodiversity Officer – 27.03.2015

##### - Protected Species

FPCR undertook an ecological assessment in March 2013 followed by bat surveys in the summer. Foraging bats were observed but no other protected species were present.

The ecological survey is now two years old and a further site check to confirm that baseline conditions have not significantly altered is required.

##### - Bats

The report makes a number of recommendations regarding bats which should be undertaken as stated and include:

- Retention of all hedgerows
- External lighting designed to avoid light spill onto hedgerows and newly planted habitats
- Enhancement of habitats through additional tree/shrub planting
- Four “Schwegler” style woodcrete bat boxes to be installed in appropriate locations agreed by their ecologist.
- The four trees identified as having some bat potential should be retained. Any works to these trees should only be done after an inspection survey by a qualified ecologist.

- Nesting birds

All wild birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981. This means that any works to trees or hedgerows should not be undertaken in the nesting season (March to August), unless it can be demonstrated by the developer that breeding birds will not be affected. This can be done by requesting a method statement for protection / avoidance of nesting birds as a condition – this may include timing of work, pre-work checks, avoiding nesting areas etc,

It is recommended that a barn owl box is installed in an appropriate location on the southern boundary.

- Badgers

Prior to commencement of works a further badger survey should check the site. If badgers are found then all necessary actions should be carried out.

- Habitat

Any landscaping scheme should include native and wildlife attracting species as recommended in the ecological report. The species indicated in the Landscaping Report are all appropriate. The 10-12m landscape buffer zone is welcomed.

Housing Strategy and Research Officer – 01.04.2015

- Affordable Housing Policy

Policy C2 in the Plan for Stafford Borough states that developments of 12 or more dwellings within Stafford, Hixon, Great Haywood, Little Haywood, Haughton and Weston must deliver 30% affordable housing.

Policy C2 in the Plan for Stafford Borough states that developments of 12 or more dwellings within Stone, Eccleshall, Gnosall, Woodseaves, Barlaston, Tittensor and Yarnfield must deliver 40% affordable housing.

Other areas of the borough are expected to deliver 30% affordable housing in developments of 3 or more dwellings.

This development of 114 dwellings is therefore required to deliver 46 affordable homes.

- Housing Need and Type

As of 31 March 2015 there were approximately 1487 households on the Housing Register in Stafford Borough. In addition to this, the Strategic Housing Market Assessment completed in October 2012 suggests that Stafford Borough has an annual affordable housing shortfall of 210 dwellings.

The Strategic Housing Market Assessment identified an annual shortfall in general needs accommodation of approximately 154 units and a shortfall of 55 for older person’s accommodation.

This development should help to reduce the housing shortfall.

- Housing Tenure

Council Policy suggests that affordable housing should be provided at a ratio of 80% social rent and 20% intermediate affordable housing.

The affordable element of this development should therefore deliver 37 social rented homes and 9 intermediate affordable housing.

#### - Housing Size and Standards

The Strategic Housing Market Assessment identifies an undersupply of 1 and 2 bedroom homes and an oversupply of 3 bedroom homes. A mix of these required properties would be expected on site.

Affordable housing must at least meet the standards recommended by the Homes and Communities Agency in terms of size (floor area) and rent level as well as other factors, which affect the work of Registered Providers.

It is recommended that sites not only provide a mix of bedroom numbers but also a mix of property sizes, able to accommodate more than the minimum persons. For example, some 2 bed homes may be expected to accommodate 4+ occupants rather than the minimum of 2.

It is preferred that any 1 bedroom accommodation contain a minimum of 3 habitable rooms, particularly in units designed for older people that are not part of flexi-care style scheme.

Where a 2 or more bedroom affordable home is intended for rent, it is recommended that this is not delivered as part of flat/apartment units, particularly when based in rural areas. This is because such properties are unaffordable for single people or couples on benefits and are not favoured by Registered Providers as being the best environment for families with young children.

On large developments with a mix of affordable and open market housing, it is expected that the affordable housing be spread across the development in clusters of roughly 15 units to allow for easy management by Registered Providers. The look of the affordable properties should be indistinguishable from the open market housing on the site.

The affordable housing on this development should provide a mix of properties to meet the identified needs of residents and must meet the identified design standards.

#### Housing Strategy and Research Officer – 28.04.2015

The mix is fine. I would prefer the spread of units to be more throughout the site; I would be happy if they could break the cluster of affordable in the south east into two parts, so there isn't such a strong concentration of affordable at the bottom end of the site.

#### Parks and Open Space Development Officer – 14.04.2015

Within the catchment areas surrounding this development there is a deficiency in the quality and quantity of play facilities along with a deficiency in sporting and recreation provision for all ages.

Amenity open space in this area falls short of national guidelines and are in need of refurbishment.

Sports pitch provision and built associated facilities within the area fall short of national standards as identified within the Open Space, Sport and Recreation Facilities Strategy 2009 Assessment and are in need of refurbishment to address significant quality deficiencies. This has been supported by the draft revised 2013 assessment.

The National Planning Policy Framework, (NPPF) supports the Council current policy by ensuring that all developments are designed to be sustainable both in the now and in the future. Paragraph 7 states that sustainable developments must support health, social and cultural well-being and contribute to protecting and enhancing the natural environment.

Paragraph 69 states planning policies should promote accessible developments with high quality public open space, which encourage the active and continual use of public areas.

Paragraph 70 requires planning policies and decisions to plan positively for the provision and use of shared space, community facilities, (such as meeting places and sports venues), to enhance the sustainability of communities and residential environments.

The Councils policy reflects this by ensuring that new developments contribute to enhancing or providing green space.

- Contributions towards open space:

Due to the size of this development the Council is reasonably entitled to request a quantitative provision of 30.81m<sup>2</sup> per person of open space provision under its current policy.

The Design and Access (DAS) statement illustrates that the onsite open space to be provided is informal open space, with no equipment, which follows the existing hedgerow that runs through the site. Within the DAS it is clear that the intention is to use the existing play area at Spode Close.

Our previous response to application 13/19605/FUL explained how it is not appropriate to rely on the play area at Spode Close for the following reasons:

“The play area is of a low quality and is immediately adjacent to, (less than 4 metres away) from the properties. The current industry best practice for the location of play areas is for a minimum buffer of at least 25m. The current play area clearly does not conform to this.

The play area is not of a sufficient size under the Open Space, Sport and Recreation Assessment and Strategy to cater for the new development, nor is it of sufficient quality. The site is constrained and it is not possible to extend the site. This applicant’s proposal is not sound within the terms of the Councils policy.

The play area and associated land is in private ownership, a management company. It does not appear that any consultation has been undertaken with the management company to ascertain their views on the increased usage, given the fact they will be responsible for the repairs, maintenance and cleansing, which will need to be increased as a result of the proposal.”

It is considered that these factors have not changed.

Our previous comments highlighted that having a hedgerow in the middle of the open space would be unacceptable as it would divide the open space into distinct halves, and as a result divides the development into two. It is also considered that the usage of the provided on site open space is severely restricted by the hedgerow as it will prevent the areas from being used as informal ball games areas etc. Drawing number 1307-PL1-02 shows the existing hedgerow that divides the open space is to be removed. However the text on this plan also says “that the open space is retained with its protected trees and hedges...” Clarification is required on whether the existing hedgerow in the middle of the open space is to be removed or not. Depending on whether the central hedgerow is to be removed the use of the open space as an informal ball games area may or may not be an issue.

Additionally the drawing shows a thick black line in the open space, I am uncertain if this is an error on the drawing or whether this is supposed to show something.

Concern is also raised on the limited pedestrian links to and through the open space and the conflict between pedestrians and vehicles. The site is bounded by shared access driveways and whilst it is acknowledged that new hedging is to be planted around the boundary of the open space, which will help address to a point some of the conflict between pedestrians and vehicles, there is not enough pedestrian access into/through the site. It is considered that due to there not being enough pedestrian only access points, the shared access driveways will become used as a shortcut by those wishing to use the open space. It is therefore recommended that further pedestrian links need to be developed.

In order for developers to calculate the open space requirements, the cost of open space per dwelling is set out below:

Table 1: Open Space requirement per dwelling

Open space required

per person (M2)	Capital Cost	Onsite Maintenance	Offsite Maintenance
30.81	£903.79	£1,683.64	£117.52

Based upon a development of 114 units the capital cost of providing an open space that includes an equipped play area would be £103,031.49 with a site area of 8078.38m<sup>2</sup> (0.8ha). If our objections to the open space as it is currently shown to be provided can be overcome, we would accept the casual play/amenity open space to be provided on site with an offsite contribution towards equipped play provision and sport. We suggest the open space should be provided with a split of 20% onsite and 80% offsite. The offsite contribution should go towards the enhancement and quality improvements of the open space and play area at either:

- Walton Common;
- Tilling Drive; and
- Whitemill Lane.

- Sports Provision

The Councils Open Space, Sport and Recreation Assessment update identifies that there will be a need for an additional 6 ATP pitches required due to an increase in the population of the borough and demand.

Sport England and the Open Space, Sport and recreation Assessment identifies there is currently a shortfall of 300sqm of pool space and that that Stafford Leisure Centre is currently operating at capacity along with Alleyne's. Any future developments will further increase the deficiency in swimming capacity.

We have applied the current Sport England Facilities calculator to the proposed development as there will be an impact upon facilities in the local area as residents join local sporting clubs either as adults or through schools and increased usage on swimming pools. The calculator is based upon the population of the new development and how many visits the development will generate at peak times to sport facilities.

Table 2. Sports Contributions for the per dwelling and for the development

Category	Per dwelling	Contribution for 114units
Pool	£146	£38,127
Sport Courts / Halls	£171	£44,677
Artificial Turf Pitches (3G)	£25	£6,512

The contribution should be directed towards the redevelopment of wet side provision at Westbridge Park and Sport Hall enhancement and ATP improvement at Alleyne's Academy.

- Adoption of footpaths and cycle ways and associated lighting.

Leisure Services will not be seeking the adoption of any footpath or cycle way and associated infrastructure including lighting as part of this development unless it forms part of the POS and is not a through route as part of the highway. These paths should be adopted by the County Council who are the Highways Authority for the Borough.

- Site planting.

All planting undertaken on the development should be done to give the development a distinctive feel and should not be generic. Given the changing climate, all planting should be able to withstand periods of drought and require minimal watering.

All trees should be native to the UK. Sycamore should not be planted under any circumstances.

Where trees are planted adjacent to footpaths or hard standing, trees should be planted in tree pits and liner pavement protection should be installed.

#### County Highways – 02.04.2015.

No objections subject to conditions:

1. The development hereby permitted shall not be occupied until the accesses, including the emergency access, which connects the site to the surrounding highway network has been completed

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

3. The development hereby permitted shall not be brought into use until details of the surface water drainage including outfall has been submitted to approved in writing by the local Planning Authority. The drainage works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

4. Before any part of the proposed development commences details shall be submitted to and approved in writing by the Local Planning Authority indicating the routing of construction traffic, construction compound including offices and workers facilities, material storage areas, operative and associated trade parking facilities with such approved facilities being made available prior to the commencement of any on site construction works.

5. Before the proposed development is brought into use wheel cleaning/washing facilities shall be installed within the site in accordance with details to be first approved in writing by the Local Planning Authority. The approved facility shall thereafter be utilised by all heavy goods vehicles for the full period of operation.

#### County Education – 27.03.2015

This development falls within the catchments of Manor Hill First School, Walton Priory Middle School and Alleyne's Academy, Stone.

The development is scheduled to provide 114 dwellings. Excluding the 46 RSL dwellings from middle and secondary only, a development of 114 houses could add 17 First School aged pupils, 8 Middle School aged pupils, 6 High School aged pupils and 1 Sixth Form aged pupil.

All schools are projected to be full for the foreseeable future.



We will therefore be requesting a contribution towards First School provision, Middle School provision and Secondary provision.

We would seek an Education Contribution for 17 First School places (17 x £11,031 = £187,527), 8 Middle School places (8 x £13,827 = £110,616), 6 High School places (6 x £16,622 = £99,732) and 2 Sixth Form place (2 x £18,027 = £36,054). This gives a total request of £433,929.

The above contribution is based on the 2008/09 cost multipliers which are subject to change.

#### County Archaeologist – 20.04.2015

This application was considered to have the potential to impact upon archaeological remains and so has been assessed in the light of information contained on the Historic Environment Record (HER). Having reviewed the available information it is now advised that there are no designated or undesignated archaeological heritage assets on the site or within the surrounding area. It is therefore advised, bearing the scale of the proposed scheme, that archaeological evaluation or mitigation would not be appropriate in this instance.

#### Environment Agency – 30.03.2015

Although this site is located in Flood Zone 1 (an area of land with a low probability of flooding), it is over 1ha in size and as such a Flood Risk Assessment (FRA) has been submitted in support of these proposals. We recommend consultation with your Lead Local Flood Authority (LLFA) and/or Local Land Drainage section, to provide information to support the review of FRAs where surface water flooding is/may be an issue.

The following is offered as best practice advice towards sustainable surface water management.

Information for developers and Local Authorities:

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS).

SUDS seek to mimic natural drainage systems and retain water on or near to the site, when rain falls, in contrast to traditional drainage approaches, which tend to pipe water off site as quickly as possible.

SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge, and improving water quality and amenity. The range of SUDS techniques available means that a SUDS approach in some form will be applicable to almost any development.

Government policy set out in paragraph 103 of the National Planning Policy Framework (NPPF) expects LPAs to give priority to the use of SUDS in determining planning applications. Further support for SUDS is set out in chapter 5 of the Planning Policy Statement (PPS) 25 Practice Guide. It is a requirement of the Water Framework Directive (WFD) that there must not be any overall deterioration in water quality or the ecological status of any waterbody. The inclusion of SUDS can help deliver the aim of 'good status' by 2027.

Local Planning Authorities should ensure their policies and decisions on applications support and complement Building Regulations on sustainable rainwater drainage.

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach beginning with

infiltration where possible e.g. soakaways or infiltration trenches. Where SUDS are used, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.

Provision for long-term maintenance should be provided as part of any SUDS scheme submitted to the LPA. Model legal agreements that provide a mechanism for SUDS maintenance can be accessed on the CIRIA web site at:

[http://www.ciria.com/suds/model\\_agreements.htm](http://www.ciria.com/suds/model_agreements.htm) .

Further information and references on SUDS can be found in chapter 5 of the PPS25 Practice Guide. The Interim Code of Practice for Sustainable Drainage Systems provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available electronically on CIRIA's web site at: [http://www.ciria.com/suds/interim\\_code.htm](http://www.ciria.com/suds/interim_code.htm) .

Disposal to public sewer:

Where it is intended that disposal is made to public sewer, the Water Company or its agents should confirm that there is adequate spare capacity in the existing system taking future development requirements into account.

Designing for exceedance:

For on/near site flooding for events with a return-period in excess of 30 years, surface flooding of open spaces such as landscaped areas or car parks is acceptable for short periods, but the layout and landscaping of the site should aim to route water away from any vulnerable property, and avoid creating hazards to access and egress routes (further guidance in CIRIA publication C635 Designing for exceedance in urban drainage - good practice). No flooding of property should occur as a result of a one in 100 year storm event (including an appropriate allowance for climate change). In principle, a well-designed surface water drainage system should ensure that there is little or no residual risk of property flooding occurring during events well in excess of the return-period for which the sewer system itself is designed. This is called designing for event exceedance.”

The Ciria publication ‘Designing for Exceedance in urban drainage – Good Practice’ can be accessed via the following link <http://www.susdrain.org/>

Developers are strongly encouraged to reduce runoff rates from previously-developed sites as much as is reasonably practicable, preferably to Greenfield rates, and in line with local policy. Volumes of run-off should also be reduced wherever possible using infiltration and attenuation techniques.

Climate Change:

The Technical Guidance to the NPPF provides advice on the impact of climate change.

Table 5 of the Technical Guidance indicates that surface water FRAs should include an increase of 30% in peak rainfall intensity for developments to be still in existence by 2085 (or 20% for developments with a life expectancy which ends prior to 2085).

Pumped Drainage systems:

Pumping of surface water is an unsustainable drainage method. Pumps require ongoing maintenance and can fail during a storm event. Our preference is for gravity discharge to the surface water drainage system.

We would require that the applicant attempt to discharge as much surface water runoff via a gravity system as possible. This can be achieved through the use of larger areas of shallow attenuation or alternative SUDS approaches.

If it can be demonstrated that a partial or completely pumped drainage system is the only viable option we would require that the residual risk of flooding due to the failure of the pumps be investigated. We would require that the flood level be determined under the following conditions:

- The pumps were to fail and,
- The attenuation storage was full and,
- A design storm occurred.

The finished floor levels of the affected properties should be raised above this level and all flooding will be safely stored onsite.

Please Note:

Under the terms of the Water Resources Act 1991 and the Midlands Land Drainage Byelaws, the prior written consent of the Agency (Flood Defence Consent) is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of a watercourse, designated a Main River.

Development which involves a culvert or an obstruction to flow on an Ordinary Watercourse will require consent under the Land Drainage Act 1991 and the Flood and Water Management Act 2010. In the case of an Ordinary Watercourse the responsibility for consenting lies with the Lead Local Flood Authority (LLFA). In an internal drainage district, the consent of the Internal Drainage Board, instead of the LLFA, is required for the above works under Section 23 of the Land Drainage Act 1991. An Ordinary Watercourse is defined as any watercourse not identified as a Main River on maps held by the Environment Agency and DEFRA. For further information on Ordinary Watercourses contact the LLFA.

Police Architectural Liaison Officer – 01.04.2015.

In order to prevent crime and reduce the fear of crime I recommend that this development attains Police Secured by Design (SBD) accreditation. There is no charge for my advice or for the Secured by Design award, and once awarded the Police SBD logo can be used on advertising material.

Research shows that adopting SBD can reduce burglary by 50%, car crime and criminal damage by 25%, therefore the carbon costs of replacing door-sets and windows on SBD developments as a result of criminal activity is more than 50% less than on non SBD developments, the cost of installing SBD approved products equals 0.2% of the total build cost.

One of the most revealing elements of research into SBD is how much 'safer' residents feel if they occupy a dwelling on an accredited development, even if they are not aware of the award status. There are few other initiatives which can deliver a measurable reduction in fear like this.

SBD supports one of the Government's key planning objectives - the creation of safe, secure, quality places where people wish to live and work. SBD applies quality standards to a range of security measures and should be seen as a positive marketing opportunity.

SBD can contribute 21 points towards CfSH and BREEAM assessments.

- Street Lighting

Street lighting layout should be carefully designed to cover all areas and not create shadows; well-positioned lighting will deter and reveal potential intruders.

High-pressure sodium (SON) units or LED's should be used where possible, as low-pressure units (SOX) emit poor quality light and consequently poor colour definition that in turn makes it difficult to see intruders.

- Dwelling Boundaries

All rear gardens should be secured with a robust fence or wall, without footholds, to a minimum height of either 2000mm or 1800mm with trellis. The rails of any timber fence should face the garden to prevent climbing access, the topography of the land should be taken into account when installation takes place to ensure that the height of the fence is maintained.

An 1800mm fence and gate, with anti-lift hinges and a lock, should be erected as close to the front elevation as possible; this helps prevent unauthorized persons gaining access to the rear of properties, where most burglaries take place and removes hiding places.

Utility meters should be located on the front elevations to prevent bogus caller sneak-in burglaries.

Gable ends of houses overlooking grassed areas = football goal! Consider planting berberis or thorny plants in front of the wall in such cases.

Sport England – 07.04.2015

Sport England has assessed the application against its adopted planning policy objectives. The focus of these objectives is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to meet the needs of local communities. The occupiers of any new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should be required to contribute towards meeting the demand they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facility Strategy, Playing Pitch Strategy or other relevant needs assessment.

This requirement is supported by the Governments National Planning Policy Framework, which states:

“Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. (Principle 12 is) that planning should:

Take account of and support local strategies to improve health, social, and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.” [Paragraph 17]

“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses, and places of worship) and other local services to enhance the sustainability of communities and residential environments...

- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.” [Paragraph 70]

The population of the proposed development will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional

pressure on existing sports facilities, thereby creating deficiencies in facility provision.

The proposed site plan indicate no on site sports provision and the S106 Heads of Terms include an open space contribution for an equipped play area only. The proposal therefore makes no provision to meet additional need for indoor or outdoor sports facilities.

The Borough Council has prepared an Open Space, Sports and Recreation Assessment 2013 which identifies a shortfall in some provision and a need to improve the quality of others therefore provision, commensurate with the additional demand generated by the proposal should be provided in accordance with that assessment of need.

You may be aware that Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain key community sports facility types. This may be a useful tool as it not only generates a demand prediction but also capital costs of provision. It can be found by following the link below:

<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/sports-facility-calculator/>

In light of the above, Sport England wishes to object to this application, however we are happy to reconsider our view in the light of provision or contributions that reflect the standards/priorities set out in the Stafford Borough Open Space, Sports and Recreation Assessment 2013.

Natural England – 15.04.2015.

- Summary

Natural England advises the Council to carry out a Habitats Regulations Assessment screening in respect of the Cannock Chase SAC and with particular reference to your revised mitigation guidance for this European designated site. We also provide advice on securing green infrastructure and biodiversity enhancement outcomes as part of the scheme (if approved).

- Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Cannock Chase Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Cannock Chase Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

- Cannock Chase SAC – Habitats Regulations Assessment (HRA) screening by the Council to be completed

Natural England notes that the HRA has not been produced by your authority, but by the applicant<sup>2</sup>. As competent authority, it is your responsibility to produce the HRA.

Your adopted policy N6 refers and the Council's revised mitigation regime in respect of the SAC provides further detail<sup>3</sup>.

The application site lies 14km from the SAC. The submitted HRA does not take account of the Council's revised mitigation regime for the SAC (See 'Cannock Chase SAC - Guidance to mitigate the impact of new residential development') whereby residential development beyond 8km of the SAC is not required to make a financial contribution to mitigation measures in respect of additional recreation arising from any net increase in new homes within the zone of influence.

This information should be recorded as part of your HRA screening in order to demonstrate the Council's thought process in determining whether the likelihood of significant effects can be ruled out. Provided that the Council (as the competent authority) is satisfied the proposal can be screened out of the HRA process, we do not need to be re-consulted.

- Green infrastructure potential

We note that the scheme incorporates a proportion of green infrastructure (GI) which ensures that the proposed is better able to be accommodated within its landscape setting and as an extension to Stone. Your adopted policy N4 'The natural environment and green infrastructure' refers. We welcome the open space resource and associated measures set out in paragraphs 3.10-3.13 of the submitted HRA report in respect of the Cannock Chase SAC (footnote 2 below). We advise that the provision and management of this resource should be secured by means of a suitable planning mechanism e.g. legal agreement.

We recognise that multi-functional green infrastructure is important to underpin the overall sustainability of the development of the land adjacent by performing a range of functions including, the provision of accessible green space, climate change adaptation and supporting biodiversity. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England website.

- Sites of Special scientific Interest (SSSI) - No objection – no conditions requested

The application site lies 14km from the Cannock Chase Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

- Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A

more comprehensive list of local groups can be found at Wildlife and Countryside link.

Staffordshire Wildlife Trust (Ecological Record) Tel: 01889 880100 E-mail: info@staffs-ecology.org.uk

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or priority species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice on priority and protected species and their consideration in the planning system.

- Biodiversity Enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The submitted ecological appraisal refers to the site's species rich hedgerows and trees as features of particular value and these warrant suitable protection and management. This should be secured as part of any planning approval. A 'construction and environmental management plan' (CEMP) would cater for the construction phase while a landscape and ecology management plan (or equivalent) would provide a framework for the site's ongoing management for both wildlife and people. We draw the Council's attention to para 4.15 of the ecological appraisal regarding the suitable design of lighting within the scheme.

The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Your adopted policy N4 also refers. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

- Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

Neighbours:

35 consulted – consultation period expired 06.04.2015

141 letters of representation received from 122 properties (21.03.2015 – 28.04.2015). The issues raised are summarised below:-

- Land not allocated for development in the Stafford Borough Plan.
- There are 300 houses being built at Walton and another 500 with planning, therefore we have a 5 year supply.
- The previous application was refused and appeal dismissed – nothing has changed the level of noise and disturbance would be the same.
- Additional traffic would all feed into Pirehill Lane and Eccleshall Road – it would be dangerous.
- Effect on the 3 schools in the area.
- Flood risk as water drains off the farmland into gardens of surrounding dwellings.
- No GP surgery in Walton and Stone surgeries are always booked up.
- Effect on sunlight and daylight of surrounding dwellings.
- Pirehill is relatively busy for most of the day and additional lorries will make it dangerous.
- Schools, dentist, doctors etc cannot cope with extra people.
- Increased risk to safety for children on their way to and from their respective schools, with lack of crossing warden/pelican crossing at junction of Manor Hill Rise on B5026.
- Development on brownfields sites should take precedence over prime agricultural land.
- Planning constraints – eg impact on the skyline.
- The ground is higher than surrounding and will spoil views.
- Further damage to the surface of the already substandard surface of Marlborough Road.
- Restricted forward visibility by a significant bend in Marlborough Road.
- Compact housing estates are an easy target for crime and anti-social behaviour.
- Further congestion would hamper access for emergency services.
- Increased litter and dog fouling.
- Stone is being trashed and neglected by SBC planners – it's becoming a housing estate with a derelict High Street running through the middle.
- Increased noise and mess from building vehicles.
- Additional hazards are farm traffic on Pirehill Lane and horse riders from a local stable.
- Loss of countryside and impact on wildlife.
- There are bats in the trees which will be affected.
- Harm to living conditions of residents of Marlborough Road.

A petition with 262 signatures objecting to the application has been received

#### Publicity

Site Notice expired 06.04.2015

Advert expired 17.04.2015

#### **Relevant Planning History**

13/19605/FUL - Residential development including the creation of a new access onto Spode Close, creation of open space, associated landscaping and associated infrastructure, refused. A subsequent appeal was dismissed on the same grounds. That appeal has been challenged in the High Court where the Judge found in favour



of the appellants and quashed the decision and referred the appeal back to the Planning Inspectorate for re-determination. Subsequently an application has been made for permission to challenge the High Court decision.

Recommendation – Refuse, for the following reason:

1. The proposed development is on a green field site adjacent to Stone. The Council can demonstrate a 5 year supply of housing land, including a 20% buffer. The Plan for Stafford Borough has demonstrated that for the plan period objectively assessed need can be fully met.

Although a proportion of the Borough's housing provision is required at Stone (10%) the amount of housing currently committed at this level of the hierarchy has exceeded this proportion.

The proposal would lead to a disproportionate amount of development taking place at a lower level of the sustainable settlement hierarchy. This will undermine the development strategy set out in Spatial Principle 4 of the Plan for Stafford Borough, which is not in accordance with the genuinely plan-led approach advocated in paragraph 17 of the National Planning Policy Framework.



David Wilson Homes  
C/O Wardell Armstrong  
Sir Henry Doulton House  
Forge Lane  
Etruria  
Stoke On Trent  
ST1 5BD

Date Registered 16 March 2015  
Decision Date 19 May 2015  
Issue Date 19 May 2015

FAO Mr Frank Hayes

TOWN AND COUNTRY PLANNING ACT 1990  
REFUSAL OF PERMISSION FOR DEVELOPMENT

Application No: 15/21873/FUL  
Proposed Development Residential development including the creation of a new access onto Marlborough Road, creation of open space, associated landscaping and associated infrastructure  
Location Land At Walton Heath Common Lane Stone  
O. S. Reference: 389435 332340

Stafford Borough Council, in pursuance of powers under the Town and Country Planning Act, hereby refuse the above development in accordance with the accompanying plans and subject to the following reason:-

1. The proposed development is on a green field site adjacent to Stone. The Council can demonstrate a 5 year supply of housing land, including a 20% buffer. The Plan for Stafford Borough has demonstrated that for the plan period objectively assessed need can be fully met.

Although a proportion of the Borough's housing provision is required at Stone (10%) the amount of housing currently committed at this level of the hierarchy has exceeded this proportion.



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#### TOWN AND COUNTRY PLANNING ACT 1990

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The proposal would lead to a disproportionate amount of development taking place at a lower level of the sustainable settlement hierarchy. This will undermine the development strategy set out in Spatial Principle 4 of the Plan for Stafford Borough, which is not in accordance with the genuinely plan-led approach advocated in paragraph 17 of the National Planning Policy Framework.

A handwritten signature in black ink, appearing to read "F. Mander", with a horizontal line underneath.

Head of Planning and Regeneration  
On behalf of the Council



<b>Application</b>	13/19524/OUT	<b>Case Officer:</b>	Mark Alford
<b>Date Registered</b>	29 October 2013	<b>Target Decision Date</b>	28 January 2014
<b>Address</b>	Land between Ashflats Lane and A449 Mossnit Stafford	<b>Ward</b>	Manor
		<b>Parish</b>	-
<b>Proposal</b>	Demolish Lawford House; residential development (outline) – main access details submitted for approval		
<b>Applicant</b>	Milwood Land (Stafford) Ltd		
<b>Recommendation</b>	Refuse		

## REASONS FOR REFERRAL TO COMMITTEE

1) This is a Large Scale Major planning application and as such it is excluded from the Scheme of Delegation and must be determined by Committee.

2) This application has been called in by Cllr G Rowlands, Cllr T Rowlands and Cllr A Loughran (Ward members for Manor) for the following reason:-

"Concerns regarding access to A449 from site. Site not included in the new housing development, identified in the strategic development locations in the plan for Stafford Borough"

### Context

The outline application as submitted indicated that up to 320 dwellings are proposed, however due to the uncertainty as to how many dwellings can be accommodated on the site which could achieve acceptable internal noise levels, the applicant has agreed to the deletion of the figure. The site is about 13.8 ha of greenfield land apart from the site and curtilage of Lawford House. It excludes the dwelling Ashbrook. The site lies in a V-shape between the main Wolverhampton-Stafford railway and the M6 motorway, and Pothooks Brook forms the southern boundary. Additional land for open space purposes lies immediately to the south, outside of the application site, infilling the bottom of the V-shape (about 1.22ha). The rear of dwellings fronting Ashflats Lane, Barn Bank Lane and the A449 form the northern boundary.

The main access into the site is shown from the A449 Wolverhampton Road in the form of a T-junction. Lawford House is to be demolished to provide space for this arrangement. Southbound on the A449 a right turn only lane into the new access would be created, and northbound a right turn only lane into Gravel Lane would also be constructed, with a pedestrian crossing indicated just north of this junction. There would also be a dedicated cycle/pedestrian link into the site. An emergency only access and footpath/cycle link is

shown onto Ashflats Lane. Public Footpath no. 24 crosses the site and runs north alongside the motorway to Ashflats Lane.

The submitted masterplan indicates landscaped earth mounding to form acoustic barriers to the railway and motorway boundaries and the lower land to the south is shown to be used for open space purposes and as a surface water runoff holding pond. A landscaped corridor would preserve the public footpath route across the site. It also indicates that the majority of the houses would be 2 storey with some 2.5 and 3 storey.

## **Officer Assessment – Key Considerations**

### **1. Principle**

Residential development in the open countryside generally conflicts with provisions of the adopted Stafford Borough Local Plan 2001. However, the Council has to show a 5 year + housing land supply to meet the requirements of the National Planning Policy Framework (NPPF) which is demonstrated within the emerging Plan for Stafford Borough. Paragraph 49 of the NPPF states:- "Housing applications should 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." The Council can demonstrate a 5 year supply of housing land, including a 20% buffer.

This emphasis is also made in a core principle (paragraph 17 of the NPPF) to proactively drive and support sustainable economic development to deliver homes. Whilst it also states that the intrinsic character and beauty of the countryside should be recognised, paragraph 9 also states that pursuing sustainable development involves widening the choice of high quality homes.

The Inspector's recent Recommendations for Further Main Modifications to the new Plan for Stafford Borough (17 December 2013) following its Examination in Public has however given weight to the Strategic Development Locations (SDL) for housing around Stafford, contained in Policy Stafford 2 – North of Stafford, Policy Stafford 3 – West of Stafford and Policy Stafford 4 – East of Stafford, of the emerging Plan for Stafford Borough. The Inspector's Recommendations for Further Main Modifications Report states that "as amended [by the Main Modifications] the Development strategy, including the principle of the key Strategic Development Locations around Stafford and Stone, seems sound, deliverable, viable, effective and fully justified with robust and comprehensive evidence". The application site is not one of these SDL sites.

#### **Policies and Guidance:-**

NPPF – Paragraphs 14 and 17 (Core Principles) – planning should be genuinely plan-led; they should provide a practical framework within which decisions on planning applications can be made; objectively identify and meet the housing needs of an area; proactively drive and support economic development to deliver homes; always seek to secure high quality design and a good standard of amenity; recognise the intrinsic beauty and character of the countryside; contribute to conserving and enhancing the natural environment; prefer land of lesser environmental value for development; Paragraphs 47 and 50 – Delivering a wide

choice of high quality housing; Section 11 – Conserving and enhancing the natural environment;

Saved Policies - Stafford Borough Local Plan 2001 (LP) – E&D7 – Development in open countryside; HOU2 – Development within Residential Development Boundaries (RDBs); HOU3 – Residential development outside of RDBs.

## **2. Landscape character**

A landscape and visual impact assessment has been submitted which points out that the site is broadly typical of the wider local countryside and it is not covered by a qualitative landscape designation. The site would extend the southern urban edge of Stafford which it would adjoin. The existence of the motorway and railway already provides some audible and visual detraction from the quality of the surrounding landscape. They also serve to visually segregate and isolate the site from the wider landscape. No notable, rare or unique features would be removed from the site. The primary landscape feature, the meandering water course (Pothooks Brook) and its brookside tree species, would be retained.

The site has no special statutory designation, is not of high agricultural quality, and the NPPF (paragraph 17) suggests that landscape of lesser environmental value should be used for development.

Policies and Guidance:-

NPPF – Paragraph 17 – Core principles – have regard for the intrinsic beauty and character of the countryside; prefer land of lesser environmental value for development.

LP – Saved Policies E&D2 – Townscape and landscape; E&D7 – Development in the open countryside.

## **3. Highways**

The submitted Transport Assessment (TA) has considered the site in terms of its accessibility by non-car modes. It concludes that pedestrian and cycle access would be good, and that up to 3 buses per hour would operate within 400m of the site on the A449. The bus routes would in turn link to Stafford station and its rail interchange.

It also concludes that the development would be accessed by safe and efficient vehicular access junction arrangements, and that the traffic impact would be negligible on, and satisfactorily accommodated by, the local highway network. A framework travel plan would be implemented to encourage the use of non-car modes of transport.

The proposed junction was modelled along with other major junctions in the south of Stafford. It found a forecast impact due to the development in the weekday AM peak at the A449/Rickerscote Lane signal junction of 80 (3.2%) additional vehicle movements and in the weekday PM peak, 81 (3%). This is shown to be a negligible increase given that changes in traffic due to daily fluctuations in flows are in practice higher than would result from the development. Also, an increase of around 80 vehicles equates to just over 1 per minute.

Minimal impacts were found at the A449/Junction 13 business park/Mill Lane junction and at the A449/Junction 13 of M6.

The local highway authority (Staffordshire County Council) have no objections on highway grounds subject to conditions relating to the approval of details of site layout, surface water drainage, road construction and site access arrangements, details of the proposed gateway feature at the commencement of the 30mph speed restriction to the south of the site on the A449, a Construction Traffic Management Plan and a Travel Plan.

The Highways Agency directs that a condition relating to a site specific travel plan be attached to any planning permission which may be granted.

Policies and Guidance:-

NPPF - Section 4 on sustainable transport  
Saved Policies – LP - MV10 – Land development requirements

#### **4. Drainage**

Much of the site lies within Flood Zone 1, the zone of lowest flood risk, but a narrow area alongside Pothooks Brook falls within Flood Zone 3, the zone of highest risk. Consequently, the masterplan shows the location of dwellings only within zones of less risk. Houses would also be sited so that they are above the 1000 year flood level. A sustainable urban surface water drainage scheme would be provided on site, to include a balancing lake, to minimise harm from surface water runoff. There would thus be no significant risk of flooding.

The Environment Agency raises no objection subject to conditions to secure compliance with terms of the assessment and to secure details of the surface water drainage scheme.

Severn Trent Water have confirmed to the applicant that there is appropriate sewerage infrastructure within the vicinity of the site to which connection can be made.

Policies and Guidance:-

NPPF – Section 10: Meeting the challenge of climate change, flooding and coastal change; Section 11: Conserving and enhancing the natural environment.

LP – Saved Policy E&D4 – Sewage, effluent and surface water; Saved Policy E&D50 – Land drainage and flooding

#### **5. Trees and hedges**

The site has two Tree Preservation Orders (TPO) in place, no. 537 on the main site and no. 6 CSB 1968 on the Lawford House site which relates to one tree. No. 537 post-dates the submitted arboricultural report and the TPO covers trees mainly in existing hedgerows running across the site. The submitted report includes plots of the root protection areas (RPA) of trees on the site and accepts that they have to be respected. However, it advocates a selective approach to tree and hedge retention and in particular, most trees



alongside the brook course would be retained. This would not override the terms of the main TPO and a condition would clarify this. Detailed landscaping proposals would form the basis of a later application if outline consent was granted.

The Tree Officer raises no objection subject to appropriate tree protection conditions.

#### Policies and Guidance

NPPF – Section 11: Conserving and enhancing the natural environment  
LP - Saved Policies - E&D44 – Development affecting trees and hedgerows.

### **6. Environmental considerations**

#### Noise

The submitted noise assessment acknowledges the proximity of the railway line and the motorway as sources likely to affect prospective residents. However, the Environmental Health Officer considers that housing can be accommodated on the site and that more detailed noise assessments should accompany future layouts to show that the impact would be acceptable. Such an approach is reinforced by submitted, illustrative drawings showing acoustically-designed earth contouring with tree and shrub planting on the boundaries to the railway and motorway, and acoustic fencing on the boundary to the A449. It does not enable confirmation that up to 320 dwellings could be provided within acceptable noise levels, but the applicant has agreed to the deletion of the figure and a condition could restrict the development to the number of houses which could meet acceptable noise levels.

#### Air quality

The submitted air quality report found that current pollutant concentrations were below the relevant poor quality threshold and that the site was suitable for residential development. Similarly, air quality related to traffic associated with the housing development was not likely to significantly impact on any sensitive location in the vicinity.

The Environmental Health Officer accepts the findings and no further action is required.

#### Ground conditions

A ground report identifies that no evidence of significant contamination has been found across the site. The Environment Agency suggests a condition to cover the circumstances of any being found during construction phases.

#### Policies and Guidance:-

NPPF – Section 11 – Conserving and enhancing the natural environment  
LP – Saved Policy E&D55 – Contaminated land

## **7. Recreation and open space**

Space is shown on the masterplan for an equipped play area which would be secured by a condition if outline consent was granted. A Section 106 agreement would secure the contributions for off-site sport and recreation facilities and for maintenance. The Parks and Open Space Development Officer has confirmed that the £290,500 quoted by Sport England is based on a comparable assessment to this rather than being an additional contribution.

## **8. Ecology and biodiversity**

### **A)The site**

The submitted ecological report points out that the masterplan focuses development of areas of negligible ecological value and seeks to avoid mature trees, woodland and the brook corridor. New tree planting would offset selective tree removal on the development land. An Ecological Management Plan would detail the implementation of measures to mitigate adverse effects on lost, retained and proposed new habitats. A condition would secure the submission.

Evidence of badgers and bats on the site was found but the absence of good quality or species-rich hedgerows and grassland was felt to limit the opportunities for a variety of birds, which were not found to be present. No evidence of invertebrates, water voles or otter was found.

The report concludes that the majority of site habitats are of negligible ecological value and thus would not require mitigation. The masterplan shows the retention of the features of highest ecological value ie the Pothooks Brook wooded corridor and scattered mature trees. Swathes of open space along the western and eastern boundaries, based on the noise attenuation bunds, across the centre of the site (the Public Footpath corridor), and around and to the south of the brook, would be planted with trees and shrubs and be designed and maintained to enhance biodiversity. A surface water attenuation pond between the brook and the housing area in the north would be similarly designed, constructed and stocked. Hedgerows should be retained in open space areas and a 10m buffer zone provided for the brook.

In terms of bats, levels of activity were low and no roosts were found but those present would benefit from the proposed ecological landscaping. Bat bricks and slates could also be built into the new houses to allow roosting. The Pipestrelle bats noted are also relatively unaffected by artificial lighting.

For badgers, it recommends that mitigatory measures are incorporated into the design proposals, and that further activity surveys are carried out and which would inform the ecological management plan.

Conditions would cover the detail of the above issues.

## B) Cannock Chase Special Area of Conservation (SAC)

Part of Cannock Chase is designated under European legislation as a SAC and Habitat Regulations have to be applied to this application. The submitted Mitigation Strategy identifies that increased nitrogen oxide from traffic emissions could damage the heathland plant species that such designation aims to conserve.

It concludes that the development is unlikely to have adverse effects on the Area in terms of air quality. However, a travel plan has been submitted for transportation assessment and its encouragement of prospective occupiers to use methods of travel other than the car could contribute to a reduction in nitrogen oxide emissions. Implementation of the travel plan would be secured through a s106 agreement.

The submitted Mitigation Strategy also highlights the potential impact from increased visitor numbers from the development to Cannock Chase for recreational purposes. The submitted masterplan includes Targeted Additional Open Space (TAOS) in terms of a net provision of 1.29 ha in excess of the LP requirement for open space. However, all 3.23ha of open space will be designed and managed ecologically to enhance biodiversity as is standard practice for TAOS. This will accommodate 1800 m of a new circular footpath route to link in with the 500m of existing public footpath which will form the spine of linear open space across the site. It is also proposed to deliver information packs to occupiers of the new houses advising on alternative, sustainable and healthy recreational opportunities to Cannock Chase.

Off-site mitigation would comprise of a contribution per dwelling from the developer to secure strategic locations for Suitable Alternative Natural Greenspace (SANG) to Cannock Chase.

A S106 agreement would secure the provision of the TAOS areas and the contribution, and a condition would cover their design and management if outline consent was granted. Natural England has no objection to the overall Mitigation Strategy.

Policies and Guidance:-

NPPF – Section 11 – Conserving and enhancing the natural environment

LP - Saved Policies – E&D37 Nature conservation: sites of European importance; E&D38 Nature conservation: sites of national importance; E&D39 Nature conservation: sites of regional/local importance; E&D40 Mitigation and amelioration of impact on sites of nature conservation interest

The emerging Plan for Stafford (publication): Policy N6 – Cannock Chase Special Area of Conservation (SAC)

## 9. Archaeology

The submitted archaeological assessment states that a previous enquiry did not highlight the site as having archaeological potential but it has not been the subject of any fieldwork or detailed investigation. Historic maps show it has been used as fields since medieval times, with the possibility of some clay extraction for brick-making. There is a chance of prehistoric or Roman deposits surviving on the site.

On this basis, a condition requiring a watching brief during construction would be added to a permission.

Policy and Guidance:-

NPPF – Paragraph 17 – core principle – Conserving heritage assets in accordance to their significance; Section 12: Conserving and enhancing the historic environment.

LP – Saved Policy E&D34 – Archaeological Evaluations

## **10. Affordable Housing**

Affordable housing of 30% of the total number of dwellings would be required. Housing Policy Officer recommends 80% of these should be social rent and 20% intermediate affordable, with a mix of dwelling types and sizes.

### **Conclusions**

The proposed development is on a green field site outside the Residential Development Boundary for Stafford, and therefore contrary to Saved Policy HOU3 of the Stafford Borough Local Plan 2001. The Council can demonstrate a 5 year supply of housing land, including a 20% buffer and sufficient housing land is identified in the Strategic Development Locations in the emerging Plan for Stafford Borough to meet the requirements of Stafford town. The emerging Plan for Stafford Borough has demonstrated that for the plan period objectively assessed need can be fully met. The proposal is therefore contrary to Policy Stafford 1 – Stafford Town, of the emerging Plan for Stafford Borough and the plan – led approach established in paragraph 17 of the National Planning Policy Framework.

### **Consultations**

Highway Authority: No objections on highway grounds subject to conditions relating to the approval of details of site layout, surface water drainage, road construction and site access arrangements, details of the proposed gateway feature at the commencement of the 30mph speed restriction to the south of the site on the A449, a Construction Traffic Management Plan and a Travel Plan.

Highways Agency (M6 motorway): Originally issued a holding direction restricting grant of permission for 3 months from 3 December 2013 due to insufficient information submitted. Final response directs that a condition relating to a site specific travel plan be attached to any planning permission which may be granted.

Environment Agency: No objection in principle; welcome siting of houses outside Flood Zone 3 and that floor levels will be set above the 1 in 1000 year flood level; suggest conditions to ensure flood risk assessment mitigation measures are carried out and requiring the submission and implementation of a sustainable surface water drainage system; limited potential for ground contaminants and no further investigation required; maximise management of watercourse and floodplain for benefit of wildlife.

Schools Organisation (Staffordshire County Council): Secure £739,077 for primary education and £1,610,915.20 for secondary education.

Parks and Open Spaces Development Officer: No indication of where proposed play facilities will be located; recommend it is located within the central spine of open space or a suitable area is made available in the southern open space outside of the flood zone; apply usual calculator for open space contribution and commuted maintenance sum for outline scheme based on sums per dwelling per number of bedrooms; secure £16,000 for off-site allotment provision; secure contributions also for swimming pool (£112,432), sports courts/halls (£147,357), artificial turf pitches (£20,424), and bowling green (£9,163).

Tree Officer: No objection subject to landscaping and tree protection conditions.

Environmental Health Officer: Indicative layout only and applicants have accepted that there is further scope for noise attenuation methods; they also accept reduction in house numbers proposed, if necessary to achieve satisfactory attenuation; it may not be reasonable to ask for more information at this stage; site should be designed to have internal noise levels of 30dB at upper range for bedrooms and living rooms, and no individual events that exceed 45dB L<sub>Amax</sub> at night time; external area should not exceed 50dB LeaqT with 55dB LeaqT as upper limit; details needed of any acoustically attenuated artificial ventilation systems; no additional requirements for air quality issue; test suitability of stripped topsoil for use in gardens; no further ground remediation or gas protection necessary; ensure sufficient space for waste bins; recommend 80% of affordable housing be social rented and 20% intermediate affordable, with of mix of dwelling types and sizes, to be secured by a s106 agreement; restrict hours of construction and associated deliveries; no burning; damp down dust; sweep roads; equipment running outside working hours shall be inaudible at boundary of dwellings; provide screening for noise attenuation during construction.

Natural England (NE): Cannock Chase is a European Site under the Habitat Regulations and the application lies within the zone of influence of its Special Area of Conservation (SAC); proposed mitigation measures are adequate but Council needs to demonstrate they can be secured in perpetuity, in order to conclude "no likely significant effect": not likely to be any adverse effect on Baswich Meadows Site of Special Scientific Interest (SSSI); welcome provision of green infrastructure; no loss of best agricultural land proposed; have regard to NE standing advice on UK protected species; no objection in terms of European protected species subject to a condition to other impacts on local sites of interest, local landscape character, and local or national priority habitats and species should be considered.

Biodiversity Officer: Surveys found presence of badger setts but this part of site will not be developed; open space and noise bunds would serve as corridors for safe movement; fruit tree planting would provide extra benefit; suggest follow-up surveys for any new setts and reports for mitigation; no bat roosts were found but evidence of foraging recorded; submitted report recommends bat bricks/tiles in new houses near hedges, open space or woodland; minimise lighting disturbance for bats; request method statement to avoid nesting birds during construction; install nest boxes and sparrow terraces; hedgerows and trees should be retained; plant up gaps with native trees; bunds to be planted with trees, shrubs and wildflowers; manage Pothooks Brook to enhance wetland flora; attenuation ponds to include biodiversity enhancements; native trees with wildlife benefit to be planted

in formal areas; log piles provided; secure ecological management plan to manage continuity of habitat areas.

Sport England: Consider as response to non-statutory consultation; development should contribute to the demand to be generated for on-site and off-site recreational provision; policies of NPPF advocate this (paragraphs 17 and 70); masterplan does not appear to show any indoor or outdoor sports provision on-site; scheme does not appear to have taken into account the Council's adopted or draft updated Sports Strategy; using our calculator, total of £290,500 contribution should be made by applicant; object unless outdoor sports provision is shown to reflect the Council's strategy and the contribution received.

County Public Rights of Way Officer: Footpath 65 runs east-west across site and then along the eastern boundary of the M6; draw attention of applicant to the route of path and explain that a planning permission does not construe right to divert, extinguish or obstruct it; users should still be able to walk route and it should be reinstated if damaged.

County Archaeologist: No reply received.

The Ramblers: Provide signal controlled pedestrian crossing to bus stop over, and a cycle path on Wolverhampton Road.

Network Rail: No objection; highlight potential noise/vibration impacts on development from railway which must be assessed in the context of the NPPF; all surface water to be directed away from the railway and drainage should not affect its stability; require prior approval of all drainage works; no encroachment on railway property.

South Staffordshire District Council: No reply received.

Adjoining Parish (Hyde Lea): Blight to prospective residents from noise from railway and motorway; harm from air pollution from motorway; would infrastructure and schools be provided?; excessive traffic on roads especially narrow lanes; proposed emergency access shown to poorly lit lane with no footpath – how is access to be restricted?

Neighbours: (62 notified) 53 replies received objecting to: substandard access; highway danger; excessive traffic generation; amenities too far away; no sustainable travel options; harm to wildlife; site compares poorly with other sites in terms of good location; too many houses; no community consultation; pollution; noise; loss of greenfield and rural landscape; three storey houses too high; site is not an allocation in the new Local Plan; emergency access arrangements too narrow; poor main access for emergency vehicles; inadequate water supply; too many houses proposed for Stafford; inadequate health services in the town; previous Local Plan Inspector rejected site for housing; overdevelopment; open space inadequate; Examination in Public of new Local Plan showed in excess of 5 years housing land supply without this site.

12 responses in support of the proposals

### **Other representations**

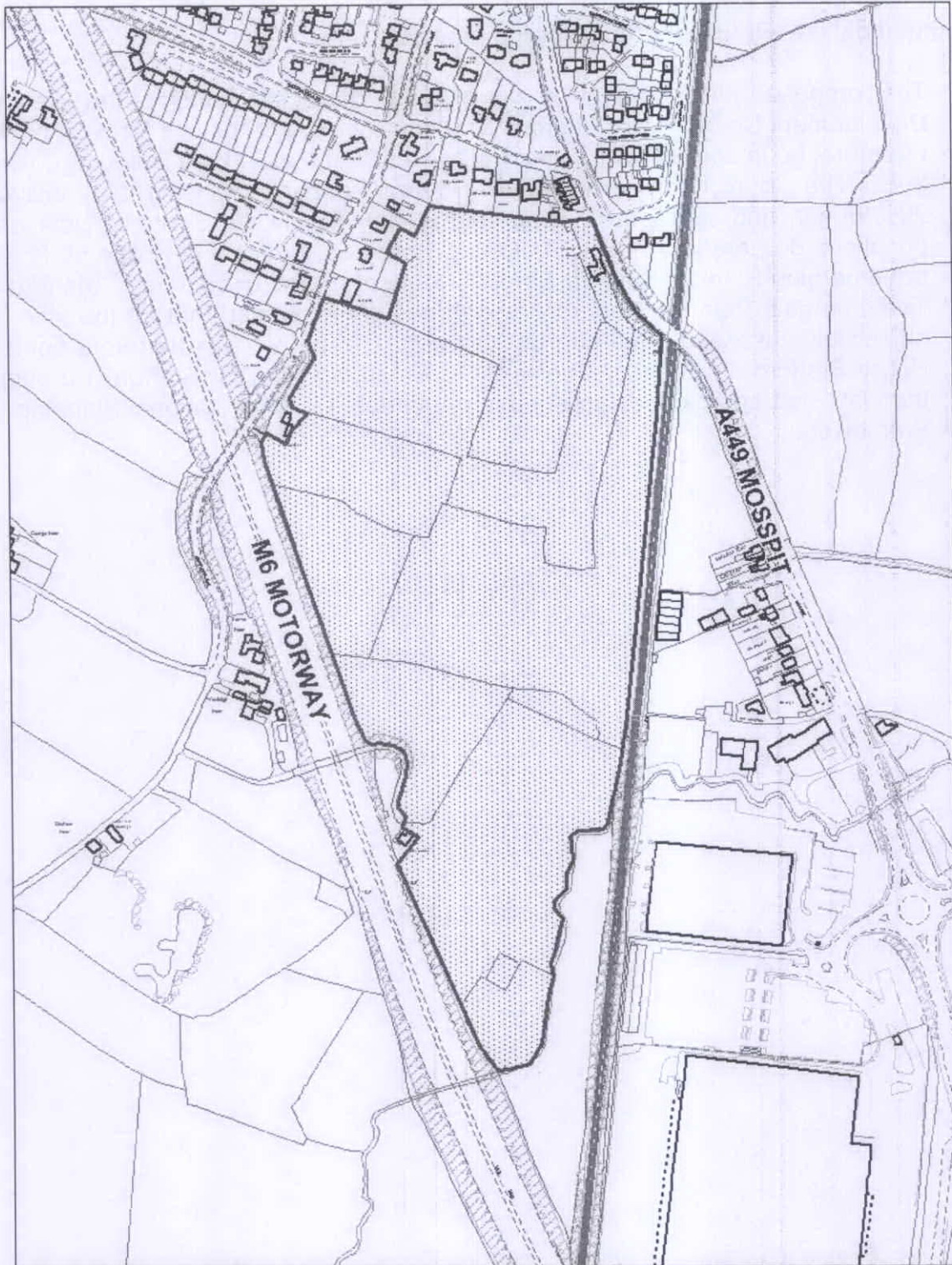
Police Architectural Liaison Officer: Use Police approved Secured by Design products

County Ecologist: Methodology used for landscape assessment is appropriate; degree of loss of rural landscape appearance would need to be balanced against other policy considerations in an overall assessment.

Recommendation - Refuse for the following reasons:

1. The proposed development is on a green field site outside the Residential Development Boundary for Stafford. The development of the site for housing would, therefore, be in conflict with Saved Policy HOU3 of the Stafford Borough Local Plan 2001. The Council can demonstrate a 5 year supply of housing land, including a 20% buffer, and sufficient housing land is identified in the Strategic Development Locations delivered by Policy Stafford 2, Policy Stafford 3 and Policy Stafford 4, in the emerging Plan for Stafford Borough to meet the requirements of Stafford town. The emerging Plan for Stafford Borough has demonstrated that for the plan period objectively assessed need can be fully met. The proposal is therefore contrary to Policy Stafford 1 - Stafford Town, of the emerging Plan for Stafford Borough and the plan - led approach established in paragraph 17 of the National Planning Policy Framework.

13/19524/OUT  
Land Between Ash Flats And A449 Mosspit  
Wolverhampton Road, Stafford



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Not to scale  
By: EM  
Dept: Planning & Regeneration  
O.S. REF: SJ 9219





Milwood Land (Stafford) Ltd FAO Mr P Shaw C/O 888 London Road Oakhill Stoke On Trent Staffordshire ST4 5NX	Date Registered 29 October 2013 Decision Date 21 February 2014 Issue Date 24 February 2014
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TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application No:	13/19524/OUT
Proposed Development Location	Demolish Lawford House; residential development (outline) - main access details submitted for approval Land Between Ash Flats And A449 Mossnit Wolverhampton Road Stafford
O. S. Reference:	392453 319637

Stafford Borough Council, in pursuance of powers under the Town and Country Planning Act, hereby refuse the above development in accordance with the accompanying plans and subject to the following reasons :-

1. The Council can demonstrate a 5 year supply of housing land, including a 20% buffer. Considerable weight should be attached to the emerging Plan for Stafford Borough which has demonstrated that for the plan period objectively assessed housing need can be fully met, as supported by Paragraphs 215 and 216 of the National Planning Policy Framework. It has an up-to-date evidence base, is at a late stage in its development and has been produced in accordance with the National Planning Policy Framework. Sufficient housing land is identified in the Strategic Development Locations delivered by Policy Stafford 2, Policy Stafford 3 and Policy Stafford 4, in the emerging Plan for Stafford Borough to meet the requirements of Stafford town. The Council has more appropriate, viable and deliverable land available for housing so that the less preferable application site is not required. This application is a substantial residential proposal that lies outside the identified Strategic Development Locations and the proposed development strategy and is contrary to Spatial Principle 7 in the emerging Plan for Stafford Borough.



Milwood Land (Stafford) Ltd FAO Mr P Shaw C/O 888 London Road Oakhill Stoke On Trent Staffordshire ST4 5NX	Date Registered 29 October 2013 Decision Date 21 February 2014 Issue Date 24 February 2014
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#### TOWN AND COUNTRY PLANNING ACT 1990

#### REFUSAL OF PERMISSION FOR DEVELOPMENT

The proposal is therefore premature due to the prejudice it could cause to development within the Strategic Development Locations.

The proposed development is on a green field site outside the Residential Development Boundary for Stafford. The development of the site for housing would, therefore, be in conflict with Saved Policy HOU3 of the Stafford Borough Local Plan 2001.

#### INFORMATIVE(S)

- 1 The Local Planning Authority has worked in a positive and proactive manner in dealing with this application and entered into pre-application discussion with the applicant, however it is considered that the applicant is unable to overcome the principle concerns in respect of the proposal being premature and contrary to the proposed development strategy and Spatial Principle 7 in the emerging Plan for Stafford Borough.

Head of Planning and Regeneration  
On behalf of the Council

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## Appeal Decision

Inquiry opened on 30 July 2014

Site visits made on 1 August and 30 October 2014

**by Keith Manning BSc (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 3 December 2014**

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**Appeal Ref: APP/Y3425/A/14/2217578**

**Land between Ashflats Lane and A449 Mossfit, Stafford ST18 9BP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Milwood Land (Stafford) Ltd against the decision of Stafford Borough Council.
  - The application Ref 13/19524/OUT, dated 23 October 2013, was refused by notice dated 21 February 2014.
  - The development proposed is residential development for up to 320 dwellings.
- 

### Decision

1. The appeal is dismissed.

### Procedural and Preliminary Matters

2. The inquiry sat on 30 and 31 July 2014, before being adjourned to be completed, sitting also on 28 and 29 October 2014. I conducted two separate accompanied site visits, the first to look at the site and its surroundings, the second to look at the proposed access, specifically.
3. The appellant supplied a document list sub-divided into three sections a-c. I have utilised this to list what are effectively all core documents referred to as necessary under the appropriate sub-division and Roman numeral. Documents submitted during the course of the inquiry are referenced ID1, ID2 etc.
4. The application is in outline form with all matters reserved save for access. The master plan accompanying the application is purely illustrative.
5. The description of the proposed development changed between application and appeal reflecting, inter alia, the Council's original request to remove reference to the number of dwellings. As a consequence of discussions and agreements during the course of the inquiry, I adopt the above description for the purposes of this decision. The proposed development necessarily includes the demolition of Lawford House to accommodate the access works.
6. The Residents' Action Group is a Rule 6 party.
7. A completed planning obligation in the form of a S106 planning agreement dated 28 October 2014 was submitted at the inquiry. It variously provides for 30% Affordable Housing, 'Targeted On Site Additional Open Space', Travel Plan arrangements and a financial contribution in respect of its monitoring and review, financial contributions in respect of; sports facilities, transport strategy

- implementation contributions, mitigation measures relevant to the Cannock Chase SAC and primary and secondary education.
8. A Statement of Common Ground concerning planning matters (PSoCG)<sup>1</sup> was agreed between the Council and the appellant. The Ash Flats Residents' Action Group ('the Action Group'), a Rule 6 party, was not party to the agreed matters therein.
  9. Prior to the resumption of the adjourned inquiry, a Statement of Common Ground concerning highways matters (HSoCG)<sup>2</sup> was agreed between the Staffordshire County Council (SCC) and the appellant. Again, the Action Group was not party to this.
  10. Highways matters are not in contention between the Council and the appellant. However, bearing in mind the Action Group's request that I should determine the appeal as if the application had been made to the Secretary of State in the first instance, and its obvious concern in respect of the proposed access, I requested that the appellant should make highways expertise available to the inquiry and that the relevant witness should attend my second site visit. An officer of the SCC, the highways authority, also made himself available at the appropriate time.
  11. A supplementary proof of evidence by the appellant's planning witness was circulated shortly before the resumption of the inquiry, but this was formally withdrawn by the appellant at resumption and I place no weight on its content.

### **Main Issues**

12. I consider the main issues to be as follows:-
  - Would the proposed development accord with the intentions of the development plan, or would it harmfully conflict with and undermine those intentions?
  - If the latter is the case, are there material considerations that, potentially, would outweigh the conflict with the development plan?
  - Does the Council have an adequate supply of housing land?
  - Are there any other matters, including those raised by third party objectors, which would affect the conclusions to be drawn on any of the above issues?
  - On balance, does the proposed development represent sustainable development for the purposes of the National Planning Policy Framework?
13. I canvassed these issues at the inquiry and the parties were in broad agreement that they encompassed the relevant considerations.

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<sup>1</sup> ID1

<sup>2</sup> ID12

## Reasons

### *The site and its surroundings and the proposed development*

14. The site is described in detail in the PSoCG but in brief comprises a low-lying area of essentially rural land bounded at the southern extremity of Stafford town by the M6 and the West Coast main railway line to form an elongated triangle of countryside abutting the main urban area in the vicinity of Moss Pit. Although pastoral in appearance, it cannot be described as tranquil, being heavily dominated by the constant and pervasive influence of the M6, which is periodically supplemented by the passage of trains along the main railway. It is traversed by a public footpath which links Ashflats Lane to the A449 via a rail footbridge and Acton Gate. The latter includes a ribbon of housing development along the main road but immediately to the south the land between the railway and the A449, as far as Junction 13 of the M6, is dominated by warehousing and other commercial development.
15. The residential area associated with Ashflats Lane and Barnbank Lane at the northern end of the appeal site contains houses of varying age and is pleasantly suburban in character. The A449 (Mospit) rises from the housing at Acton Gate towards a bend in the road which accommodates a bridge over the railway and then falls past Lawford House towards the junction with Barnbank Lane. Between Lawford House and Barnbank Lane, the junction with Gravel Lane provides one of the access routes into the residential area to the north.
16. The illustrative masterplan indicates how the proposed development would fit into this context. Emergency access only for vehicles would be provided off Ashflats Lane; whereas the regular vehicular access to the site would be via a priority junction between Gravel Lane and the bridge over the railway, facilitated by the demolition of Lawford House and earthworks to achieve the correct levels at the junction, where the A449 is elevated relative to the proposed housing to the south. Between the proposed housing and the M6 a linear mound would be raised, topped by an acoustic fence and a narrower feature to mitigate sound would be created alongside the railway. A balancing lake would be created at the southern extremity of the appeal site together with an associated area of habitat for biodiversity. An additional area of land controlled by the appellant outside the application site and outside the Council's administrative boundary (defined by the Pothooks Brook in this locality) is indicated as "potential additional open space".
17. Although it is clear that a significant part of the circa 13.8 hectare site would necessarily be devoted to the mitigation of disturbance potentially caused by the railway and more particularly the M6, I have no specific evidence to suggest that 320 dwellings could demonstrably not be accommodated in an acceptable fashion within the balance of the site, i.e. the net developable area, bearing in mind the range of densities which can be contemplated within usual parameters. I consider the reserved matters process would be perfectly adequate to ensure an acceptable standard of development within the ceiling of 320 dwellings applied for, precisely because it is an upper limit and not a fixed number. In the context of a potential reserved matters application and the 'without prejudice' discussion of potential planning conditions which took place, the appellant agreed that a maximum of four storeys would be an acceptable

constraint upon its ambition to achieve a development up to the specified ceiling.

18. I am conscious that the Inspector who heard objections to the previous (2001) Local Plan in effect considered the appeal site to be outside the confines of the town and part of the countryside.<sup>3</sup> Although the Inspector's concern was specifically with a smaller area of land within the appeal site, the meaning is clear and, as a statement of geographical fact I have no reason to disagree. However, I am also conscious that the M6 and the railway are in themselves dominating linear features that sharply define the whole of the appeal site by forming significant boundaries between it and the largely rural area beyond.

*Accordance with the development plan*

19. The Plan for Stafford Borough 2011-2031 (PSB) was adopted on 19 June 2014 shortly before the inquiry opened. The Site Allocations Development Plan Document (SADPD), which will complement the PSB to complete the planning framework for the Borough, has yet to be adopted.<sup>4</sup> Nevertheless, the PSB has replaced all saved policies of the Stafford Borough Local Plan 2001.
20. The Council's original decision to refuse the application was made while those saved policies were still extant and it is common ground that policy HOU3 of the former local plan and the former Residential Development Boundaries defined therein are no longer part of the development plan and are not relevant to this appeal decision. I have no reason to take a different view.
21. It is also common ground that the former local plan policy HOU3 has no equivalent replacement in the PSB, albeit the policy referred to as Spatial Principle 7 (SP7) addresses the intended location of new development, including new housing development.
22. Paragraph 35 of the Inspector's report on the PSB records that the level of housing provided for therein is not intended as a maximum figure, which might constrain other sustainable and acceptable developments from coming forward. This principle forms part of the common ground between the Council and the appellant.<sup>5</sup>
23. The full range of PSB policies considered relevant by the Council and the appellant is set out in Section 4 of the PSoCG and I specifically refer to these only to the extent that is necessary for the purposes of this decision.
24. It seems to me that the main area of contention between the Council and the appellant in respect of the proposal vis-à-vis the development plan and its intentions centres on SP7, the former alleging conflict and the latter claiming accordance.
25. It is an issue which must therefore be directly confronted in some depth, as the newly adopted development plan is the starting point and accordance with it would (following the statutory requirement reflected in paragraph 14 of the Framework) trigger the presumption in favour of sustainable development and require that permission be granted for the proposed development, unless material considerations were to indicate otherwise.<sup>6</sup>

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<sup>3</sup> Doc 6 paragraphs 6.16.1 – 6.16.4

<sup>4</sup> ID1 paragraph 6.g.

<sup>5</sup> Ibid. paragraph 6.d.

<sup>6</sup> National Planning Policy Framework – footnote 10

26. Conversely, in line with the duty imposed by Section 38(6) of the Planning and Compulsory Purchase Act 2004, conflict with the newly adopted PSB would require rejection of the appeal unless material considerations (including national policy set out in the Framework) were to indicate otherwise.
27. The Council sought to argue that the proposed development fails to meet the relevant criteria set out in the second part of SP7, a policy which, inter alia, anticipates the current time lag between adoption of the PSB and the subsequent adoption of the SADPD and, where relevant, neighbourhood plans.<sup>7</sup> Prior to the establishment of Settlement Boundaries (within which most new development is to be confined<sup>8</sup>) these same criteria are to be used to assess the acceptability or otherwise of individual proposals such as the development at issue in this case.
28. In respect of the second part of the policy, the Council offers no argument that the proposal fails to comply with any of the listed criteria a) to j) save for criterion f) and criterion i), which respectively concern the special character of areas and the loss of locally important open space or other community facilities. However, this is largely a matter of submission rather than evidence.
29. Criterion f) seeks to protect the special character of areas and refers specifically, albeit not exclusively, to important open spaces and views, designated heritage assets and locally important buildings. There is no evidence to suggest that any such specific features that have in any formal document been identified by the Council would be adversely impacted upon by the proposed development. As I have noted, the area around the application site is visually pleasant insofar as it is an agreeable mix of suburban and rural. It is also locally distinctive in the way that places are by virtue of having their own particular mix of topography, buildings and vegetation. However, the use of the term in a policy of this nature must to my mind denote something out of the ordinary which would be adversely affected, in principle, by change in the form of new development, as opposed to ensuring that such change is executed in a manner which observes normal standards of acceptable design and development.
30. Any other interpretation would result in the policy effectively blocking much new development in the context of a development plan which plainly intends to accommodate significant growth, including the use of greenfield sites for this purpose. Moreover, the policy as drafted is not inconsistent with the intentions of the Framework, which itself highlights that development and consequential change is acceptable unless recognised important characteristics and protective designations should prevail to prevent such change. I have no compelling evidence to suggest that the characteristics of the appeal site are in themselves sufficiently special to prevent, in principle, needed development properly executed.
31. Likewise, criterion i) to my mind sets a bar that is sufficiently high to demand some formal recognition and the view cannot be taken that open agricultural land is necessarily regarded as de facto locally important open space. If that were the case, the development of such land would almost invariably conflict with the policy criterion. Nor do I consider it can realistically be argued that the appeal site performs a separation between development on the southern

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<sup>7</sup> PSB explanatory text paragraph 6.65

<sup>8</sup> Ibid. paragraph 6.64

- fringe of Stafford in the vicinity of Ash Flats Lane and the residential and commercial development at Acton Gate that is recognised to be of overriding importance. I have no evidence of any strategic policy to that effect.
32. Bearing in mind the key diagram for Stafford town in the PSB, the appeal site does appear relevant to the green infrastructure network referred to in policy N4 of the PSB. However, I have been presented with no clear evidence that it is to be site-specifically protected as such in its entirety. Moreover, I am conscious that part k. of that policy requires that all new development to which the central concept of the policy is relevant is to be set within a “well designed and maintained attractive green setting” and I see no reason in principle why development on the scale proposed in this instance could not achieve that end, especially if the necessary mitigation of potential disturbance from the motorway and railway were to be designed with that in mind.
33. For these reasons, I do not consider the proposal would conflict significantly or unacceptably with the intentions underlying criteria f) and i) of SP7. Nor do I have any cogent evidence to demonstrate unacceptably harmful conflict with any of the other criteria listed in this part of the policy.
34. However, policies are to be taken as a whole in the context of the development plan as a whole and the listed criteria are but one part of that exercise. I therefore consider it necessary to interpret SP7 by reference to all its relevant parts and, in the first instance, the contextual cross-reference to other parts of the PSB is influential to the extent that Spatial Principles SP2, SP3 and SP4 (all agreed to be relevant in the PSoCG) articulate the plan’s intention to apportion development between settlements with boundaries ultimately drawn to accommodate it accordingly. The first paragraph of SP7 specifically singles out housing development in this context.
35. It can reasonably be inferred from SP2 and SP3 read together that, for sustainability, the County town of Stafford should accommodate the bulk of the total quantum of development planned for to 2031 and SP4 is specific in the case of housing development that year on year around 70% of the Borough’s requirements should be met there, the aim being to thereby achieve 7,000 new completions in Stafford of the 10,000 new dwellings required overall.
36. I am of course conscious that the housing requirement is not to be regarded as a ceiling and that the plan’s strategy would not be undermined if Stafford, as the top settlement in the “Sustainable Settlement Hierarchy” improved upon the planned performance, in contrast to the trend identified by the Council which tended to undermine the intentions of the previous local plan, as explained in paragraphs 6.41 – 6.45 of the PSB. On the face of it, the intention to re-balance the distribution of housing in favour of Stafford Town weighs in favour of the proposal at issue and, furthermore, it is very clear that to accommodate its needs, including at Stafford, the Council is accepting of the fact that greenfield sites will have to be developed for housing.
37. Nevertheless, the final paragraph of SP7 reflects the intention of the Framework that, within the context of the important policy objective to boost significantly the supply of housing, the effective use of brownfield land is to be encouraged. This is a core principle of the Framework and the logical corollary, which finds expression in that final paragraph of SP7, is to discourage the unnecessary use of greenfield sites. This is stated in the following clear terms:-



*"Development proposals should maximise the use of brownfield redevelopment sites within the Borough's town and villages to reduce the need for greenfield sites. Only where insufficient sites on previously developed land, in sustainable locations, are available to meet new development requirements should greenfield sites be released." (The emphases are mine.)*

38. This, it seems to me, is a fundamental tenet of the strategic plan for the Borough of Stafford, the PSB, recently examined and found to be sound in the context of relevant national policy expressed in the Framework. That finding in itself is a material consideration of critical importance in support of the principle.
39. The principle is plainly free-standing and applies perforce to the development at issue even though settlement boundaries are not yet defined and all the criteria a) to k) of policy SP7 can, in my view, be satisfied by it.
40. In other words, the final paragraph is not simply a well-intentioned wish added in for its own sake; it is central to the success of the policy and the plan as a whole (as is clear from the intention to re-use brownfield land where possible listed under point i. in the Spatial Vision statement of the PSB). It is not, however, as was confirmed to me at the inquiry<sup>9</sup>, a sequential approach (i.e. 'brownfield first'). Indeed, given the early reliance on the largely greenfield Strategic Development Locations (SDLs), the PSB would be internally contradictory if it was intended to be deployed in that way. Rather it is, on its face, a clear preference for the use of brownfield land for development. Moreover, it is a clear preference that is now enshrined as a policy principle of the adopted development plan and I am obliged to follow it in this case unless it is demonstrably the case that insufficient brownfield sites are available in sustainable locations to meet the plan's development requirements.
41. Patently, the plan's development requirements cannot be met on brownfield land alone. If that were the case, the PSB would not be promoting SDLs that are to serve a very significant proportion of the development needs of Stafford Town and the borough as a whole. However, the PSB must be taken as a whole and it makes specific provision to meet its total requirements for Stafford Town, i.e. 7,000 dwellings and 90 hectares of employment land,<sup>10</sup> inter alia by identifying SDLs to the west, north and east of the town.
42. In the case of housing the March 2013 balance of dwellings required in Stafford Town<sup>11</sup> to meet the plan's intentions, after a 10% discount had been applied to existing commitments, stood at 5,233.
43. Policies identified as Stafford 2, 3 and 4 (SDLs north, west and east of the town) respectively provide for 3,100 dwellings, 2,200 dwellings and 600 dwellings so as to provide for a total of 5,900 new homes, comfortably meeting the requirement for the town as a whole, overwhelmingly on land that is classified greenfield (and assessed as not being of sufficient environmental value to be ruled out by the intention behind point i. of the Spatial Vision). These strategic allocations have been made because it is necessary to do so if the PSB strategy, including that for Stafford Town itself, is to be delivered.

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<sup>9</sup> Inspector's question to Mr Stoney

<sup>10</sup> Tables at paragraphs 6.53 and 6.58 respectively of the PSB

<sup>11</sup> Table at paragraph 6.53 of the PSB

44. Hence, despite a preference for using brownfield land for development needs, substantial greenfield development is anticipated and planned for. Against that background the suggestion that, in the context of the Framework intention to significantly boost the supply of housing, and the recognition that the requirements for Stafford are not to be regarded as a maximum, further greenfield development on the edge of the town, notably at the appeal site, would not be significantly harmful in policy terms appears, at first sight, credible. However, I consider that to be a superficial interpretation of the PSB and national policy.
45. My reasons are as follows: First, despite its emphasis on housing delivery, the Framework promotes an explicitly plan-led system and the PSB has just been adopted following thoroughgoing independent examination. It is the single most important articulation of planning policy locally. The fact that the PSB is but one part of the eventual completed development plan does not diminish its importance or relevance. Case law is clear on that point.<sup>12</sup>
46. Secondly, the recognition that the housing requirement is not a ceiling is an essentially permissive stance. Exceeding the requirement is clearly optional. If, for example, a large brownfield windfall materialised which would blight the local area if left undeveloped, there would be no good policy reason not to welcome housing development, if that were an appropriate solution in all other respects. The same cannot be said of greenfield development over and above what is needed to satisfy the PSB requirements. That in my view is the clear meaning of the final paragraph of policy SP7. It cannot be the intention of the plan to facilitate the development of greenfield land without any form of policy restraint, even pending the adoption of the SADPD and neighbourhood plans. It would be contrary to the intentions of the plan on its face and those of the Framework in any event, which seeks to accommodate development generally whilst, inter alia, boosting housing supply, in a plan-led fashion at the same time as making effective use of brownfield land resources.
47. The fact of the matter is that the insufficiency of brownfield sites in Stafford to accommodate planned requirements has been addressed through the PSB itself, for the duration of the plan period at least, by the allocation of the SDLs. Further, unforeseen, development of brownfield land within Stafford would simply serve to boost housing supply further without offence to the PSB strategy, whereas unnecessary use of greenfield land resources would not sit well with the intentions of the strategy. On the contrary, it would tend to undermine those intentions, especially if it were to be on a significant scale.
48. This conclusion begs the question of the correct yardstick against which to measure “insufficient” for the purposes of the final paragraph of SP7. In my view logic dictates that it can only be the provisions of the PSB itself, on its own terms and not the Framework requirement to maintain a five year supply of deliverable housing sites, which is a separate, albeit material, matter.
49. My reasons for concluding thus are straightforward. First, the policy is not exclusively concerned with making housing land available, or necessarily available within five years; it applies to all development needs, furthermore over a 20 year period. The application of the development plan policy should not therefore be confused in the first instance by erroneously focusing on the

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<sup>12</sup> Bloor Homes East Midlands Limited v Secretary of State for Communities and Local Government [2014] EWHC 754 (See discussion set out in paragraphs 42-64)

important material consideration of the Framework's intentions in respect of deliverability of housing land over any particular five year period. (This could, in theory, be varied at any time during the currency of the adopted plan in any event.) The crucial question is: Does the plan make adequate provision for its new development requirements in sustainable locations, such that additional land (including greenfield land if necessary) is not required to satisfy its basic requirements?

50. The answer in this case, certainly as far housing is concerned, is plainly 'yes'. The plan makes 'available', in the sense it intends, sufficient housing land for Stafford Town (and the Borough as a whole). That is not just my conclusion, but clearly, and importantly, that of the Inspector who examined the PSB. Had he not concluded thus, he would not have found the plan to be sound in the terms required by the Framework.
51. Given that the PSB provides in that sense for sufficient housing land and that the needs of Stafford Town specifically are satisfied by it, then (irrespective of any additional brownfield sites that may well contribute acceptably to the achievement of housing delivery to 2031 in excess of the basic requirement) further greenfield land release in Stafford is not, in principle, necessary and is not therefore permitted by the terms of policy SP7.
52. The PSB Inspector was careful to eschew spurious precision as regards the housing development trajectory, as is evident from paragraph 39 of his report,<sup>13</sup> and the SDLs appear to be generous in aggregate. However, the latter point simply serves to reinforce the conclusion that further greenfield land release for housing in Stafford Town is not necessary for the purposes of the PSB and, although the proposed development is not on the scale proposed at the SDLs, neither would it be a small or relatively insignificant increment of greenfield housing development. On the contrary, it would represent a substantial deployment of greenfield land resources over and above what is currently required or allocated in the plan period.
53. For the above reasons I have no hesitation in concluding that the proposed development does not accord with the intentions of policy SP7 or the development plan as a whole and that it would, moreover, harmfully conflict with and undermine those intentions.
54. In drawing that conclusion, I am conscious that the Inspector who determined a recent appeal at Gnosall<sup>14</sup> found that the greenfield housing development proposed in that case accorded with the criteria of the second part of SP7 but did not explicitly address the final paragraph and I am not party to any submissions that may have been put to him in that respect. In any event, Gnosall is identified as a Key Service Village in policy SP4 which seeks to distribute 12% of the total housing requirement to such locations and, in the context of more than 500<sup>15</sup> new housing sites being required in the eleven Key Service Villages, less development is anticipated in those that are constrained by Green Belt, compensated by more in those such as Gnosall, which are not. Moreover, it is also clear from explanatory paragraph 6.40 of the PSB that such villages will generally have to experience most new development required outside the existing built up areas.

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<sup>13</sup> CD a vii

<sup>14</sup> ID17

<sup>15</sup> Table at 6.53 apportions new provision of 537 housing plots to Key Service Villages

55. The situation addressed by the Inspector in that case was therefore materially different from that prevailing in this case and conflict with the policy only arises, as I have explained, in those situations where the development of greenfield land is unnecessary to the objects of the plan. In my judgement the two situations are not therefore directly comparable and my colleague's finding of compliance with SP7 in no sense requires me to reach the same conclusion in this case. The policy must be applied with discrimination according to the circumstances of the settlement in the PSB hierarchy.

#### *Material considerations*

56. Although I have concluded that there is clear conflict with the intentions of the development plan, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that this appeal be determined in accordance with the development plan unless material considerations indicate otherwise.

57. National policy in the form of the Framework, and guidance in the form of Planning Practice Guidance (PPG) are self-evidently material considerations of significant weight. Therefore, whilst the development plan, including its housing figures, spatial strategy and intended settlement hierarchy and apportionment of development requirements between settlements is, and must remain, the starting point, its influence on the outcome of this appeal is necessarily tempered by these considerations, and others, including the Government's growth agenda.

58. The weighing of material considerations in the context of the policies set out in the Framework and the guidance of the PPG is fundamental to determining whether or not the proposed development should proceed. The planning balance must address the economic, social and environmental dimensions of sustainable development, the presumption in favour of which is set out in paragraph 14 of the Framework.

59. Whether or not that presumption is engaged, in a case such as this, where I have concluded that there is clear conflict with the development plan, depends on whether or not relevant policies are out-of-date. For housing developments that assessment encompasses the important consideration of whether or not the local planning authority can demonstrate a five-year supply of deliverable housing sites.<sup>16</sup>

60. For these reasons I conclude, notably because the land availability situation is in dispute, that there are material considerations which have the potential to outweigh the conflict with the development plan I have identified. Whether or not they should do so is a matter I return to in the planning balance following my assessment of the full range of main considerations, including the housing land situation.

#### *Housing land supply*

61. PPG advises that... *"Up-to-date housing requirements and the deliverability of sites to meet a five year supply will have been thoroughly considered and examined prior to adoption [of a development plan], in a way that cannot be replicated in the course of determining individual applications and appeals."*

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<sup>16</sup> Framework paragraph 49

62. On the other hand, PPG goes on to advise that... *"Demonstration of a five year supply is a key material consideration when determining housing applications and appeals. As set out in the National Planning Policy Framework, a five year supply is also central to demonstrating that relevant policies for the supply of housing are up-to-date in applying the presumption in favour of sustainable development."*
63. Housing land availability for the purpose of applying national policy is frequently portrayed by participants in appeal proceedings as an absolute; i.e. simply a matter of fact. In my experience it is not. It necessarily involves informed judgements about the prospects for a multiplicity of sites and that judgemental factor can be very significant in situations where, as here, reliance is placed on a small number of large allocations. The circumstances of this particular inquiry, and the arguments put, necessitate a detailed and unavoidably discursive consideration of practice, principle and probability.
64. The first footnote to paragraph 47 of the Framework defines deliverability for the purposes of five year supply and the starting assumption is that sites with planning permission are deliverable unless there is clear evidence that schemes will not be implemented within five years. This can only mean built out as permitted, because "implementation" of permission in a legal sense requires simply a material start that effectively secures permission indefinitely. Allocations and, where evidence is supportive, windfalls, may also be included in the supply.
65. In this case, the PPG advice regarding examination of the land supply in the context of the adoption of a development plan is especially pertinent. The conclusions of the Inspector who examined the PSB are unequivocal. Paragraph 39 of his June 2014 report is as follows.....
- "Although SBC cannot currently demonstrate a 5-year supply of housing land, this will be rectified when the Plan is adopted, particularly with the allocation of the SDLs, as confirmed in the latest housing trajectory [MM104]; regular updating of the housing trajectory and 5-year supply will help to ensure that the Plan is effective. The revised housing trajectory is only intended as a broad estimate of timescales for housing delivery, using information provided by developers to estimate delivery rates at specific sites."*
66. Paragraph 40 indicates that, on the basis of evidence, the proposed housing provision, including the SDLs on which significant reliance is placed, is sustainable, viable and deliverable. It notes that the first 5-year period will be boosted by a 20% increase in housing supply land supply, identifying sites for over 3,100 dwellings during this initial period. It also notes, amongst other things, that no allowance is made for windfall sites, and some commitments are discounted by 10%. This, he concluded, gave further flexibility.
67. In short, he reported that he was confident that, upon adoption of the PSB (as it happened, promptly, in the same month) the Council would have a robust five-year supply of deliverable housing sites to cater for objectively assessed needs through the medium of an adopted development plan. In the absence of truly compelling evidence to the contrary, it would not be for me to take an alternative view.
68. In any event, the content and tenor of the PPG advice I have quoted above discourages the constant questioning of such findings in appeal proceedings

notwithstanding the clear importance of maintaining a five-year supply once established, a necessity clearly recognised by the PSB Inspector in paragraph 39 of his report, which refers to regular updating. Moreover, paragraph 47 of the Framework itself, in seeking to boost significantly the supply of housing, advocates that local planning authorities should..... "*identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing requirements.....*" (The emphasis is mine.)

69. For the reasons set out below, I consider it reasonable to conclude, as a matter of practice, that it is too early to assess with any reliable degree of precision whether or not the Council in this instance is failing in its endeavour to maintain a five year supply. The Annual Monitoring Reports should reveal the reality of the situation in due course, moving forward from the base established, in effect, at March 2014, albeit retrospectively addressed in the context of the newly adopted PSB, through the Council's document calculating the five year supply as at 31 March 2014.<sup>17</sup> (This was published in June 2014.)

70. The Inspector who determined an appeal at Cold Meece<sup>18</sup> since the PSB was adopted considered that, given the PSB had only recently been adopted...

*"it is not entirely unreasonable to expect a settling in period during which the Council's policies and new site allocations will begin to take effect. This is particularly so given the step change in housing delivery which the Council is seeking to achieve. Therefore whilst dwellings may not yet be being completed and offered for sale on some of the larger sites, based on the information before me, it seems reasonable to expect that this will occur during the five year period. Furthermore the publication of an updated land supply statement is evidence that the Council are actively monitoring the situation and is willing to keep the supply of housing under review so as to identify additional sites if necessary in order to address any shortfall."*

71. Those observations are, in my view, apposite. It is important not to lose sight of the fact that, at its core, the Framework promotes a genuinely plan-led system, within which an important object is to boost significantly the supply of housing to meet objectively assessed needs. In default of those needs being delivered through the medium of an up-to-date development plan, paragraph 14 enables decisions on planning applications to be taken in the context of the broader policy embodied in the Framework taken as a whole, including, through paragraph 49, the granting of permission for housing in circumstances where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

72. However, ad hoc reappraisals, by any party, outside the regular annual monitoring promoted by the Framework in the context of a plan-led system are not in my view encouraged or endorsed by PPG insofar as it continually emphasises annual monitoring in the context of plan-led supply. In other words, the statement within it that "*Demonstration of a five year supply is a key material consideration when determining housing applications and appeals*" is a statement that needs to be understood in its proper context, i.e. the Framework and the PPG taken together and as a whole. The latter also states that... "*the National Planning Policy Framework sets out that locally authorities should identify and update annually (My emphasis) a supply of specific*

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<sup>17</sup> CD a xvii

<sup>18</sup> ID18

*deliverable sites sufficient to provide five years worth of housing against their requirements. Therefore local planning authorities should have an identified five year supply at all points during the plan period.* (Also my emphasis)  
*Housing requirement figures in up-to-date adopted local plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted local plans which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs."*

73. Thus identified needs in recently adopted local plans should not be lightly set aside but it is clear also that identified supply at the time of adoption should be accorded considerable weight and should not be lightly discounted. I conclude thus because the PPG not only advises that consideration of five year supply can be considered and examined prior to adoption in a way that cannot be replicated in consideration of applications and appeals but precedes the point about the five year supply being a key material consideration with the words "By taking a thorough approach on an annual basis, local planning authorities will be in a strong position to demonstrate a robust five year supply of sites." (My emphasis.)
74. Moreover, under the question "How often should an assessment be updated?" the PPG says "The assessment of sites should be kept up-to-date as part of local authorities monitoring report and should be updated yearly." (my emphasis)
75. It does go on to say that... "It should only be necessary to carry out a full re-survey of the sites/broad locations when development plans have to be reviewed or other significant changes make this necessary (e.g. if a local planning authority is no longer able to demonstrate a five year supply of specific deliverable sites for housing)" but the latter circumstance is to my mind, given the context provided by PPG, clearly set in the context of annual monitoring rather than ad hoc review by any party, whether by the local planning authority itself or an individual applicant or appellant. Conceivably, events such as the unexpected refusal of permission on an allocated site critical in itself to the on-going supply may conspire to indisputably transform the land supply situation indicated in any particular annual assessment. This would necessitate a fundamental re-appraisal prior to the next one, but a function of the relevant trajectory would be to indicate sensitivity to such an occurrence and the Council in this case has not recorded any such radical disruption to the trajectory from 31<sup>st</sup> March 2014 taking on board the adopted PSB.
76. On its face, the term "at all points during the plan period" must, clearly, in a literal sense require a five year land supply to be demonstrated at any particular point in any given year. However, given the heavy emphasis on annual and essentially plan-led monitoring in the PPG, commencing with a sound adopted plan, and bearing in mind the timescale of plans, the clear inference is that annual monitoring to demonstrate a robust five year supply should indicate a clear probability that at any point in the forthcoming year pending the next review, there will in reality be a five year supply. This appears to me common sense. Development management on a day-to-day basis would become all but impossible if the five year supply, which is intrinsically dynamic and approximate, had to be continuously, as opposed to

periodically, updated and re-assessed. Moreover, the flow off and flow on to the record of land availability of sites (albeit lapse of permission per se need not lead to automatic exclusion) and new permissions, quite apart from changing assumptions and aspirations by developers and landowners in response to immediate circumstances, has the potential to vary the supply in either direction at any point in time. This is a characteristic that could potentially lead to what could be seen as capricious decision making between systematic and methodologically consistent annual assessments. That would not be in accordance with Framework intentions regarding predictability and efficiency.<sup>19</sup>

77. The appellant asserts that there is no basis in the Framework or PPG for the Inspector who determined the Cold Meece appeal endorsing a settling in period following the adoption of a plan. However, the tenor and content of the PPG advice analysed above is, to my mind, strongly supportive of such an approach. It seems to me that, as a matter of principle and common sense, an adopted plan must be given an opportunity to show it is working before corrective measures are introduced in response to monitoring evidence which demonstrates they are needed. It is the logical corollary of rigorous examination of the statutory plan followed by adoption and regular monitoring thereafter.
78. In this case, the development plan is neither absent nor silent and, bearing in mind that it has so recently been found to be sound and adopted, the burden of proof on appellants to demonstrate that relevant policies are out-of-date is to my mind a heavy one. I accept that the plan is as yet incomplete, but that does not negate its immediate relevance to the proposed development at issue, which, for reasons previously detailed, I consider to be in conflict with its intentions. In such circumstances, the Council, local people, landowners, developers and others should reasonably expect it to be deployed as a *"practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency"*.<sup>20</sup>
79. In short, in the period between adoption and the first annual post-adoption review of housing land availability in Stafford, at least, there can only sensibly be a working assumption that (unless something radical has happened to frustrate the planned-for delivery of housing, or there is compelling empirical evidence that, for example, it is unreasonable to expect the large sites relied upon to deliver at broadly the assumed rates in the circumstances of the relevant region or housing market area, over the relevant period) the anticipated trajectory holds good.
80. This inquiry amply illustrates the difficulties (recognised in PPG, as previously indicated) of attempting to depart from such reasonable reliance on a sound and recently adopted plan and systematic annual monitoring of the type anticipated and advocated by the Framework and PPG. Moreover, I am not satisfied, given the above context, that it is demonstrably the case that the Council does not have a five year deliverable supply of housing land at the present time, notwithstanding that considerable information purporting to contradict the Council's own conclusions in that respect has been adduced and that the appellant notes the broad trajectory examined for the purposes of the

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<sup>19</sup> Framework paragraph 17

<sup>20</sup> Ibid.



PSB ran from April 2013, whereas the current monitoring year commenced in April 2014.

81. In outline, the position is as follows: In general, I am satisfied that the Council's approach to the 20% buffer it applies and the Sedgefield approach is logical and correct. The intention of such a buffer is to compensate in a robust fashion for past under-delivery and the Sedgefield approach aims to eliminate that failing within the first five years of the plan period. The picture would be artificially distorted and inconsistent with that adopted for the purposes of the PSB if an alternative approach were to be deployed. As a matter of best practice, as the appellant points out, the buffer is generally to be applied first but in this case, bearing in mind the compensatory factors (considered below) in respect of the likely reality of land supply, I do not consider this to be critical. It is perhaps regrettable that the Council's land supply as at 31<sup>st</sup> March 2014 was not made available until June and perhaps understandable that the appellant was inclined to focus on what was known by the summer of this year. Nevertheless, the consequence of such an approach is that like is not being compared with like and the information degenerates into little more than a series of snapshots of a dynamic set of circumstances as opposed to systematic measurement and calibration of the land supply situation at a regular annual date, as the Framework and PPG clearly intend.
82. That said, it is necessary for the purposes of this appeal to form a view as to the current situation and the Council's statement of five year land supply as at 31<sup>st</sup> March 2014 seems to me an appropriate starting point. The Council reasonably accepts that some inaccuracies regarding particular small sites suggests a reduction in that component of around 8% over and above the 10% discount applied across the board in that category and that the large sites component ought reasonably to be reduced by approximately 1.75% (on the basis of information emerging since March 2014.) It is noteworthy that a 10% discount is already applied to large sites where specific information from developers is unavailable, but I see no justification for doing so in those instances where the Council is in receipt of relevant information from the developer. The SDLs are potentially more problematic because they are by definition very large sites that are prone to unforeseen delays as a consequence of unexpected interruptions to necessary infrastructure provision, market capacity factors which may vary over time and phasing provisions that may not materialise as planned owing to these and other factors.
83. Nevertheless, although there is a wealth of correspondence from varying sources focusing on particular difficulties at particular times, there is little in the way of detached systematic consideration of delivery rates over a sustained period on comparable schemes in the region and therefore the Council has little option other than to rely on the best estimates of developers' representatives which can differ from other such estimates, obtained at different times and through different channels but nevertheless adduced for the purposes of the inquiry. Moreover, such information, which is typically hedged by qualifications, rarely has the status of commitment in the manner of contracted projects. Such contradictory estimates, judgements and assertions, which include soft information such as reported telephone conversations, are of limited utility in appeal proceedings. The limitations of such evidence only serve to underline the desirability and wisdom of reliance primarily on the more rounded assessments and broader understanding which can be distilled from

the examination of the development plan itself, certainly in the early days following the conclusion of that process.

84. Empirical evidence can subsequently expose trends and events that may not have been foreseen when the relevant assumptions and judgements by all concerned were made. These may indicate either faster or slower rates of delivery than anticipated, with consequences for the five-year land supply and in terms of corrective responses if this is shown to be faltering. In my experience, development plan allocations can be made in the spirit of hopefulness as far as timing is concerned, achieving the spatial outcome sought over a longer timescale than originally hoped for, often due to circumstances outside the local planning authorities' control, and a healthy scepticism is therefore sometimes warranted in reviewing claims of timely delivery.
85. However, from all I have seen, heard and read, including the report of the PSB examination, I consider Stafford's revised claims articulated in the paper produced for the inquiry<sup>21</sup> outside the annual monitoring framework (i.e. taking account of events since March 2014) and in response to the document submitted by the appellant<sup>22</sup> to be as reasonably realistic as can be expected in the absence of empirical evidence, including market-focused assessments over an adequate period of time, to the contrary. And it is noteworthy that a variety of planning permissions and reserved matters applications in the SDLs are contemporaneously being granted and considered and development is already commencing, albeit in a small way in the current year, in the northern and eastern SDLs. Certainly there appears to be no lack of developer enthusiasm.
86. While I accept that all sites are important in the context of five year land supply, the submissions regarding evidence to the effect that some of the Council's small sites records are or could be erroneous regarding commencement or even lawfulness given the need to discharge conditions and the claimed absence of records thereof adds little to my understanding, in that verification would impractically involve visiting all such disputed sites and interrogating all disputed records in a forensic fashion. The more practical approach would be the narrowing down of areas of factual disagreement on the basis of agreement between the parties that plainly did not occur.
87. There are matters yet to be addressed in the Council's monitoring of the 5 year supply if improved consistency and transparency are to be achieved year on year as the five-year supply is monitored and it seems irrational not to include a windfall element given the Council's track record in that respect, or indeed, from henceforth, a C2 element given the advice of the PPG in that respect. While I therefore understand the appellant's criticism that the Council apparently now seeks to introduce such elements in an attempt to reinforce its claim, in the face of challenge, that there is a five year supply, I do not accept that such elements may be discarded as immaterial for present purposes. The fundamental intention of the five year requirement is to consistently prevent needed house-building in any particular area being frustrated by lack of a range opportunity to accommodate a variety of house-builders and market sectors in a variety of locations. The fact that the Council for its own reasons conservatively chooses not to include such a contribution in its annual statement but nevertheless seeks to add it in on an ad hoc basis in response to

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<sup>21</sup> ID4

<sup>22</sup> Appendix X to Mr Stoney's proof of evidence

an ad hoc challenge does not negate its potential contribution, albeit I accept that an approach which is as consistent, comprehensive and as transparent as possible is to be preferred.

88. More fundamentally, however, the fact that the appellant's detailed review of material relevant to the Council's five year land supply is based on what is apparently known or conjectured at various dates in the summer of 2014 makes a true comparison between Mr Stoney's Appendix X and the Council's March 2014 assessment impossible, albeit the Council's response to that seems to me a proportionate and reasoned response. Cognisance of those criticisms levelled by the appellant which the Council felt to be justified reduces the supply from the 5.43 year supply calculated at 31 March 2014 to 5.3 years supply over the period August 2014 – July 2019.
89. However, as I have noted, like is not being compared with like and bearing that factor in mind and also that the intention of a five year supply, as I have also noted, is to prevent frustration of the market; it seems legitimate to me, in attempting to divine the reality of the situation in the context of an ad hoc exercise to depart from the strict constraints of the Council's chosen methodology and consider urban sites deemed 'deliverable' from the Strategic Housing Land Availability Assessment (SHLAA) of 2013 in the manner suggested by the Council's paper submitted at the inquiry.<sup>23</sup> This source of supply is not precluded by the Framework or PPG in circumstances where such sites have a tradition of coming forward and is confined to the Stafford urban area and excludes any such sites elsewhere in the Borough. If added to the Council's agreed reduction in this context to 3,547 plots (c5.3 years supply) this would increase it back to c5.6 years supply ( $3,547 + 225 = 3772$ :  $3772/672 = c5.6$ ). This to some extent mitigates the "loss of headroom" claimed by the appellant's planning witness in relation to small and large sites with planning permission.<sup>24</sup> Unquantified C2 development would also tend to push the supply in the same direction, albeit there is no sense of the magnitude of that legitimate component of supply.
90. In practice, therefore, I consider the reality of whether or not there is a five year supply of deliverable housing turns on the likely performance of the SDLs. Inevitably, this is to a degree speculative and imprecise. Moreover, it goes directly to the conclusions of the Inspector who endorsed the PSB for adoption on the basis that the SDLs were a major component in addressing the Council's need to identify a five year supply.
91. Despite the Council's apparent reservations, there is no evidence to suggest that the developers involved in the SDLs regard the proposed development as in any way threatening to their delivery and, as I have noted, there appears to be a notable enthusiasm for and confidence in their ability to progress them, as is it appears from submissions to the PSB examination hearing.<sup>25</sup>
92. I have carefully considered the PSB Inspector's report and in this context those sections which address the 4 SDLs are particularly relevant. Paragraph 58 sets the scene and paragraphs 61 – 85 and 86 – 100 respectively encompass his conclusions regarding the three Stafford SDLs and the smallest one identified at Stone. Paragraph 68 is particularly pertinent and includes the observation

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<sup>23</sup> ID5

<sup>24</sup> Appendix x to evidence of Mr Stoney

<sup>25</sup> Doc 21 submission on behalf of Hallam Land re Stone SDL

that... *"there is little conclusive evidence which suggests that the anticipated timescales for delivering these SDLs are unduly optimistic or unrealistic."* On the contrary, the Inspector noted, supporting evidence and developer assessment confirm viability and deliverability.

93. Bearing in mind my previous comments regarding the hope invested in large allocations, the danger of treating developer comment as commitment, and the fact that divining the trajectory of their development in any event involves a degree of conjecture by all concerned, there must certainly be an element of "seeing is believing", but in this case the PSB has only just been adopted and it would be in my view premature and unjustified to doubt what was, in the round, concluded as a result of its examination. I have no doubt that in terms of detailed year on year assumptions some SDLs may stall or slow over the course of time.<sup>26</sup> Equally, I have no reason to doubt that others may accelerate, especially if market conditions hold good or improve. But, as yet, no clear verified trend can be discerned as to which is the predominant tendency, and my colleague's observations<sup>27</sup> regarding a "settling in period" remain pertinent in this context, as do those of the PSB Inspector regarding the generality of the housing trajectory and the need to update it regularly to assist the effectiveness of the PSB.<sup>28</sup> These factors also give weight to the PPG advice regarding consideration of the land supply in the context of development plan examinations prior to adoption, rather than in the context of appeal proceedings.
94. I do appreciate that the trajectories set out in the Council's revised assessment appear ambitious, with trajectories for individual SDLs rising to 200, 190, 132 and 70 dwellings per annum for the Northern, Western, Eastern and Stone SDLs respectively over the next five years. However, I have no rigorous empirically based market evidence that such planning assumptions for Stafford as a whole (where growth is the explicit intention) are, in the context of the region or Strategic Housing Market Area, unachievable. (If that were the case, it would in any event simply add weight to the Council's reservations that the appeal site could divert some demand away from the SDLs.) The assumptions have been recently examined and found to be sound and I have no compelling evidence to suggest that market circumstances or expectations have radically altered since.
95. Clearly, if the housing market generally were to suffer a sudden collapse, as experienced in 2008, then those assumptions would have to be radically reconsidered and lapses in performance would be subject to the corrective mechanism built into Framework policy regarding 5 year supply, but as of now, I am not persuaded by the totality of evidence before me that the assumed trajectory for the SDLs is fundamentally wide of the mark. Moreover, the planned SDLs are in my view sufficiently varied and dispersed around the town and the borough to avoid the worst risks of over-concentration and over-reliance for housing delivery purposes.
96. Assessing a five year land supply is plainly not an exact science. There is, moreover, no closely prescribed methodology sufficient to eliminate individual judgement by practitioners. That judgemental element, which is essentially a balance of probability, is therefore inescapable. In the round, taking all that

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<sup>26</sup> Appendix x to evidence of Mr Stoney re Stone SDL

<sup>27</sup> ID18 paragraph 22

<sup>28</sup> CD a.vii. Paragraph 39

has been put to me into account, I do not consider the Council to now be in comfortable surplus as far as the five year land supply is concerned. There are factors tending to erode that which was quantified at 31 March 2014, concerning small and large sites, but there are also factors which, in real terms are likely to make for additional supply, which is compensatory. Moreover, evidence concerning the SDLs is insufficiently compelling to convince me that the planning assumptions tested through the PSB examination and most recently by the Council in reviewing the position are fundamentally wide of the mark. On that basis, I consider the Council, on the balance of probability, currently has, in real terms relevant to the wide range of developers who might wish to utilise it for house building, a five year land supply in the sense intended by the Framework. But there is little room for complacency. Further planned allocations through the Site Allocations DPD and neighbourhood planning process will need to be brought forward expeditiously if monitoring over the next year or so indicates that expectations are not being met.

97. Nevertheless, bearing in mind the Framework read together with the PPG advice, and the very relevant and recent adoption of the PSB, the apparent potential marginality of the real supply of deliverable sites around the five year mark demonstrated by the Council does not in my view engage the intention behind paragraph 49 of the Framework that an inadequate supply of housing land should render relevant policies for the supply of housing out-of-date. In all the circumstances, it would be extraordinary if that were to be the case. The Council has engaged with the spirit and practice of the plan-led system to identify opportunities for housing development, including on greenfield sites, and the PSB has been specifically endorsed in terms of the initial five year supply resulting.
98. Careful and systematic monitoring, as national policy intends, will be essential to identify any slippage from the position achieved and corrective action in those circumstances would be needed. But, on the all the evidence available to me, I do not find that to be a circumstance which prevails at the present time. The development plan, whilst not yet complete, cannot be considered out-of-date at this juncture as far as the adequacy of the planned housing land supply is concerned.

#### *Other matters*

99. A range of other matters were raised by third party objectors to the proposed scheme of development but, as is clear from the officer's report and the PSoCG, there are no 'technical' objections from relevant consultees. Moreover, there are no concerns or qualifications from such sources that could not be addressed by scheme design at reserved matters stage and/or the imposition of planning conditions, together with the execution of an appropriate form of planning obligation, and I am content that impacts on the amenity of adjacent residents can adequately be addressed through design and relevant conditions.
100. The decision does not turn on such matters, notwithstanding that I consider it afresh, but one matter does merit more specific comment in view of the very evident concern of local residents; and that is the proposed access.
101. The highways authority (SCC) and the Council are both satisfied with the single priority junction proposed, supplemented by an emergency access

arrangement. Especially bearing in mind the comments of the Inspector<sup>29</sup> who considered objections to the 2001 Local Plan, that visibility is impeded by the alignment of the (railway) bridge, I accept that the proposed access appears counter-intuitive.

102. Nevertheless, given the content of the HSoCG agreed between the highways authority and the appellant, the fact that junction design with appropriate sightlines for the measured road speeds is achievable, as I observed during my site visits, and that no expert evidence was adduced to demonstrate otherwise, I am unable to conclude that there is a sustainable highways reason for refusal in this instance. Both the appellant's highways expert and the equivalent representative of the SCC explained that relevant criteria for the circumstances of the highway are met and that their judgement is (with the measures proposed to reinforce the tendency of northbound traffic approaching the bridge to slow down) the proposed junction would operate safely and efficiently. I have no reason, on the basis of the evidence available to me, to substitute an alternative judgement.
103. There are of course benefits of an economic nature, reinforced by the growth agenda, that must be weighed in the balance and social benefits including the affordable housing content of the proposed scheme. These are identified by the appellant.<sup>30</sup> The environmental gains claimed by the appellant, including a potential gain in biodiversity, are to my mind of lesser weight, bearing in mind that the site, although in many respects unremarkable, nevertheless represents an attractive expanse of rural land on the southern fringe of Stafford, albeit compromised in terms of tranquillity by the pervasive influence of the M6 and the railway.
104. I have no evidence sufficient to persuade me that the site is in an inherently unsustainable location.

### *The Planning Balance*

105. I have concluded that, because it involves the unnecessary development of greenfield land, the proposed development would conflict with and harmfully undermine the intentions of the development plan, as articulated in the final paragraph of SP7 considered in the context of the recently adopted PSB as a whole.
106. I have also concluded that the development plan is neither absent nor silent, and that relevant policies are not out of date because, all things considered, at the present time, it is not demonstrably the case that the Council does not have a five year supply of deliverable sites in the sense intended by the Framework. Paragraph 49 of the Framework is not, therefore, currently engaged.
107. I am conscious that the overall housing figures in the PSB are not intended to be a ceiling, but the unfettered release of substantial greenfield sites such as the appeal site cannot, logically, be the intended corollary of that. If it were, the final paragraph of SP7 would not say what it does.

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<sup>29</sup> ID6 paragraph 6.16.4

<sup>30</sup> Evidence of Mr Stoney

108. The presumption in favour of sustainable development articulated in paragraph 14 of the Framework, again, does not endorse the unfettered release of greenfield sites that are 'technically' unobjectionable. Sustainability is measured against the Framework as a whole and, at its heart, the core principles include the principle that development should be genuinely plan-led.
109. Whether or not a development is genuinely plan-led is therefore an important facet of sustainability, albeit one that is not necessarily decisive in itself. This reflects the statutory position that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. This principle is clearly embodied in paragraphs 196 and 197 and in the core principles of the Framework.
110. The Framework, through paragraph 14, does provide for decisions to be made in the absence of an up-to-date plan including, through paragraph 49, the release of land for housing where plan policies on housing land supply may not be considered up-to-date. That is not the case here.
111. The Framework clearly endorses the use of greenfield land resources where necessary, whilst encouraging the effective use of previously-developed land. This is a core principle of the Framework, as is the preference for land of lesser environmental value when allocations for development are made, where this is consistent with other policies of the Framework.
112. It is too simplistic, therefore, to assert that the proposed development should in any event be seen in the context of the Framework's intention to significantly boost the supply of housing, as presented at paragraph 47. Read in the context not only of the Framework as a whole, but also within the confines of the paragraph itself, it is plain that, whenever the development plan is up-to-date in this respect, the primary intention is for such a boost to be delivered through the plan-led system.
113. This seems to me precisely the course the Council has adopted, as is abundantly clear from the Inspector's report on the PSB. The development plan also interprets, inter alia through policy SP7, the balance to be struck locally as regards the use of greenfield and brownfield land resources.
114. Given all of the above, I am obliged to accord substantial weight to the conflict with the development plan (and the related conflict with the intentions of the Framework) that I have identified. That conflict concerning the unnecessary deployment of greenfield land resources significantly detracts from the sustainability credentials of the proposed development.
115. I recognise that there are benefits, both socially and economically, associated with the proposed development, notably its contribution to growth, the potential for affordable housing provision and, in simple terms, its potential to boost the supply of housing generally.
116. Such benefits are by no means insignificant. Moreover, the proposed development has other attributes which weigh positively in its favour in the balance of considerations determining sustainability. Nevertheless, given the substantial weight that must be accorded to the PSB at the present time, these do not, for the reasons I have given, outweigh the clear conflict with its intentions regarding the use of greenfield land which I have identified.

117. For that reason, having taken into account all other matters raised in the cases of the parties, including numerous appeal decisions and legal rulings, I consider the proposed development not only conflicts harmfully with important intentions of the development plan but also, on balance within the context of and as a result of that conflict, fails to represent sustainable development for the purposes of the Framework. I therefore conclude that the appeal should be dismissed.

*Keith Manning*

Inspector



## **APPEARANCES**

FOR THE LOCAL PLANNING AUTHORITY: Timothy Leader of Counsel

He called

Simon Wood MRTPI, Urban Vision

John Holmes BA (Hons) MRTPI, Stafford Borough Council

FOR THE APPELLANT: Hugh Richards of Counsel

He called

Stephen Stoney BA (Hons) MRTPI, Wardell Armstrong LLP  
Timothy Russell BSc (Hons) MIHT, Croft Transport Solutions (called at my request)

FOR THE ASHFLATS RESIDENTS' ACTION GROUP: Paul Windmill BA Hons, MRTPI (Rtd)

Mr Windmill gave expert evidence on behalf of the Group, supported by topic based statements from the following local residents:-

Brian Hodges  
Gwyneth Hodges  
Charles Barratt  
Susan Moore  
Leonore Ashwell  
Kay Crosby  
Patrick McGurk

INTERESTED PERSONS:

Councillor Geoff Rowlands, on behalf of all three Manor Ward Councillors

The following local residents gave statements in their own right:-

Maureen Alecock  
Graham Tummey

Paul Hurdus MSc MILT MIHT, representing Staffordshire County Council, the highways authority, spoke at my request

## **INQUIRY DOCUMENTS**

- ID1 Statement of Common Ground
- ID2 Appellant's opening statement
- ID3 Council's opening statement
- ID4 5 year housing land supply statement with August 1<sup>st</sup> 2014 base
- ID5 Extract from 3013 SHLAA re sites in Stafford Town urban area
- ID6 Extract from Inspector's report on Stafford Borough Local Plan 2001
- ID7 Email trail ending Barry Herrod to John Holmes 17 May 2013 @ 14:19
- ID8 Statement by Councillor Geoff Rowlands
- ID9 Assembly of topic based statements from individual local residents
- ID10 Draft planning obligation
- ID11 Draft conditions (31 July 2014)
- ID12 Highways Statement of Common Ground (29 September 2014)
- ID13 Updated draft conditions (submitted by appellant 13 October 2014)
- ID14 Email Mr Windmill to Mr Ryder dated 26 September 2014 and response by Croft Transport Solutions
- ID15 Letter from 'Housing Plus' to inquiry dated 9 September 2014
- ID16 S106 Planning Agreement dated 28 October 2014
- ID17 Appeal decision APP/Y3425/A/14/2210911 (Gnosall)
- ID18 Appeal decision APP/Y3425/A/14/2217183 (Cold Meece)
- ID19 Appeal decision APP/Y3425/A/14/2220297 (Stone)
- ID20 Letter from Ladders Solicitors re; option agreements dated 20 September 2013
- ID21 Copy of submission by Wardell Armstrong LLP (Stephen Stoney) to examination of the Plan for Stafford Borough
- ID22 Email exchange re: St Georges Hospital site between Shropshire Homes and Stafford Borough Council 6 & 7 October 2014
- ID23 Extract from Manual for Streets
- ID24 Extract from Staffordshire Residential Design Guide
- ID25 Extracts from Design Manual for Roads and Bridges
- ID26 Stage 1 Road Safety audit prepared by Merebrook Consulting Limited
- ID27 Manuscript agreement between main parties as to site's potential capacity to accommodate dwellings taking account of anticipated constraints
- ID28 Closing statement by the Ash Flats Residents Action Group
- ID29 Closing submissions of the Local Planning Authority
- ID30 Closing submissions on behalf of the appellant with court transcript [2014]EWHC 754 appended (*Bloor Homes v Secretary of State for Communities and Local Government*)

## **CORE DOCUMENTS**

### **a. 'Core Documents'**

- i. National Planning Policy Framework
- ii. National Planning Practice Guidance
- iii. West Midlands Regional Spatial Strategy Phase 11 Revision
- iv. The Plan for Stafford Borough 2011-2031
- v. Stafford Borough Strategic Housing Land Availability Assessments 2009 – 2013 inclusive
- vi. Examination of the Plan for Stafford Borough – Inspector's Recommendations for Further Main Modifications – 17/12/2013
- vii. Inspector's Report on the Examination of the Plan for Stafford Borough – 11/06/2014
- viii. Stafford Borough Council – 5 Year Housing Land Supply Statement 2013
- ix. Stafford Borough Council – Statement of 5 Year Housing Land Supply – 31<sup>st</sup> January 2014
- x. Stafford Borough Council – Application Committee Meeting Minutes – 21/02/2014
- xi. Stafford Borough Council Application Decision Notice – 24/02/2014
- xii. Appellant Statement of Case – April 2014
- xiii. Appellant Proof of Evidence – July 2014 , including Appendices;  
A – Application officer report – 14/02/2014  
B – SCC Highways correspondence – 29/05/2014
- xiv. C - Planning Appeal decision – APP/H1840/A/13/2203924 – Offenham
- xv. D - Planning Appeal decision – APP/R0660/A/13/2196044 – Elworth Hall Farm
- xvi. E - Planning Appeal decision – APP/Y3425/A/12/2172968 – Former Castleworks, Castle Street, Stafford
- xvii. F – Stafford Borough Council – Statement of 5 Year Housing Land Supply – 31<sup>st</sup> March 2014
- xviii. X – Appellant 5 Year Housing Land Supply Assessment – June 2014, including sub appendices 1 & 2.  
Y – Paul Shaw Proof of Evidence
- xix. Appellant Draft Statement of Common Ground – SBC Amended – 29.07.2014
- xx. Appellant proposed draft Conditions – 18/06/2014
- xxi. The Plan for Stafford Borough – Whole Plan Viability Report – (EIP – D52) - August 2013
- xxii. Levvel Deliverability and Viability of the Northern and Western SDL Locations Report – July 2013

### **b. Planning Application 13/19524/OUT Documents**

- i. Application form
- ii. Design and access statement
- iii. Planning support statement
- iv. Air quality assessment
- v. Archaeological assessment
- vi. Ecological appraisal
- vii. Flood risk assessment
- viii. Geotechnical assessment
- ix. Landscape and visual impact assessment
- x. Noise survey

- xi. SAC assessment
- xii. Statement of community involvement
- xiii. Topographical survey – sheets 01/02/03
- xiv. Transport Assessment
- xv. Watercourse modelling
- xvi. Tree quality survey
- xvii. Utility assessment
- xviii. Draft heads of terms – section 106
- xix. Location plan
- xx. Context plan
- xxi. Green space plan
- xxii. Illustrative circulation plan
- xxiii. Illustrative constraints plan
- xxiv. Illustrative masterplan
- xxv. Proposed priority access plan – 0199-01-A

**c. Other Documents**

- i. Stafford Borough Council Application – 12/17747/OUT – Officer Report – 17/04/2013
- ii. Stafford Borough Council Application – 13/19249/OUT – Officer Report – 12/02/2014
- iii. Stafford Borough Council Application – 13/19249/OUT – Officer Report – 21/02/2014
- iv. Stafford Borough Council Application – 13/19771/FUL – Officer Report – 05/03/2014
- v. Stafford Borough Council Application – 13/19694/OUT – Officer Report – 05/03/2014
- vi. Stafford Borough Council Application – 13/19249/OUT – Officer Report – 06/03/2014
- vii. Stafford Borough Council Application – 13/19605/FUL – Officer Report – 17/03/2014
- viii. Stafford North SDL – Taylor Wimpey correspondence – 30/06/2014
- ix. Stafford North SDL – Statement of Common Ground (EIP – E97) – 14/11/12
- x. Stafford North SDL – Maximus Policy Stafford 2 Statement (EIP – M4/10b) – 15/10/13.
- xi. Stafford North SDL – Akzo Nobel Policy Stafford 2 Statement (EIP – M4/5a) – 15/10/13
- xii. Stafford North SDL - Working Party meeting – minutes (EIP – E94) – 20/06/13
- xiii. Stafford North SDL - correspondence (EIP – O1.20) – 13/05/14
- xiv. Stafford North SDL - Stafford Borough Council Briefing Note – 08/05/14
- xv. Stafford North SDL - submission (EIP – M4/5b) – 15/10/13
- xvi. Stafford West SDL – St Modwen Developments submission (EIP – M4/7a) – 15/10/13
- xvii. Stafford West SDL – Bellway correspondence – 01/07/2014
- xviii. Stafford West SDL – Taylor Wimpey correspondence – 04/07/14
- xix. Stafford East SDL – Memorandum of Agreement – (EIP – E99) – 2012
- xx. Stafford East SDL – Working Party meeting minutes – (EIP – E96) – 2012/13
- xxi. Stafford East SDL – Application 13/18697/OUT Planning Statement – May 2013

- xxii. Stone SDL – Wardell Armstrong correspondence – (EIP – O1.22) - 13/06/14
- xxiii. Stone SDL – Statement of Common Ground – (EIP – E98) – 2012
- xxiv. Stone SDL – Wardell Armstrong Statement – (EIP – M5/8a) – October 2013
- xxv. Stone SDL – Wardell Armstrong correspondence – 30/06/2014
- xxvi. Stafford Borough Council 5 Year Supply Statement (31<sup>st</sup> Jan 2014) – Mr Shaw correspondence – 14/02/2014
- xxvii. Planning Application 13/19524/OUT & other matters – correspondence to Stafford Borough Council – (Head of Law & Administration/Head of Planning & Regeneration/Cabinet Member for Planning & Regeneration)– 20/02/2014
- xxviii. Stafford Borough Council 5 Year Supply Statement (31<sup>st</sup> Jan 2014) – correspondence from Stafford Borough Council – (Senior Forward Planning Officer) - 20/02/2014
- xxix. Stafford Borough Council 5 Year Supply Statement (31<sup>st</sup> Jan 2014) & other matters – correspondences to Stafford Borough Council - (Head of Law & Administration/ Legal Services Manager/Head of Planning & Regeneration/Cabinet Member for Planning & Regeneration) – 21/02/2014/25/02/2014/28/02/2014/13/03/2014/24/03/2014
- xxx. Stafford Borough Council 5 Year Supply Statement (31<sup>st</sup> Jan 2014) – correspondence from Stafford Borough Council (Forward Planning Manager) – 26/03/2014
- xxxi. Stafford Borough Council 5 Year Supply Statement (31<sup>st</sup> March 2014) – correspondences to Stafford Borough Council (Forward Planning Manager) – 05/06/2014/11/06/2014
- xxxii. Stafford Borough Council 5 Year Supply Statement (31<sup>st</sup> March 2014) – correspondences from Stafford Borough Council (Forward Planning Manager) – 09/06/2014/12/06/2014

APPLICATION 11/15998/OUT

DATE REGISTERED 26 August 2011

ADDRESS OF PROPOSAL Former Castleworks Castle Street Stafford

**REASON(S) FOR REFERRAL TO COMMITTEE:-**

Member Request for Call-In:-

This application has been called in by Councillor P Farrington (Ward Member for Rowley) for the following reason:-

"To enable the Committee to consider the impact on the local community, the infrastructure required, suitability of provision, proposed number of units and the affect on the environment in the light of the geography of the site and its proximity to other potential sites".

RECOMMENDATION - REFUSE

PROPOSAL

Residential development, public open space, access, parking and landscaping (outline with all matters reserved except access)

Access would be from Castle Street modifying the existing. Full details of the access layout are provided.

An illustrative layout for development of the site is also provided.

This submitted indicative layout plan indicates 80 dwellings between 2 and 4 bedroom size and 56sqm (600sqft) to 130sqm (1400 sqft) in floorspace. Largely detached and semi-detached units between 2-2.5 storeys are shown with blocks of terrace units and flats, including 3 storey elements, indicated to the northeast and northwest corners of the site.

Public open space areas are shown within the red edge to the Castle Street (east) frontage and northwest corner adjoining the railway siding passing to the south (rear) of the St Gobain site. Existing informal open space within the same ownership (blue line) to the south of the application site is indicated for retention on the submitted plans although the land is included on the development site plan contained in the Transport Statement.

The reference to the current application site as Phase 1 suggests other potential development, presumably within the applicants' ownership, but no area is defined for subsequent phasing.

The site and the land to the south however form part of a larger proposed

Strategic Development Location for housing, identified in the Consultation Draft (2011) for The Plan for Stafford Borough. This proposed allocation for housing includes land to the northwest, west and the open land within the applicants' ownership immediately to the south of the existing application site.

Submissions include:

Supporting Documents -  
Planning Statement  
Design and Access Statement  
Statement of Community Involvement  
Geo Environmental Summary  
Transport Statement  
Framework Travel Plan  
Flood Risk Assessment & Drainage Strategy  
Report on Existing Noise Climate  
Tree Survey  
Ecological Appraisal and Protected Species Surveys

Plans -  
Development Framework Plan CWS/020  
Topographical Survey 13741 oGL  
Proposed Access Junction PS BCWS-013 rev B  
Location Plan CWS 010  
Phase 1 Masterplan CWS/003

Additional Information  
Flood Risk Assessment & Drainage Strategy – Addendum, received 8 December 2011.  
Additional Information – comments on consultee responses, received 27 October 2011  
Additional Information – Arboricultural Survey, received 27 October 2011  
Additional Plan – Tree Survey received 27 October 2011

#### GOVERNMENT GUIDANCE

Planning Policy Statement 1: Delivering Sustainable Development, February 1997 (PPS1)  
Planning Policy Statement 3: Housing, last updated June 2011 (PPS3)  
Planning Policy Statement 4: Planning for Sustainable Economic Growth, 29 December 2009 (PPS4)  
Planning Policy Statement 5: Planning for the Historic Environment, March 2010 (PPS5)  
Planning Policy Statement 7: Sustainable Development for Rural Areas, 3 August 2004 (PPS7)  
Planning Policy Statement 9: Biodiversity and Geological Conservation, 16

August 2005 (PPS9) and accompanying practice guide  
Planning Policy Guidance Note 13: Transport, updated 3 January 2011 (PPG13)  
Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation, 24 July 2002 (PPG17)  
Planning Policy Statement 23: Planning for Pollution Control, 3 November 2004 (PPS23)  
Planning Policy Guidance Note 24: Planning and Noise, 3 October 1994 (PPG24)  
Planning Policy Statement 25: Development and Flood Risk, 29 March 2010 (PPS25) and accompanying practice guide

Circular 11/95: The Use of Conditions in Planning Permissions  
Circular 05/05: Planning Obligations  
Circular 06/05: Biodiversity and Geological Conservation

Emerging Guidance:

National Planning Policy Framework (NPPF) – Consultation Draft July 2011

Natural Environment White Paper: 'The Natural Choice: securing the value of nature' published 7 June 2011

## POLICIES

West Midlands Spatial Strategy (WPSS) 2008:

Despite the governments intention to withdraw this level of the development plan framework (Regional Spatial Strategies) the RSS remains part of the local development framework for the meantime.

Policy CC1: Climate Change  
Policy UR3: Enhancing the role of City, Town and District Centres  
Policy UR4: Social Infrastructure  
Policy RR1: Rural Renaissance  
Policy CF2: Housing Beyond the Major Urban Areas  
Policy CF3: Levels and Distribution of Housing Development  
Policy CF4: The Reuse of Land and Buildings for Housing  
Policy CF5: Delivering Affordable Housing and Mixed Communities  
Policy PA1: Prosperity for All  
Policy QE1: Conserving and Enhancing the Environment  
Policy QE2: Restoring degraded areas and managing and creating high quality new environments  
Policy QE3: Creating a High Quality Built Environment for all  
Policy QE5: Protection and Enhancement of the Historic Environment  
Policy T2: Reducing the Need to Travel  
Policy T3: Walking and Cycling



## Policy T7: Car Parking Standards and Management

### Saved Policies - Staffordshire & Stoke on Trent Structure Plan 1996-2011 (SP):

D1 'Sustainable Forms of Development'  
D2 'The Design and Environmental Quality of Development'  
D3 'Urban Regeneration'  
D4 'Managing Change in Rural Areas'  
D7 'Conserving Energy and Water'  
D8 'Providing Infrastructure Services, Facilities and/or Mitigating Measures Associated with Development'  
E8 'Loss of Employment Land and Buildings'  
H11 'Housing in the Open Countryside'  
T1A 'Sustainable Location'  
T1B 'An Integrated Transport Strategy'  
T4 'Walking'  
T5 'Cycling'  
T8A 'Improving the Rail Network'  
T11 'Management of Traffic'  
T18A 'Transport and Development'  
NC1 'Protection of the Countryside: General Considerations'  
NC7B 'Sites of National Nature Conservation Importance'  
NC7C 'Sites of Local Nature Conservation Importance'  
NC9 'Water Resources'  
NC13 'Protection of Trees, Hedgerows and Woodlands'

### Saved Policies - Stafford Borough Local Plan 2001 (LP):

INT1 'Planning Obligations'  
E&D1 'General Requirements'  
E&D2 'Consideration of Landscape or Townscape Setting'  
E&D3 'Disabled Access Requirements of New Developments'  
E&D4 'Sewage, Effluent and Surface Water'  
E&D5 'Noise Attenuation Requirements'  
E&D7 'Development in the Countryside'  
E&D34 'Archaeological Evaluations'  
E&D36 'Nature Conservation: General Requirements in Consideration of Planning Applications'  
E&D38 'Nature Conservation: Sites of National Importance'  
E&D39 'Nature Conservation: Sites of Regional/Local Importance'  
E&D40 'Mitigation and Amelioration of Impact on Sites of Nature Conservation Value'  
E&D44 'Development Affecting Trees and Hedgerows'  
E&D47 'The Submission of Landscaping Schemes'  
E&D50 'Land Drainage and Flooding Considerations'  
E&D51 'Ground Water Resources'

E&D54 'Re-Use of Vacant Land and Buildings'  
E&D55 'Development on Contaminated Land'  
HOU1 'Development in Existing Residential Areas'  
HOU3 'Residential Development Outside RDBs'  
HOU5 'Residential Development: Layout and Design'  
HOU6 'Defining Private and Public Areas'  
HOU7 'Public Open Space Requirements for New Residential Development'  
HOU8 'Loss of Open Space within Residential Areas'  
HOU9 'Committed Sums for Open Space Provision'  
HOU17 'Provision for Affordable Housing'  
HOU18 'Subsidised Affordable Housing'  
HOU19 'Affordable Housing on Exceptions Sites'  
EMP1 'Protection of employment Land'  
EMP4 'Potential "Nuisance" Industrial Activities'  
RLT1 ' Protection of Land with Recreational Value'  
RLT12 'Development Affecting Public Rights of Way'  
MV3 Site Specific Proposals'  
MV4 'Cycle Routes and Cycle Parking'  
MV7 'Proposed New Roads'  
MV8 'Protected Routes'  
MV10 'Land Development Requirements'  
MV12 'Parking Requirements in Other Locations'  
Parking standards and supporting text

Supplementary Planning Guidance (SPG):

Space About Dwellings (SAD)

Emerging Development Plan Documents [LDF]:

The Plan for Stafford Borough consultation draft, September-October 2011

Other Documents:

Staffordshire Residential Design Guide 2000 (SRDG)  
By Design - Urban Design in the Planning System: Towards Better Practice  
(2000) - A DETR/Commission for Architecture and the Built Environment  
publication

## PLANNING HISTORY

76/03295/FUL, [GEC] dual fuel firing project, allowed 14.7.1976  
83/14816/FUL, [GEC] Industrial training facilities, allowed 20.7.1983  
85/17638/FUL, [GEC] reclad existing building, 5 chimneys and use of existing  
buildings for ceramic/glass engineering, allowed 17.7.1985  
85/18226/FUL, [GEC] erection of 346sqm prefabricated type building for office,  
allowed 8.1.1986

94/31592/FUL, [Landon Engineering] To re-site bulk liquid oxygen tank, allowed 24.1.1995

Land to northwest on opposite side of railway – former car service/sales garage:

06/06655/FUL, 24 apartments 30 parking spaces and landscaping, allowed 12.10.2007 - implemented

03/00755/OUT, redevelopment of land for housing, allowed 7.4.2005

## CONSULTATIONS

### **Staffordshire County Council – Countryside & Rights of Way:**

**Rights of way (RoW):** no rights of way affected but note neighbouring footpath and benefit of linking proposed development to existing right of way, also notes possibility of future development to south.

**Forestry (SCCFor):** consider further information required in order to meet requirements of LP policy E&D44; submitted survey does not meet appropriate BS5837:2005 guidelines with no Tree Quality Assessment provided; conditions comments noted but feel some trees could be retained to north to provide some screening with willows pollard/coppice rather than remove; notes trees shown on site plans adjacent to existing access are not referred to in Tree Survey, it is assumed they are to be retained and should be protected during construction with further information needed.

**Ecology (SCCEco):** notes not viewed report but should be considered by SBCBiodiversity officer prior to any planning consent and reference should be had to Natural England white paper in June 2011 that identifies need for LPA to address nett loss of biodiversity and maintenance of green infrastructure.

**Landscape (SCCLdp):** notes that site is within an area of 'built character' as defined in Planning for Landscape Change - Supplementary Planning Guidance (SP) but policies NC1 and NC2 of SP would require maintenance and enhancement of landscape and sympathetic design in relation to landscape character/quality; notes need for suitable landscape scheme, welcoming planting to northern boundary and suggesting native species with need for tall shrubs and trees to railway.

**Achaeology (SCCArch):** appears little scope for below ground remains but note historical development of industrial site from railway works has interest and condition should be applied for programme of archaeological works (indicated as being desk based assessment and building recording survey).

**Staffordshire County Council – Highway Authority (HA):** No objections subject to conditions including final layout design, methods of working to avoid

debris on road during construction period, layout of site during construction (compounds, storage, deliver/vehicle areas etc), and implement new access junction before site is brought into use. Notes also need for informatives and highway agreements. Also notes that SP protected Western Access road route falls within site boundary although no funding at present so has no status at this time – developers need to be aware in terms of household searches etc and potential viability of site.

**Staffordshire County Council – Education (SCCEd):** Notes implications of scale of development on local schools i.e. potentially 17 primary school age, 12 high school and 2 sixth form) therefore request standard outline S106 requirement for a sum to be calculated according to the relevant financial contribution methods at the time that detailed consent is granted. (indicative figure at this time would be £423,045)

**Staffordshire Police – Architectural Liaison Officer (SPALO):** encourages use of Secure By Design features, which in turn may contribute directly to Code for Sustainable Homes; recommend rumble strip or change of road surface at entrance, wide footpaths with no hiding places, all non-perimeter plantings should have maximum height of 1m with tree branches pruned below 2m, trees planted to avoid masking lighting or provide climbing aids as mature, securely fix all hard landscaping and street furniture, street lighting should be designed to avoid shadow, secure fencing to rear gardens designed to reduce climbing, position of side gates and utility cabinets recommended, communal parking kept to minimum in small groups, well lit and supervised; external lighting, door design and security locks; flush fitting drainpipes; and alarms.

**Stafford Borough – Head of Environmental & Health Services (HEHS):** Initial comments: a fully intrusive land contamination report expected prior to any planning approval; agrees additional ventilation will be required to bedrooms facing railway line to mitigate noise levels, to appropriate noise and ventilation levels; improved double glazing should be provided where necessary; and screen fence as indicated to amenity areas – notes additional calculations will be required where fence is proposed to aid mitigation to the internal environment; notes it is assumed that Lmax events during the night time period were not frequent enough to require additional corrections to measure noise levels. Following clarification of elements in noise report: provisions in report now appear adequate but still request higher specification glazing and ventilation for first floor bedrooms facing railway

**Stafford Borough – Affordable Housing Officer (AHO):** notes annual need shortfall identified in Borough of 293 dwellings per year, to which this proposal would make a contribution; notes affordable housing requirements i.e. provision of 30% (25% social rented 5% intermediate affordable) on developments of 15 or more. Normally provided for, subject to policy changes, by S106.

**Stafford Borough – Biodiversity Officer (BBO):** notes contents of report and need for precautionary working methods when removing tiles from building 1 appropriately supervised and incorporation bat friendly features in development; notes need for license from NE as badgers present with implementation of mitigation measures as reported; also need method statement to protect nesting birds as well as replacement of any native shrubs and trees removed.

**Stafford Borough – Head of Cultural and Leisure Services (SBLO):** OPEN SPACE notes deficiency in quality and quantity open space in area with sports facilities below national standards; but also deficiencies in applicants review as well as potential for 'Phase 2 development on adjacent land in future; they would therefore require an obligation at outline stages based on POS standard calculator with 40% on site and 60% off site split; a management company will be required if Council are not to adopt. ACCOUSTIC BARRIER TO RAILWAY it is noted that if sited within open space that area would not be adopted. FLOOD RISK ASSESSMENT notes no detailed reference made to Castlefields Balancing pond and its flood attenuation purpose and are therefore concerned that the development could lead to impeding the function of the balance pond and cause flooding with claims resulting against SBC; also note comments re reverse draining of Doxey Drain in times of flood and are concerned that would require the Balance Pond to act as flood or storm storage in which case developer would need to bear cost of improvements or any other works required and provide them before construction, secured by condition; request indemnity provided to Council ensuring the development will not contribute to flooding and S106 to provide additional maintenance fee to Council to ensure pond remains fit for additional capacity. ACCESS given the nature of roads in Castletown feel it would be better to link development to Martin Drive at the Redgrave roundabout junction leaving quiet narrow streets for pedestrian access to the Town and Victoria Park; this would also provide better access if or when the western access road is built. FOOTPATHS/CYCLE WAYS & ASSOCIATED LIGHTING Such adoption would not be sought by SBC rather they should be adopted by SCC. SITE PLANTING & LANDSCAPING Notes planting should be distinctive and not generic designed to be capable of withstanding drought; all trees should be native but should not include Sycamore; trees planted adjacent to or in hard surfaced areas should be in tree pits with liner pavement protection installed and public open space should include areas of mounding to provide interest and play value. (Specification for leisure facilities provided] Conclusion: OBJECT until situation re pond is clarified.

**Network Rail (NR):** two sets of comments - bridge has maintenance platform attached which has been subject to vandalism – they are concerned that additional footfall will increase trespass and damage, therefore ask that developer looks to provide some form of trespass proofing to the service platform on the bridge; also concern that there is potential for vehicle incursions as bridge is narrow with fairly tight bend in road to development side, increased traffic and new road junction will increase risk of vehicle incursion; therefore ask that developer are made aware of NR/DoT guidelines [*an informative could be added*]

Finally also note that provision for solid acoustic barrier fence to the railway boundary which will provide significant screening effect for rail-wheel noise but they ask that it sits outside NR land and that its maintenance and inspection remains with the developer or successors rather than adding to costs for NR; they note implications of noise and vibration in PPG24 and advice for purchasers/residents on websites; need also for anti-trespass fence and note that applicant has not been in touch with NR despite proximity to main line; note discussions with HA re trip generation/envelope but feel that nature of traffic and movements will change – therefore require condition for developer to undertake risk assessment for the bridge with particular reference to vehicle incursion. Also note that applicants would need to discuss rights of access over the bridge with NR.

**Environment Agency (EA):** Initial comments: object on grounds of lack of an acceptable FRA (lacks compliance guidelines in PPS25 i.e. no hydraulic modelling details, no relation to site topography, modelling needs to address historic flooding levels at Broadeye and Victoria Bridge; notes previous uses and if approved would require conditions to address potential pollution of Controlled Waters through further investigation; also a condition to address drainage of surface and roof water into ground to address any potential contamination issues. Notes STW will need to agree foul drainage.

Subsequently following additional information: remove objection subject to conditions as previously requested plus accordance with FRA Addendum strategy and mitigation measures including finished floor levels to minimum of 76.12AOD and sustainable drainage scheme to their specification.

**Severn Trent Water (STW):** have not replied.

**Castlefields Residents Association (CRA):** principle concern following their meeting was that the access to the development would be from Castle Street; busy road and concern at major increase in traffic; solution would be for access from Castlefields (serving Palmbourne Industrial Estate as well) with traffic barrier closer to bridge; not a site identified for housing by Council; current consultations regarding larger area of development over the next 20 years, including site - these proposals should be included in those consultations.

**Neighbouring Ward Member:** notes Castle Street passes through ward. Recognises that site is unattractive for commercial use and appropriate for housing but objects strongly: as the site is not attractive/suitable for commercial use any longer and currently redundant levels of commercial traffic generation should not be used to justify projected residential levels, therefore 'lesser of two evils' argument is false; the site is not earmarked by SBC for residential development; consultations are still underway regarding future development within the Borough over the next 20 years and this site could be part of a larger allocation and therefore should not be viewed alone; notes SBC working well with residents in neighbouring planning and developers should work with that and not

against.

**Neighbours:** one resident notes that lighting and improvements to surface of cycle/walking route passed site would be of benefit and queries whether this could be incorporated into the scheme;

## ISSUES

### PRINCIPLE

#### Site Context:

The site lies to the west of Castle Street, opposite Palmbourne Industrial Park and to the south of the mainline railway.

There is residential development within the Castletown estate to the north of the adjoining railway, where a redundant commercial garage site is also proposed for apartments facing the site, not yet commenced [06/06655/FUL]

There is also further industrial works to the northwest beyond the Barley Fields Siding track with residential development proposed on the edge of Doxey to the west of that, adjoining the Doxey Marshes SSSI.

The applicant's ownership extends to land to the south that is shown as public open space to either side of the maintained public right of way, Footpath 40. A further right of way abuts the southern corner of the site at the termination of the public road (Castle Street) continuing its line down to the edge of the Castlefields development and providing bicycle and pedestrian access.

A narrow buffer strip of planting on a slope leading down to the south currently separates the south-western edge of the applicants' ownership from the cycle path and roadway along Martin Drive on Castlefields.

There is a large balance pond alongside the Doxey Drain watercourse within open ground to the southeast beyond the access road (Castle Street) and right of way. The Doxey Drain runs around three side of the open land to the south of the site (not the side adjoining the site) and is culverted at the access to the southeast corner of the site passing beneath Castle Street.

The topography across the site falls slightly to the southern corner of the site by just under 1.5m.

According to the records accessible to the LPA the site lies principally within Flood Zone 2 with a small area to the southeast just falling within Flood Zone 3. Another area to the northwest falls within Flood Zone 1. The applicants FRA modelled levels indicate that the site would be largely within Flood Zone 1 with

only the small area to the southeast in Flood Zone 3. The Flood Zone 3 area in each case would affect only a pedestrian link and public open space as indicated on the illustrative masterplan layout.

The site comprises a redundant industrial site constituting previously developed land in terms of Annex B to PPS3.

The site adjoins existing development within Stafford Residential Development Boundary (RDB) but is itself outside the RDB. The site is effectively sandwiched between two areas of land within the RDB that extends around neighbouring development in Castlefields to the southwest and around the greater part of the Castletown to the northeast.

This tongue of green field and previously developed land reaches southeast towards the town centre bordered to either side by development within the defined RDB.

### **Policy Context:**

PPS1 provides a broad framework encouraging sustainable development.

PPS4 relates to Economic development, which by definition does not include housing development (para 4 – objectives). However, it could be of relevance if the proposal were considered to have any impact on the wider economic environment. It could also be of relevance in relation to the existing commercial nature of the site.

Given the nature of the proposal PPS3 'Housing' therefore remains the most relevant adopted guidance setting the basis for plan-led assessment of potential and proposed development. This guidance aims to achieve objectives of (para.10):

- High quality housing
- A mix of housing
- Sufficient quantity of housing
- Suitable location for housing development
- Flexible responsive supply (making efficient and effective use of land, including the re-use of PDL)

This is to be achieved by policies based on a number of concepts and principles including (para 11):

- Sustainable development
- Visionary and Strategic Approach (with LPAs providing a strategic lead role in their local areas by ensuring Local Development Documents provide a "high quality framework for planning for housing delivery")
- Market responsiveness
- Collaborative Working



- Evidence Based Policy Approach

In order to achieve high quality housing para 16 notes that assessment of design quality should include amongst other factors: "accessibility to public transport and community services" with particular reference to "community, green and open amenity or recreational space" with "efficient use of resources" and integration into "a high quality public realm and streets that are pedestrian, cycle and vehicle friendly." It notes also the need to integrate and compliment the locality as well as neighbouring development.

While still at draft stage the government and Planning Inspectorate have indicated that NPPF should be considered to be a material consideration. This would maintain and encourage a general presumption in favour of sustainable economic development. The related government statement contained in 'Presumption in favour of sustainable development' (15 June 2011) reinforces these intentions.

It indicates that the "Governments clear expectation is that we move to a system where the default answer to development is 'yes' except where this would compromise the key sustainable development principles set out in national policy."

The draft NPPF identifies 3 roles for the planning system (para 10), namely economic, social and environmental. These roles should be integrated to achieve planned and responsible development (para 11) with the planning system playing an active role in guiding development to sustainable solutions. NPPF places a presumption in favour of sustainable development at the heart of the planning system (para 14) in order to achieve this LPAs are advised that they should:

- "prepare Local Plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes
- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date."

The Local Plan following Saved Policy procedures maintains a focus for development within the main centres as defined by residential development boundaries or by specific site allocations. Saved Policy HOU3 being of particular relevance guiding against residential development outside RDBs unless for appropriate and demonstratable rural uses such as agricultural workers. The site does not fall within any existing housing allocation site in the LP.

These policies are generally reflected in the equivalent Structure Plan provisions.

## Emerging Local Development Framework & Evidence Base

As part of the assessment of sites for the 'Plan for Stafford Borough' the site is part of an area of proposed mixed-use developments including (Core Policy 5 – West of Stafford). Residential is indicated for the current application site along with land to the south and west at a density of 30 dwellings per hectare. With other employment areas remaining in the vicinity this proposed allocation, based on assessments with regard to recent guidance suggests that the principle of residential development on this land may be considered sustainable and appropriate in principle, however, no formal allocation has yet been adopted. It is envisaged that the Publication version of the Plan will be produced and examined in 2012.

The supporting evidence based 'Strategic Housing Land Availability Assessment -Review 2011' indicates commitments as at 31 March 2011 for 3,077 units in the Borough (1,579 units having full or reserved matters consent). Developable sites may include those directly abutting RDBs of sustainable settlements (including Stafford) "that will contribute to sustainable communities including those partly affected by the floodplain, nature conservation areas, Sites of Biological Importance (SBIs), Local Nature Reserves or sites adjacent to Green belt ..."

The latest Statement of Five Year Supply of Housing Land was produced as at 31 March 2011. It demonstrates a continuing surplus of supply without taking account of proposed allocated sites.

### Conclusion – Policy Principle:

The existing development plan would resist housing on this site, outside the RDB. This is the current development plan position.

However it is acknowledged that emerging guidance, considered to be a material consideration (NPPF), would not provide such an automatic objection to the proposal, requiring instead a demonstration that it was either not sustainable or outweighed by other harm.

The emerging policy framework will reflect this evolving guidance framework and at present would contain an allocation, not as yet confirmed, to include the site for housing. This is not yet adopted but is well advanced and indicates that the site, at least as part of the larger allocation, could be considered acceptable in terms of sustainability and development objectives.

At present however the 'evidence base documents do not indicate a current or imminent urgent need for additional housing in the Borough.

It may therefore be that while potentially acceptable in terms of current guidance

if not development plan policy the proposed development could also be considered premature or unacceptable, particularly if the current guidance (PPS3) objectives are not met and potential compliance with evolving NPPF guidance could not be demonstrated.

## **ASSESSMENT**

### Appearance and layout:

Not submitted for consideration at this stage the indicative layout provides a somewhat regimented unimaginative layout with limited scope for landscaping. Any reserved matters should endeavour to address the quality assessment required also for sustainability objectives. This should be achievable within the level of density shown.

### Residential Amenity:

Internal site amenity remains an issue of final layout but the proximity to the railway line requires consideration at outline stage in order to ensure adequate noise/vibration abatement measures/conditions are addressed.

Any final layout will also need to consider proximity to neighbouring development including that approved but not developed as well as any proposed/potential road route – see below.

### Access & Highway Safety:

Details of access are submitted for consideration at this stage. HA have confirmed no objections subject to conditions although they also note that their records show a protected road line across the northeast corner of the site (indicative layout suggest it could impact on the southeastern area of open space and the apartment block suggested to the north of the access). This route however appears only as a highway authority designation and has not been formally protected under either the existing or emerging Local Development plan.

However the line could potentially affect a significant proportion of the site across the principle frontage to Castle Street and would also affecting the access area. Should such a road scheme be subsequently put forward for implementation, for instance prior to any reserved matter application or implementation it could have a notable impact on the space available for open space provision, materially affecting the quality of any design layout. Due to the lack of protection for this road route its presence is not considered to be a reason for refusal in its own right but its potential provision could affect material matters that require assessment even at outline stage. It may for instance be necessary to consider avoiding any critical or sensitive development in this area for instance open space or affordable housing development.

The Western Distributor Road (also referred to as Western access road) route is however shown as proposed for protection in the emerging core policies, lying further to the west and linking between the roundabout on Castlefields development to the south (Martin Drive). Its route would pass across the western end of the open space to the south of the site before crossing the railway sidings and linking to Doxey Road and Timberfields road to the north.

The road network through Castletown is of limited capacity and relatively congested with residents parking and limited manoeuvring space at some junctions. In this respect the HA view that the private vehicle use of the site in comparison to the historic commercial traffic could result in fewer trips, may result in additional benefits to the area as a whole by removal of surplus heavy vehicle movements through this area post development. However, more efficient use of the land available and improved quality of development with a lower impact on existing, as well as potential, pedestrian and bicycle traffic through the area might be achieved through development as part of the larger proposed housing area, to be serviced from the Western Access Road.

#### Flood Risk & Drainage:

Environment Agency initially objected but have now been satisfied that appropriate safeguards and mitigation could be designed into the final development.

The EA were asked to consider the Borough Leisure Officers comments regarding the potential impact on the Castlefields balancing pond but no objection was raised and it would appear that appropriate mitigation could be incorporated to a final scheme.

#### Environment & Ecology:

The reports showed limited likelihood of protected species being affected, confirmed by BBO. Natural England (NE) were not therefore consulted in accordance with their standing advice. There are badgers present on-site but appropriate mitigation is indicated which would need to be reconfirmed with fresh surveys and additional details before works commence. Standing advice would accommodate this. However, given potential timescales for any reserved matters application and implementation of any approved scheme conditions regarding update surveys should be considered for any approval. Species may move on and off a site during the lifetime of consent and conditions may be appropriately attached in such circumstances.

#### Trees & Landscaping:

Submitted details confirm existing and proposed tree retention/planting and

following SCCFor comments additional details and survey information have been submitted to address their comments.

Comments of SCCFor and HEHS are noted along with those of BBO.

At submission the illustrative masterplan indicated only a small number of trees shown for retention. These included 5no. to the northern boundary, opposite the neighbouring commercial works and railway siding and adjacent to a suggested apartment block and public open space. To the western end of the site a further 2no. trees are shown as retained at the opposite end of the suggested public open space with a handful on the blue edged land to west and south of the application site.

The subsequent Tree Survey, submitted as Additional Information and Plan in October, identifies further trees appropriate for retention and indicates an appropriate protection zone to be provided. This detail is more appropriate both in terms of maintaining important landscape and biodiversity features as well as contributing to the quality and character of any proposed development.

It is considered that the trees identified as appropriate for retention should be kept and the appropriate protection zones applied during construction, to be secured by condition on any approval.

In the event that final details were to show additional trees for removal replacements should be required in an appropriate location as part of any landscape scheme.

The illustrative masterplan lacks sufficient landscaping to provide an appropriate quality of development and to achieve environmental objectives in PPS3, in terms of both biodiversity and development quality objectives regarding enhancement. It is also noted that the site is part of an area that could contribute to a network of habitats/corridor of green spaces as recommended in the Natural England drafted government white paper. Appropriate biodiversity features should be achievable within a site of this size and an appropriate level of enhanced landscaping could be required as part of any detailed submission, e.g. bands of plantings and mix of ecologically beneficial and native species plantings to provide screening, habitat and appropriate foraging areas. The one potential restriction on such provision could be if any land is lost to the development through implementation of the highway link road route to the east.

#### Affordable Housing:

The indicated layout provides for suitable scales of housing but is illustrative only. In line with established policy and continued identified need as reported by AHO it would be appropriate to make provision for such housing under S106 agreement to the Council's normal calculation requirement. Should consent be

granted it may be considered appropriate to condition an exclusion zone for affordable housing towards the east of the site in case any link road should be brought forward.

Open Space Provision:

The indicated level of on-site open space provision is noted but in addition off-site contributions would be required. BLO also notes that consideration of open space and recreation provision may be affected by the future status of land to the south - currently available for and indicated as open space/informal recreation land, a greater leisure provision/contribution may be required if this is proposed for development at a later date. Later development of this land is indicated by its allocation as part of the general strategic housing proposal. In addition it is noted that again any link road under the informal highway scheme would result in the loss of the eastern on-site open space provision.

Without a clear indication of the intended use of that land a clear and appropriate assessment of open space provisions and contributions cannot be clearly defined, as is required, at this stage.

Comments regarding the nature of the balancing ponds and drainage along Doxey Drain may require further detail in any subsequent reserved matter or detailed proposal. This should be drawn to the attention of the applicant by informative.

Other matters:

Comments of SCCEdu can be appropriately addressed by means of S106 agreement or unilateral undertaking.

Conditions could also appropriately address HEHS, BBO and Network Rail requirements.

Conclusion:

The proposal is contrary to the adopted development plan being located outside the RDB (Saved Policy HOU3 of the Stafford Borough Local Plan 2001).

The principle of residential development has been explored through the LDF process and may be considered acceptable in order to meet the longer-term requirements of the Borough.

However, at present there is no identified immediate need for additional housing other perhaps than affordable. While, in line with emerging government guidance in NPPF, the Council would wish to encourage development that could contribute to wider economic recovery and vitality within the Borough it is

considered that a more appropriate and viable contribution can be achieved through the larger strategic development of the site along with adjoining land as proposed in the emerging Local Spatial Strategy if and when it is adopted.

In isolation the development is considered premature and may hinder longer-term development in the area from fulfilling its potential for contributing to local regeneration and sustainable economic development. In such a case the development would fail to meet either existing development plan policy or the stated objectives of existing and emerging government guidance (PPS3 NPPF) i.e. for sustainable development achieving high quality design and efficient and effective use of land.

The development as accessed off Castle Street could also conceivably hinder rather than encourage existing walkers and cyclists in the area by returning traffic levels to the neighbouring restricted roads. The scope for more efficient and more sustainable servicing of the site, contributing to the quality of existing alternative transport links and complimenting the amenity of the area as a whole is considered to be better served by comprehensive development of the site through the larger strategic housing provision and proposed links to the Western Access Road, should that be brought forward.

The potential for sufficient high quality of the final design may also be adversely affected by future development beyond the current site boundaries e.g. Western Access Road, potential link road, land to the south and west. Safeguarding areas potentially affected by such development could severely restrict the scope for appropriate landscaping within the current site and affect the quality of any subsequent detailed design and layout.

Without an urgent need for housing it is not considered appropriate to bring this site forward for development ahead of the likely strategic development proposed under the LDF of which it forms part.

RECOMMENDATION

REFUSE



St Modwen Developments Ltd C/O Planning Prospects Ltd FAO: Mr Jason Tait 1 Broomhall Business Centre Broomhall Lane Worcester Worcestershire WR5 2NT	Date Registered 26 August 2011 Decision Date 16 February 2012 Issue Date 16 February 2012
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TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application No:	11/15998/OUT
Proposed Development	Residential development, public open space, access, parking and landscaping (outline with all matters reserved except access)
Location	Former Castleworks Castle Street Stafford
O. S. Reference:	391516 323172

Stafford Borough Council, in pursuance of powers under the Town and Country Planning Act, hereby refuse the above development in accordance with the accompanying plans and subject to the following reasons :-

1. The proposal is contrary to Saved Policy HOU3 of the Stafford Borough Local Plan 2001 being outside the defined Residential Development Boundary. There is no identified need for additional housing within the Borough at this time and nor is there any shortfall in provision identified in the current 5-year housing supply report. Both existing and emerging guidance in Planning Policy Statement 3 and the draft National Planning Policy Framework encourage a plan-led and evidence based approach to development that contributes to sustainable housing and economic development. The emerging Local Development Framework is relatively well advanced with consultations having closed on the draft 'Plan for Stafford Borough'.

-/Cont.

**Stafford Borough Council**

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**2006-2007**  
*Transforming the Delivery of  
Services Through Partnerships*  
**2009-2010**  
*Raising economic prosperity  
through partnership*



**INVESTORS  
IN PEOPLE**





St Modwen Developments Ltd  
C/O Planning Prospects Ltd  
FAO: Mr Jason Tait  
1 Broomhall Business Centre  
Broomhall Lane  
Worcester  
Worcestershire  
WR5 2NT

Date Registered 26 August 2011  
Decision Date 16 February 2012  
Issue Date 16 February 2012

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PERMISSION FOR DEVELOPMENT

1 – continued

In isolation from any potential adjoining or encompassing allocation in this area as identified through the Local Development Plan process it is not considered that the development of this site can be shown to satisfy objectives for sustainable housing development in Planning Policy Statement 3 in terms of efficient use of land or quality of design (reference paragraph 16 of PPS3) or that it would avoid compromising key sustainable development principles set out in national guidance as a whole.

Head of Planning and Regeneration  
On behalf of the said Council

**Stafford Borough Council**

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2006-2007  
*Transforming the Delivery of  
Services Through Partnerships*  
2009-2010  
*Raising economic prosperity  
through partnership*





The Planning  
Inspectorate

Quality Assurance Unit  
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2 The Square  
Bristol, BS1 6PN

Stafford Borough  
Council  
21 DEC 2012  
Received

Direct Line: 0117 372 8252  
Customer Services: 0117 372 6372

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Jackie Taylor  
Stafford Borough Council  
Planning & Engineering Service  
Stafford Borough Council  
Civic Centre  
Riverside  
Stafford  
ST16 3AQ

Your Ref: 11/15998/OUT  
Our Ref: APP/Y3425/A/12/2172968/NWF  
Date: 19 December 2012

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Dear Mrs Taylor

**Town and Country Planning Act 1990**  
**Appeal by St Modwen Developments Ltd**  
**Site at Former Castleworks, Castle Street, Stafford, ST16 2ET**

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at [www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback](http://www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback). This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

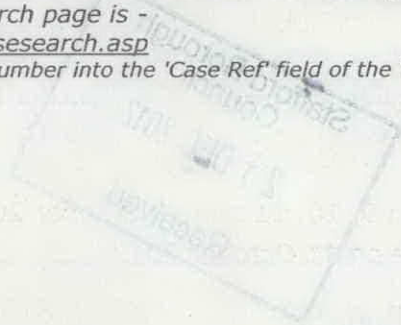
Yours sincerely

Amanda Baker

COVERDL1



You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>  
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button





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## Appeal Decision

Inquiry held on 9, 10, 11 and 19 October 2012

Site visit made on 11 October 2012

by **Julia Gregory BSc (Hons) BTP MRTPI MCMi**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 December 2012

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**Appeal Ref: APP/Y3425/A/12/2172968**

**Former Castleworks, Castle Street, Stafford ST16 2ET**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by St Modwen Developments Ltd against the decision of Stafford Borough Council.
  - The application Ref 11/15998/OUT, dated 18 August 2011, was refused by notice dated 16 February 2012.
  - The development proposed is residential development, public open space, access, parking and landscaping (outline with all matters reserved except access).
- 

### Preliminary matters

1. The appeal site comprises some 2.8ha of vacant industrial land and buildings located towards the dead end of Castle Street. The buildings are falling into a state of dereliction. The appellant also controls undeveloped land adjacent to the site to the south west. The development would comprise up to 80 new homes. Only the access is to be considered at this stage, with all other matters reserved for future determination.
2. At the Inquiry an engrossed S106 agreement dated 19 October 2012 was submitted. This would ensure the provision of affordable housing, a payment for primary education facilities, a payment for off-site open space and its maintenance, the provision and maintenance of on-site open space, the provision of a travel plan and the provision for a residents parking scheme.
3. All of the provisions of the S106 agreement were discussed at the Inquiry. I have considered these against Community Infrastructure Levy Regulation 122. Affordable housing provision is required by the development plan. There would be a need to increase capacity at Doxey Primary school as a result of these proposals. The open space contributions are based on the Council's open space strategy and are linked to the cost of provision to cope with increased population in the area.
4. The travel plan provisions are justified in the interests of securing sustainable development. The residents parking scheme provisions are justified in the interests of future residents living conditions. I am satisfied from all of the information provided that the provisions are necessary, directly related to and fairly and reasonably related to the development proposed. I have taken this agreement into account in my determination of the appeal.

### Decision

5. The appeal is allowed and planning permission is granted for residential development, public open space, access, parking and landscaping (outline with all matters reserved except access) at Former Castleworks, Castle Street, Stafford

ST16 2ET in accordance with the terms of the application, Ref 11/15998/OUT, dated 18 August 2011, subject to the conditions in annex A.

### **Main Issues**

6. Having considered all the evidence, the main issues are whether the development would comply with local and national planning policy in respect of housing land supply and the effect on Cannock Chase Special Area of Conservation.

### **Reasons**

#### *Housing land supply*

7. The development plan comprises the Regional Spatial Strategy for the West Midlands (RSS), the Staffordshire and Stoke on Trent Structure Plan (SP) and the Stafford Borough Local Plan 2001(LP).
8. The dwellings would be sited on land outside the Residential Development Boundary (RDB) set in the LP. LP policy HOU3 specifies that outside the RDB new residential development will not be acceptable.
9. The LP advises that the RDB may perform different functions, but their principle function is to indicate where residential development will and will not be acceptable. In Stafford, the boundary serves to define predominantly residential areas, to exclude predominantly industrial areas and those significantly undeveloped areas which it is intended should be retained as part of the "Green network".
10. The character of the area is previously developed and urban. Whilst the site is edge of settlement, it is not rural or countryside in character, having been developed as a factory many years ago. The policy also has to be considered in the context of LP policy EMP1 which seeks to protect and retain employment uses. The text accompanying that policy identifies that in some instances an environmental benefit may accrue if a particular industrial or commercial use ceases to operate. In such cases, an alternative use may be more appropriate.
11. The Council has not sought to protect the employment land for its own sake and has not argued that the development should be opposed under policy EMP1. The buildings are in a poor condition and there is some local support for their demolition because they have fallen into disrepair.
12. The Council officers had recommended planning permission for redevelopment of another industrial site, the Areva, Fairway site that is also outside the RDB. The West Midlands Regional Assembly had not opposed the housing proposals in principle.
13. The National Planning Policy Framework (the Framework) encourages the re-use of brownfield land. It is common ground that in principle there is no practical impediment and that the site could be developed for housing, subject to control by planning conditions and a legal agreement. It is also agreed that a significant number of new homes, including up to 19 affordable homes would be provided within a sustainable urban location.
14. The Council is considering allocating the site for housing as part of a wider "Western Stafford" housing land allocation in a forthcoming Local Plan. That plan is at an early stage and cannot be attributed any significant weight. Although it is an indication that the Council may in time allocate the site for housing, the boundaries of the Western Stafford policy area and the nature of policies that

might apply to the appeal site are by no means settled. The area allocated is also divided into several areas which have their own individual characters.

15. The site is not integral to the delivery of other land for future housing and it could be delivered as a stand alone site. The site would not represent piecemeal development as it would be an estate of significant size that could have its own character. Nevertheless, it would not be so substantial that its development would prejudice the overall strategy of an emerging plan. There are no credible proposals for alternative uses on the site that would preclude the housing proposal.
16. The site is not well related to the other land parcels within the proposed allocation. To the north is railway sidings and railway line. Land to the south is in the appellants control and its development is constrained by flooding issues. It is well separated from other parts of the proposed allocation.
17. It was argued that the grant of planning permission would prejudice the release of other areas of land. However, the appeal has not drawn objections from promoters of other land within the Western Stafford area who would have likely been aware of the proposal via a working group, as it was noted at one of their meetings.
18. The access is not opposed by the Highway Authority because the housing would have less impact on the highway network locally than the lawful use, because there would be less heavy goods vehicle movements. The western distributor road does not pass through the site and its implementation or otherwise would not have implications for the layout or access to the proposed development. Another part of the Western development area, in Doxey has already been granted planning permission for housing.
19. Although the Council may introduce specific developer contributions relevant to the development of all of the policy area, this again is not settled. *The Planning System: General Planning Principles* indicates that there may be circumstances where it is justifiable to refuse planning permission on the grounds of prematurity. However the LP has no early prospect of submission for examination. There are outstanding objections in relation to the proposed Core Policy 5. For these reasons, it would not be justified to oppose the development on prematurity grounds as it would delay determining the future use of land.
20. Given these findings about the status of the appeal in relation to housing provision, the 5 year housing land supply position is not pivotal to my decision. Nevertheless, I have considered all the evidence put to me. The housing land supply situation was a matter of dispute between the parties. The RSS sets housing targets 2001 to 2021 of 5602 dwellings. Against this the Council has performed well and would have a five year housing land supply including a 5% buffer as set by the Framework.
21. However, the Council has conceded that an over supply of housing would not prevent housing being granted planning permission in the urban area. The Council has allowed the redevelopment of another industrial site for housing where it was outside the RDB as detailed above.
22. The Government considers it to be highly desirable that local planning authorities should have an up to date plan in place. Furthermore, the Framework identifies that Councils should use their evidence base to ensure that their local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area.

23. Both the LP and SP plan periods for housing provision expired in 2011. They are therefore not up to date. The RSS is based on 1996 household projections, some 16 years old. It was accepted by the Council that the proposed local plan housing allocations would not be based on the RSS figures, because there were more recent relevant housing projections. The implications of the Framework paragraph 214 is that in respect of policies of both the RSS and LP, that due weight should be given to their degree of consistency with the Framework. I give significant weight to the fact that the RSS is not based on up to date evidence.
24. The Phase II revision of the RSS does not form part of the development plan because it has not been approved and will not progress further. Nevertheless, it has been examined and has been the subject of a panel report submitted to the Secretary of State in 2009. These are the most recent objectively assessed figures available. It specifies that Stafford would be one of several *settlements of significant development* where development should be concentrated *in and adjacent to towns which are capable of balanced and sustained growth*. For Stafford it identifies a requirement 2006 to 2026 of 11,000 dwellings.
25. As the housing figures have been properly examined and the Government seeks to boost significantly the supply of housing, they are of significant weight in consideration of housing land supply.
26. The Council has also not used the 2008 based sub-national household projections covering the period 2008 to 2033. These suggest an increase of some 12,000 households 2008 to 2033 or 480 homes per annum. Instead, the Council itself identified a housing need expressed in the Council's Option 1 submission to the RSS of some 10,100 2006 to 2026.
27. The Council are proposing 500 dwellings per annum for the period 2011 to 2031 in its forthcoming plan that is being drafted and is not sticking with the RSS figure. The Council will not be using the RSS figure for its Annual Monitoring Report from next year. These factors indicate that the RSS figures should not be used and that the Phase II revision would be more robust at this time, in advance of any up to date examined and adopted local plan.
28. Using these figures would give a requirement of 550 dwellings per year. In the 6 years since 2006, an accumulated shortfall would have been created of some 914 dwellings. To be consistent with *Planning for Growth* and paragraph 47 of the Framework, I consider that it would not be reasonable to ignore any shortfall already created.
29. Also it would be preferable to meet the shortfall sooner rather than later, by adding it to the 5 year requirement, giving a 5 year requirement of 3664. The Council has not demonstrated that this could be achieved, even if their supply figures were adopted, over which there is some question as to their robustness, and therefore even without the addition of buffers, the Council does not have a five year land supply.
30. I acknowledge and have sympathy with the Council's position that the phase II RSS was not examined until 2009 and will never be adopted by the Government. It is therefore not part of the development plan. Nevertheless, its contents are based on Government housing projections and are the best examined figures that they have for housing. In only one of the last six years have completions exceeded the 550 dwellings per annum figure set in that document.
31. This therefore represents persistent under delivery as set out in paragraph 47 of the Framework. A 20% buffer in the five year housing land supply would therefore

be required. The Council has not demonstrated that they can deliver 4397 new homes within the five year period.

32. In respect of the housing land requirement and supply, the approach that I have taken is broadly consistent with that taken by Inspectors elsewhere in the other recent appeals presented to the Inquiry. In addition, the development would make provision for affordable housing in accordance with the Council's standard requirements against a background of under delivery against the 2007 Strategic Housing Market Assessment. All these matters add substantial weight to the argument that planning permission should be granted for housing on the appeal site.

#### *Cannock Chase SAC*

33. At the Inquiry it became apparent that the Council had failed to notify Natural England (NE) on either the planning application or on the appeal. Notification was necessary because of the proximity of the site to Cannock Chase which is a Special Area of Conservation (SAC). At its nearest it would be some 6.2km distant.
34. The appellant became aware of this oversight whilst preparing for the appeal and provided a report in respect of the implications of the development in that regard. This, along with the application details were supplied to NE.
35. The particular issue is whether provision should be made for Suitable Accessible Natural Greenspace (SANG) to relieve any pressure on Cannock Chase from visitors. Road traffic emissions would not be significant enough to require action in that regard. NE refers in their response to an unpublished study, but the advice of NE is that residential development over 50 dwellings would have an impact on Cannock Chase that would need to be mitigated.
36. NE are considering the location of four SANGS close to the SAC to which contributions would be sought. It is clear to me that evidence is evolving. Nevertheless, NE has recommended that the 2ha of SANG should be made available and that a suitable ecological management plan should be provided for it future maintenance.
37. Although they do not consider that it is justified, the appellants would be willing to provide the 2ha area of SANG adjacent to the dwellings on land within their control. This would amount to some 10.5ha per 1000 population which would be more than the 8ha per 1000 used elsewhere in England, but less than the 16ha per 1000 that NE may seek to adopt locally.
38. There is a public footpath running through the site which the mowing of a suggested circular route for dog walking along with appropriate signage would augment. Since there is already public access to this land, the value of the mown path would be less significant.
39. Nevertheless, I consider that it would provide a benefit for residents of the new dwellings. It would help to encourage the better use and management of local greenspace, and to minimise any increase in the use of Cannock Chase. It would contribute to conserving and enhancing the natural environment in accordance with the core planning principles in the Framework. Given the relatively close proximity to Cannock Chase, and in the absence of any detailed proposals for alternative SANGS, I consider the provision would be justified on a precautionary basis. I consider the proposed provision would be proportionate to the scale of the development and the current circumstances.



### **Conclusions**

40. Given my earlier reasoning, the test in the Framework to be applied to the consideration of this case is that which applies where the development plan is absent, silent or relevant policies are 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. Having carried out that balancing exercise, I am satisfied, for the reasons given above, that the appeal should be allowed.

### **Conditions**

41. I have considered the list of conditions that have been submitted by the main parties at the Inquiry against the tests in Circular 11/95, *The Use of Conditions in Planning Permissions*. Development should be in accordance with the approved plans in the interests of the proper planning of the area and for the avoidance of doubt.
42. Details of reserved matters are to be submitted within the standard time period, and the development is to be implemented according to the standard time period. The details submitted should reflect the design and access statement as this has been used to support the application, and the highway details that were part of the application. Additional highway construction details are required in the interests of highway safety.
43. As the site has been used for industrial purposes, contamination should be properly investigated to ensure adequate remediation. Details of slab levels should be provided to control the effect on the character and appearance of the area.
44. A construction method statement is required to protect the living conditions of nearby residents during construction. All of the buildings need to be demolished before the development is commenced in order to protect the living conditions of future residents. A noise mitigation scheme and boundary treatment to prevent access to the railway is necessary to protect the living conditions of future residents.
45. Conditions are necessary to ensure adequate and sustainable surface water drainage, and to comply with the flood risk assessment. Compliance with badger mitigation measures is required to ensure their protection. Provision of suitably managed SANG is necessary to mitigate possible impact on Cannock Chase. The buildings are to be recorded because of their industrial significance.

*Julia Gregory*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Wayne Beglan	Of Counsel
He called	
Alex Yendole BA (Hons) Dip TP MRTPI	Planning Policy Manager, Stafford Borough Council
Mark Alford MSc (Hons) MRTPI	Planning Policy Manager, Stafford Borough Council
Andrew Marsden PGDip	County Commissioner for Access for Learning, Staffordshire County Council

### FOR THE APPELLANT:

Christopher Young	
He called	
Jason Tait BA (Hons), Dip TP, MRTPI	Planning Prospects Ltd
Timothy J Goodwin BSc (Hons) MSc, MIEEnvSc, MIEEM, MIALE	Ecology Solutions Ltd

### INTERESTED PERSONS:

Rod Bristow	Castlefields Residents Association
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## DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Notification of inquiry letter dated 31 May 2012
- 2 Notification of inquiry letter dated 17 September 2012
- 3 Opening by Mr Beglan
- 4 List of Council witnesses
- 5 Statement of common ground
- 6 Report in respect of ecology and nature conservation by Timothy J Goodwin, Ecology Solutions Ltd
- 7 Plans and appendices to Document 6
- 8 Proof of evidence of Andrew Marsden
- 9 Rebuttal proof of evidence of Mark Nettleton, Phil Jones Associates Ltd
- 10 Rebuttal note from Halcrow dated 4 October 2012
- 11 Amendment to Jason Tait's appendix 22
- 12 Draft S106 agreement
- 13 Statement of five year supply of housing land as at 31 March 2012
- 14 Adopted Staffordshire and Stoke on Trent Structure Plan 1996-2011 policy E2
- 15 Amendment to Jason Tait's appendix 23
- 16 Housing sites pending S106 agreements
- 17 Details of additional housing permissions
- 18 Details of recent permissions for 131 homes
- 19 Details of housing completions for post April 2012 permissions
- 20 Further details of recent completions of those homes granted planning permission 2011-2012
- 21 Extract from the Town and Country Planning (Development Management Procedure ) (England) Order 2010

- 22 Agreed list of conditions
- 23 Map showing public footpath on adjacent land
- 24 Email from Natural England to Karl Goodburn and Mark Alford dated 11 October 2012
- 25 S106 agreement dated 5 October 2012
- 26 S106 agreement dated 19 October 2012
- 27 Letter from Natural England to Inspector dated 19 October 2012
- 28 Closing Statement on behalf of the Council
- 29 Closing submissions on behalf of the appellant

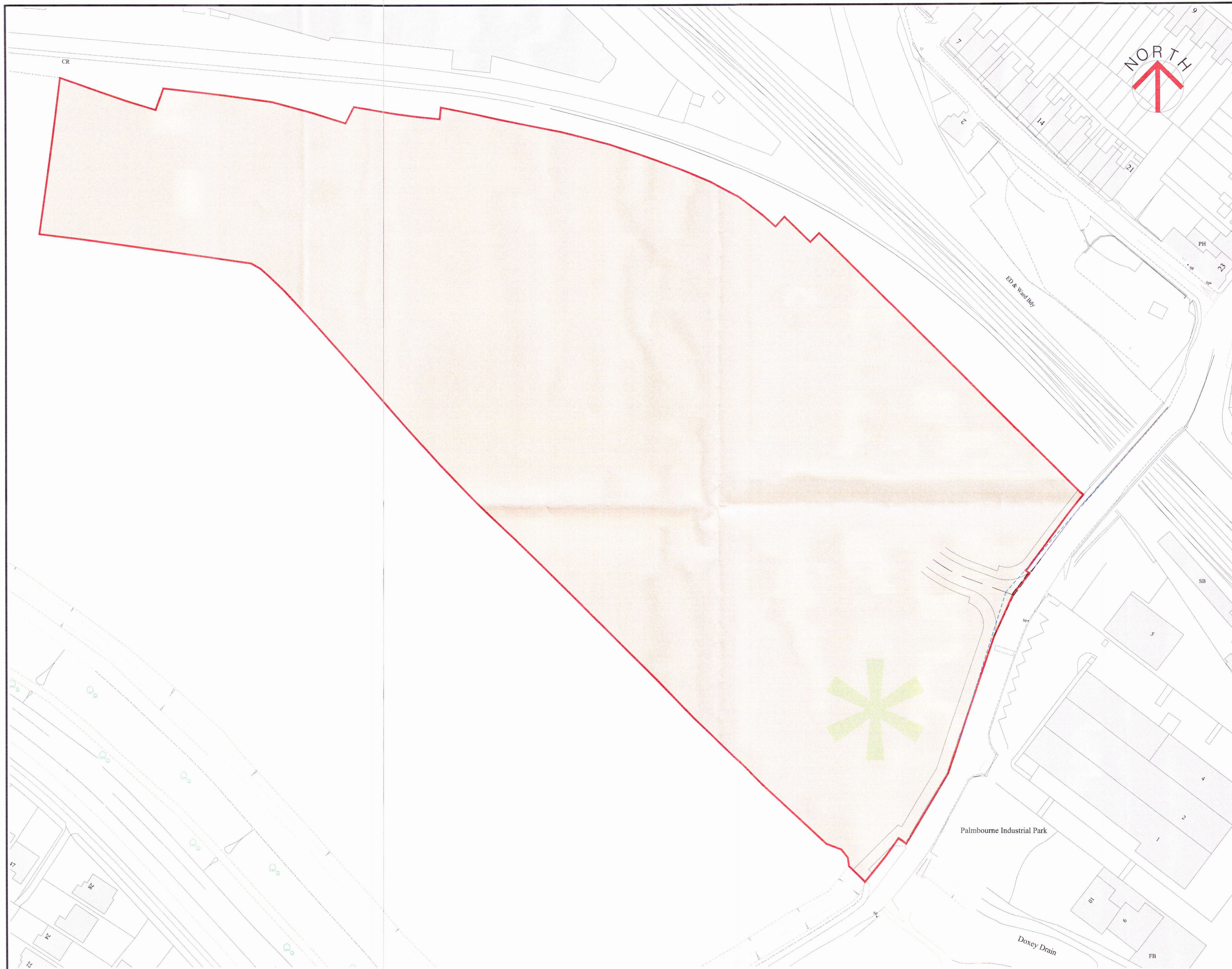
## **ANNEX A - CONDITIONS**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: CWS/010, 13741OGL Rev 0, CWS/020, and PSBCWS 013 Rev B.
- 2) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 3) Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 4) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 5) Applications for the approval of reserved matters shall be in accordance with the principles and parameters broadly described and illustratively indicated in the submitted "Design and Access Statement". Any reserved matter application shall include a statement providing an explanation as to how the design of the development responds to the Design and Access Statement.
- 6) The development shall not commence until the site has been subject to a detailed scheme for investigation and recording of contamination of the land and risks to the development, its future uses and surrounding environment. A detailed written report on the findings including proposals and a programme for the remediation of any contaminated areas and protective measures to be incorporated into the buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for the disposal of surface water during remediation. The remediation works shall be carried out and a validation report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved proposals and programme. If during the course of the development further evidence of any type relating to other contamination is revealed, work at the location will cease until such contamination is investigated and remediation measures, approved in writing by the Local Planning Authority, have been implemented.
- 7) No development shall be carried out unless and until details of existing and proposed ground levels on the site and of ground floor slab levels of buildings have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be constructed in accordance with the approved details.
- 8) The development hereby permitted shall only be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy Version 2.0 dated 23/05/11 and its submitted Addendum Revision B dated 24/11/11 including the mitigation measure that finished ground floor levels will be set at a minimum of 76.12m AOD.
- 9) No development shall be commenced unless and until a surface water drainage scheme for the site based on sustainable drainage (SUDS) principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to and approved in writing by the Local Planning Authority. It shall include a limited surface water

discharge from the site of 5L/s/ha; a minimum of two SUDS treatment trains; and details to show that all surface water generated on the site will remain within the proposed drainage system for all events up to and including the 100 year event plus a 30% allowance for climate change. Thereafter, the approved scheme shall be implemented or constructed before any dwelling is first occupied and it shall be retained.

- 10) The proposed new access junction onto Castle Street and associated highway works shall be constructed in accordance with drawing no. PS BCWS-013 Rev B before any dwelling is first occupied.
- 11) No development shall be commenced unless and until details of the road layout, vehicle parking and turning space and their drainage and construction phasing; road construction including longitudinal sections; and street lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter no dwelling shall be occupied until these works have been carried out and completed in accordance with the approved details.
- 12) No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials used in constructing the development
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - wheel washing facilities
  - measures to control the emission of dust and dirt during construction
  - a scheme for recycling/disposing of waste resulting from construction works.
- 13) Notwithstanding any information in the application, no development shall commence unless and until a programme for the carrying out of the badger habitat mitigation measures, as detailed in the submitted Halcrow Ecological Appraisal and Protected Species Surveys report dated May 2011, in relation to the construction of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out in accordance with the approved programme.
- 14) No development shall be commenced until the existing buildings have been demolished.
- 15) No development shall commence until a noise mitigation scheme designed to minimise the impact from railway traffic such that the noise levels within the dwellings do not exceed the recommendations set out in BS8223:1999 Sound Insulation and Noise Reduction for Buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 16) The development shall not commence until drainage plans and information for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

- 17) The development shall not commence until details of the boundary treatment to the site, including the boundary with the railway line, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 18) The development shall not be commenced until such time as a scheme for the provision of suitable alternative natural greenspace (SANG) generally in accordance with plan ECO3, and an ecological management plan for that area has been submitted to and has been approved in writing by the local planning authority. The development shall only be carried out in accordance with such a scheme of SANG which shall be provided before any dwelling is occupied and thereafter maintained for public access in accordance with the scheme.
- 19) No development shall take place until the applicant has secured an archaeological desk-based assessment and building recording survey of the buildings on the site which shall be submitted to the local planning authority.



**KEY**

-  DEVELOPMENT SITE BOUNDARY
-  EXISTING PROPERTIES
-  2 / 3 STOREY RESIDENTIAL DEVELOPMENT
-  EXISTING TREES
-  PUBLIC OPEN SPACE

REV	AMENDMENT	DATE

**DCA** David Crowder  
**ARCHITECTURE LTD.**  
 25 THE QUILLET, NESTON, WIRRAL, CH64 9QE.  
 Tel: 0151 336 3222 MOBILE 07914 398 670  
 web: www.dcarch.co.uk  
 e mail: dave@dcarch.co.uk



ADDRESS  
 CASTLEWORKS ,  
 CASTLE STREET, STAFFORD.

TITLE  
 DEVELOPMENT FRAMEWORK PLAN

SCALE 1:500	REV.	DRAWING No.
DATE 29.03.11		CWS/020
DRAWN DC		

# CASTLEWORKS, CASTLE STREET, STAFFORD.

<b>Application</b>	13/19161/OUT	<b>Case Officer:</b>	P Atkins
<b>Date Registered</b>	29 October 2013	<b>Target Decision Date</b>	28 January 2014
<b>Address</b>	Land at Old Rickerscote Lane Stafford	<b>Ward</b>	Penkside
		<b>Parish</b>	
<b>Proposal</b>	Development of circa 122 residential properties, open space, sustainable drainage systems and access onto Rickerscote Lane, Stafford		
<b>Applicant</b>	Trine Developments Limited		
<b>Recommendation</b>	Refuse		

**REASON(S) FOR REFERRAL TO COMMITTEE:**

Member Request for Call-In:

This application has been called in by Councillor Malcolm Millichap (Ward Member for Penkside) for the following reason:

“To consider the impact of this large application on highways and other infrastructure bearing in mind the close proximity of the flood zone ”

**Context**

The site comprises about 6.44 hectares of agricultural land which fronts onto Old Rickerscote Lane and Rickerscote Hall Lane, Stafford.

The site is open farmland with trees and hedgerows to its boundaries. There are 2 drains within the site (broadly to the north and south) and the south-eastern boundary also adjoins a drain.

Surrounding development mainly consists of modern housing, although there are a small number of traditional dwellings. The site abuts Rickerscote Hall, which is a Grade II listed building.

Although submitted in outline, detailed approval is sought for a vehicular access onto Old Rickerscote Lane.

The gross area of the site is 6.44 hectares of which 1.27 hectares comprises flood plain and therefore the net area is 5.17 hectares. The latest illustrative site plan shows 122 dwellings (originally 137 units were proposed) with accommodation expected over 2 and 2.5 storeys, ranging from 2 bed flats to 5 bed detached houses with double garages. The proposal includes 30% affordable housing. The proposed layout includes on-site open space areas (LAP and NEAP facilities), as well as two ponds.



The reduced number of dwellings has enabled a new landscaped buffer area to be proposed adjacent to Rickerscote Hall.

The original application is supported by a range of documents, in particular these include:

Planning statement;  
Development capacity study;  
Design and access statement;  
Landscape and visual impact assessment;  
Archaeological desk based assessment (including consideration of heritage assets);  
Statement of community involvement;  
Position statement relating to the impact of the development on Cannock Chase;  
Phase 1 geo-environmental assessment report;  
Baseline ecological site audit;  
Water vole and crayfish survey report;  
Great crested newt survey report;  
Travel plan framework;  
Transport assessment;  
Foul and utilities statement;  
Flood risk assessment;  
Arboricultural constraints report; and  
Agricultural land classification and soil resources.

A heritage statement has also been submitted during the processing of the application. A further heritage statement is also expected to be submitted.

## **Officer Assessment – Key Considerations**

### **1. Principle and Housing Policy**

Save for the northern-most tip of the application site, the land lies outside Stafford's Residential Development Boundary (RDB) as defined on the Stafford Area Inset map of the Adopted Stafford Borough Local Plan 2001. In policy terms, therefore, the majority of the site lies in open countryside. Consequently, the residential development of the main part of the application site would be contrary to Saved Policy HOU3 of the Stafford Borough Local Plan 2001.

However, the Council has to demonstrate a 5 year plus housing land supply to meet the requirements of the National Planning Policy Framework (NPPF) which is set out by the housing provision within the emerging Plan for Stafford Borough. Paragraph 49 of the NPPF states "Housing applications should 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." The Council can demonstrate a 5 year supply of housing land, including a 20% buffer, in the context of the emerging Plan for Stafford Borough.

This emphasis is also made in a core planning principle (paragraph 17 of the NPPF) to proactively drive and support sustainable economic development to deliver homes. Whilst it also states that the intrinsic character and beauty of the countryside should be recognised, paragraph 9 also states that pursuing sustainable development involves widening the choice of high quality homes.

The Inspector's recent Recommendations for Further Main Modifications to the new Plan for Stafford Borough (17 December 2013) following its Examination in Public has however given weight to the Strategic Development Locations (SDLs) for housing around Stafford, contained in Policy Stafford 2 – North of Stafford, Policy Stafford 3 – West of Stafford and Policy Stafford 4 – East of Stafford, of the emerging Plan for Stafford Borough. The Inspector's Recommendations for Further Main Modifications Report states that "as amended [by the Main Modifications] the Development Strategy, including the principle of the key Strategic Development Locations around Stafford and Stone, seems sound, deliverable, viable, effective and fully justified with robust and comprehensive evidence". The application site is not one of these SDL sites.

Considerable weight should now be attached to the emerging Plan for Stafford Borough which has demonstrated that for the plan period objectively assessed housing need can be fully met, as supported by Paragraphs 215 and 216 of the National Planning Policy Framework. It has an up-to-date evidence base, is at a late stage in its development and has been produced in accordance with the National Planning Policy Framework.

Policies and Guidance:

National Planning Policy Framework:

Paragraphs 9, 17 (Core Principles), 47, 49 (Section 6 - Delivering a wide choice of high quality housing, 210, 211, 212, 213, 214, 215, 216 (Annex 1: Implementation)

Adopted Stafford Borough Local Plan (LP) 2001 Saved Policies:

E&D7 Development in Open Countryside; HOU2 Development within Residential Development Boundaries (RDBs); and HOU3 Residential Development Outside of RDBs.

The emerging Plan for Stafford Borough:

Spatial Principle 7 – Supporting The Location of New Development

## **2. Vehicular, Pedestrian and Cycle Access**

The proposal would be served by a single access and egress point onto Old Rickerscote Lane.

On behalf of the applicants, it is advanced that the site can be safely accessed and that the local roads have sufficient capacity to deal with the proposal. It is also suggested that in the wider area the additional traffic generated by the proposal will be below the 5% threshold that is considered material.

In recognition that the A449 and Rickerscote Road junction is operating above capacity it is suggested that junction phasing could, if necessary, be reconfigured to improve operating efficiency.

It is also suggested that the site's location within Stafford offers clear opportunities to reduce car dependency. In this regard, Stafford's existing modal split reveals that the town supports more travel by foot, bicycle and public transport than other areas.

The Highway Authority's (HA's) original response recommended refusal as insufficient information had been submitted to determine the impact of the development on the highway network.

In this regard the submitted Transport Assessment did not identify dwelling trip rates and traffic distribution. Furthermore, the proposed solution for A449/Rickerscote Road junction which is overcapacity was unworkable and that the implications of resultant additional traffic over the School Lane railway bridge had not been adequately assessed with possible mitigation works.

However, the HA's latest consultation response confirms that they now raise no objections to the proposal subject to conditions (provision of access; further details of layout, surface water drainage and surfacing materials; traffic management scheme; off-site highway works; and a travel plan). The HA also recommend that a Section 106 agreement is required to secure £6200 for travel plan monitoring and a £25,000 towards the Stafford Integrated Transport Strategy relating to real time passenger information project for Stafford South.

It is considered, therefore, that the development would not result in adverse highway or transport consequences, including in respect of public safety. Furthermore, the development's impact can be suitably mitigated in line with the HA's suggested conditions and Section 106 requirements.

Policies and Guidance:

National Planning Policy Framework:

Section 4 on sustainable transport

Adopted Stafford Borough Local Plan (LP) 2001 Saved Policies:

MV10 – Land Development Requirements

### **3. Drainage and Flood Risk**

The Environment Agency (EA) raise no technical objections to the proposed development, subject to conditions.

The submitted flood risk assessment (FRA) concludes that the proposed development is not at significant flood risk subject to the implementation of the recommended flood mitigation strategies (including finished floor levels and undercroft parking thresholds, site re-profiling, new drainage network to modern standards, surface water to be limited to greenfield rates with all surface water attenuation volumes to be provided on site within below ground structures, and water quality treatment to be provided within new swales, ponds or wetland features within immediately adjacent floodplain areas).

The FRA states that the development will not increase flood risk in the wider catchment as a result of appropriate management of surface water runoff from the site.

Using Environment Agency flood zone mapping, the application site is located within Flood Zone 1, 2 and 3. However, the development will be limited for Flood Zone 1 which is sequentially acceptable for residential development.

The FRA confirms that safe, dry access to the site will be provided from the north and west of the site from Rickerscote Hall Lane and Old Rickerscote Lane respectively.

In this context, the proposal does not present any flood risk concerns subject to appropriate mitigation which can be secured by the planning conditions suggested by the EA.

#### Policies and Guidance

##### National Planning Policy Framework

Section 10: Meeting the challenge of climate change, flooding and coastal change.  
Section 11: Conserving and enhancing the natural environment

Adopted Stafford Borough Local Plan (LP) 2001 Saved Policies:

E&D4: Sewage, Effluent and Surface Water; and E&D50 Land Drainage and Flooding

#### **4. Noise and Residential Amenity**

The proposed residential development of the site will introduce additional activity in the area, including to adjacent residential properties. However, the anticipated type and pattern of activity (mostly at times during the day) will be unlikely to lead to unacceptable levels of noise and disturbance for neighbouring developments, the most noise sensitive being nearby dwellings.

The Environmental Health Officer raises no concerns that the occupation and use of the proposed development will result in harmful levels of noise.

The noise impacts of the construction phase of the development can be limited by the imposition of conditions based on the response of the Environmental Health Officer.

Although the illustrative site plan has not been submitted for formal approval as part of the outline planning application, it does indicate how 122 dwellings could be provided on the site.

Should the current outline application be approved, the detailed design and layout of the development would be considered at the reserved matters stage. This would provide the appropriate opportunity to consider the impact of the proposal on the amenity of neighbouring residents, including those that bound the site. As such, it is not possible in assessing the current application to consider issues such as natural lighting, outlook and privacy. However, with a careful approach to design and layout, it should be feasible to satisfactorily accommodate the proposed level of development on the site.

Policies and Guidance:

National Planning Policy Framework:

Section 11 - Conserving and enhancing the natural environment

Adopted Stafford Borough Local Plan (LP) 2001 Saved Policies:

E&D1: General Requirements, E&D5: Noise Attenuation Requirements, Policy HOU1: Development in Existing Residential Areas, and Policy HOU5: Residential Development: Layout and Design

Supplementary Planning Guidance: Space About Dwellings

## **5. Trees and Hedges**

There are a number of predominantly deciduous trees which mark the site's boundaries. Of note, however, is a veteran oak tree located within the main part of the site.

Tree Preservation Order No. 577 of 2014 relates to the application site.

The Tree Officer has considered the proposal, including the submitted arboricultural constraints, and concludes there is no objection in principle to the proposed development. The Tree Officer does acknowledge that the final layout of the development will need to be amended to take account of the root protection area of retained and nearby trees, as well as providing appropriate space for the veteran oak tree which is to be retained and incorporated into the proposed development.

The Tree Officer accepts the removal of trees due to their respective conditions, subject to appropriate replacement planting.

Having regard to the size of the site and the proposed number of dwellings, it is feasible that extensive tree planting could be included in any detailed, future proposal.

The requirements of the Tree Officer can be secured at reserved matters stage and by conditions attached to any grant of outline planning permission.

Policies and Guidance:

National Planning Policy Framework:

Section 11: Conserving and enhancing the natural environment

Adopted Stafford Borough Local Plan (LP) 2001 Saved Policies:

E&D44 Development Affecting Trees and Hedgerows.

## **6. Ecology and Biodiversity**

The Biodiversity Officer has considered the various ecology-based reports submitted with the application and does not raise any objections to the development. Necessary protection, mitigation and enhancement measures can be secured by planning condition.

Policies and Guidance:

National Planning Policy Framework:

Section 11 Conserving and enhancing the natural environment

Adopted Stafford Borough Local Plan (LP) 2001 Saved Policies:

E&D37 Nature Conservation: Sites of European Importance; E&D38 Nature Conservation: Sites of National Importance; E&D39 Nature Conservation: Sites of Regional/Local importance; and E&D40 Mitigation and Amelioration of Impact on Sites of Nature Conservation Interest

## **7. Habitat Regulations - Cannock Chase Area of Special Conservation (SAC)**

The application site lies within the 8km zone of the Cannock Chase Special Area of Conservation (SAC).

The applicants' 'Position Statement relating to the impact of the development on Cannock Chase' concludes that the proposal will be well supplied with on-site green space and adjacent designated walks and open space. As such, the statement asserts confidence that most future residents will access these spaces for their normal day-to-day routine, including dog walking, in preference to the much more distant alternative of visiting Cannock Chase.

The statement opines that there is no credible argument that the development will create a visitor pressure problem or undesirable ecological impacts for Cannock Chase.

The statement identifies the following locations that can provide alternative destinations to Cannock Chase. These are the Silkmore, Rickerscote to Hyde Lea

Doorstep Walk (runs down Rickerscote Lane) providing an approximate 5km circular walk. Rickerscote Hall Lane and track running along the southern site boundary allows residents to access green space to the east and river Penk flood plain. Furthermore, the applicants also suggest that nearby Wildwood Park and Radford Meadows Nature Reserve, as well as Doxey Marshes and Allimore Green all offer alternative destinations to Cannock Chase.

The applicants' statement also asserts that the approximate 400 new residents generated by the development (based on an average of 3 people per property) would represent an increase of 0.016% of the 2.5 million plus annual visitors to Cannock Chase which is a miniscule amount. The statement also suggests that should each resident visit Cannock Chase two or three times a year the development will have an insignificant impact on the relatively robust habitats of Cannock Chase.

In response, Natural England (NE) does not consider that it is possible to conclude that the proposal is unlikely to result in significant effects on Cannock Chase. The NE also highlight that the Council as a competent authority should produce a habitat regulations assessment report.

However, NE state that the 15km zone of influence identified around the SAC is estimated to result in 75% of all visits generated. The scale of housing developments predicted within this zone is thought likely to increase visitors to the SAC by about 15% which is likely to have a significant effect on the interest features for which the SAC was classified.

NE consider that if the development is approved it would, in combination with other planned residential development, contribute to the predicted increase in SAC visitors which would amount to a significant effect. Unless exceptional circumstances apply, NE advises that prior to the grant of any permission, measures to avoid likelihood of significant effects should be secured, or an appropriate assessment of the effects of the development on the conservation objectives of the SAC should be carried out.

NE note that the applicants' assessment does not mention a contribution to secure mitigation measures. An agreed package of SAC access management measures can provide a proportionate and cost effective avoidance solution to effects arising. NE also acknowledge that this form of mitigation is likely to be less costly than an appropriate assessment of effects and would remove the need for such an assessment. Furthermore, it would be less costly than a SANGS solution for which the Council has a standard contribution. NE identify that there is currently uncertainty over the level of contribution required.

NE advise that the final costing of measures designed to avoid the likelihood of significant effects will stem from a specific package of measures by managers of the SAC and adjacent land. Planning authorities will need to consider how this cost is to be divided between different developments and this could be based on contributions for all developments within the zone of influence, or by limiting the requirement to certain development categories.

Although on-site green space has the potential to provide future residents with daily dog walking opportunity, this area is considered to be of insufficient size, on its own, to provide a suitable alternative natural green space.

However, the alternative locations identified by the applicants will provide a range of publicly accessible destinations that future residents can use as an alternative to Cannock Chase thereby contributing towards mitigation of the impact on the SAC.

A condition could secure the provision of 'welcome packs' for future occupiers of the development which would promote and provide information on local open spaces, walking and cycle routes so as to discourage travel to the SAC.

A £500 contribution per dwelling (secured by a Section 106 agreement) as on other development proposals could assist in further mitigating the impact of the development on the SAC.

In combination, the above-mentioned mitigation measures would ensure that the development has acceptable impacts on the Cannock Chase SAC.

However, the applicants appear reluctant to further mitigate the impact beyond on-site provision and identification of nearby facilities; in particular the issue of financial contributions has not been appropriately addressed with an offer of £5000 submitted. This is significantly less than the appropriate figure of £61,000 based on £500 for each of the 122 proposed dwellings. Accordingly, the proposal fails to adequately demonstrate that suitable avoidance and mitigation measures can be secured in order to safeguard the SAC.

Policies and Guidance:

National Planning Policy Framework

Section 11 – Conserving and enhancing the natural environment

Adopted Stafford Borough Local Plan 2001 - Saved Policies

E&D37 Nature conservation: sites of European importance; E&D38 Nature conservation: sites of national importance; E&D39 Nature conservation: sites of regional/local importance; and E&D40 Mitigation and amelioration of impact on sites of nature conservation interest

The emerging Plan for Stafford Borough:

Policy N6 – Cannock Chase Special Area of Conservation (SAC)

## **8. Impact on Heritage Assets**

The site is too far distant to the Staffs and Worcester Canal Conservation Area to have an adverse impact on the character and appearance of this particular designation.

The application site is located to the west of Rickerscote Hall, a grade II listed building. The Hall site includes agricultural buildings, a worker's cottage and 19<sup>th</sup> century malthouse and smithy, which contribute to the heritage significance of the site. Although of no historic merit, later 20<sup>th</sup> century agricultural or industrial



buildings do not compromise the character of the principal listed building as a historic farmstead.

The Conservation Officer identifies that the principal views of the Hall site are from Old Rickerscote Lane across open fields where the listed building has a distinctive presence in the landscape, enhanced by its isolated location and agricultural setting. This setting not only serves to accentuate the architectural distinctiveness of the building, but places it firmly within its historic context.

The application documents recognise that the development will adversely affect the setting of the listed building.

The loss of open views and agricultural setting would be harmful to the historical setting of the listed building, and NPPF para 31 makes it clear that 'setting' is an integral part of the significance of a heritage asset, rather than a separate consideration.

The proposal would reduce the significance of the listed building by reducing the visual presence of the Hall and its associated buildings within open fields.

Given the intervening separation distance, it is not considered that the modern residential development to the west currently harms the agricultural setting of the Rickerscote Hall.

However, the extent and closeness of the proposed development, even with the reduced number of dwellings and inclusion of a landscaped buffer area, would affect the existing setting of the Hall which is currently appreciated in an open, semi-rural setting indicative of its historic isolated position.

Although the applicants contend that the presence of modern warehouse and agricultural buildings act as a precedent, the Conservation Officer argues that the quantity and character of development is different.

The Conservation Officer also identifies that the resultant change in outlook and loss of open views would compromise the setting from within the Hall. Furthermore, significant views towards the Hall from the northwest to southwest would be lost, with the Hall subsequently viewed in new suburban context.

The Conservation Officer dismisses the importance the applicants place on the screening properties of existing hedgerows and mature trees. Moreover, it is considered that the additional tree planting would, upon sufficiently maturity, screen the development from the Hall, rather than enhancing its historic setting.

Although the Conservation Officer acknowledges that the benefits of the revised scheme (still submitted on an illustrative only basis), she nevertheless remains concerned that the proposal would affect the listed building in terms of the loss of its open rural/semi-rural setting.

The Conservation Officer highlights that the protection of the historic environment is integral to the definition of sustainable development in the NPPF (eg paragraph 7), and harm to the setting of a listed building is contrary to paragraph 132, as well as

Saved Policy E&D 23 of the Adopted Stafford Borough Local Plan 2001. The Conservation Officer also acknowledges that paragraph 134 of the NPPF states that harm to a heritage asset must be justified in terms of public benefit and whilst this may include the provision of new housing, it has not been demonstrated that such housing can only be provided by a development that would harm the setting of the listed building.

In this context, it is considered that the amended proposal has harmful impacts on the setting of Rickerscote Hall, which is a grade II listed building contrary to the NPPF and Adopted Local Plan policy.

It is understood that the applicant is in the process of producing a further heritage statement, however this has yet to be submitted. The proposal as it stands, therefore, is considered unacceptable.

Policies and Guidance:

National Planning Policy Framework

Paragraphs 7 – 9, 14, 17, 58, 61 and Section 12: Conserving and enhancing the historic environment

Annex 2: Glossary – Setting of a heritage asset

Adopted Stafford Borough Local Plan (LP) 2001 Saved Policies:

E&D18 Development Likely to Affect Conservation Areas; and E&D23 Development Proposals Affecting Listed Buildings

## **9. Impact on Open Countryside and Green Network/Green Infrastructure**

The applicants' planning statement asserts that whilst the Green Network proposal in the adopted Local Plan is to be carried forward as part of the emerging plan it has not been subject to any detailed evaluation or for any specific value as a green or open area. However, the supporting text and the policy wording for the Green Network in the adopted Local Plan and Green Infrastructure in the emerging plan provide the reasoned justification and policy criteria for the designations.

The planning statement also suggests that new housing sites in Stafford rely on large peripheral sites beyond the town's RDB and in surrounding Green Network land. Whilst the Stafford East and Stafford West SDL's do include areas of Green Network and/or Green Infrastructure their respective proportions are minimal. The third SDL, Stafford North, does not contain any land designated as Green Network or Green Infrastructure.

The applicants' statement suggests that the application site has 'no special or significant landscape or open value' and that the proposed development would 'not prejudice the wider area from either a landscape or open context'.

The application site is within the Green Network for Stafford within the adopted Stafford Borough Local Plan 2001 as well as being designated as Green

Infrastructure in the emerging Plan for Stafford Borough. Both of these policy designations intend to protect the green and open nature of the undeveloped land running through Stafford town.

The reasoned justification to Saved Local Plan Policy E&D27 identifies areas of Green Network as comprising extensive areas of undeveloped land that link the open countryside with the town centre. The areas help prevent the loss of local identity, increase the attractiveness of Stafford, afford public access to extensive local open spaces and the countryside beyond, and provide valuable wildlife habitats. The justification also states that it is proposed to use this undeveloped land "that is protected from development by other policies" as the skeleton for a green network.

The wording of Saved Policy E&D27 states that development will not be permitted where it would adversely affect the character of the Green Network or sever important linkages between more extensive areas of undeveloped space.

Policy N4 of the emerging Plan for Stafford Borough states that the Green Infrastructure network defined on the Policies Map will be protected, enhanced and expanded.

The southern-most part of the site adjoins HP3 housing site in the adopted Local Plan. Although the outline application does not seek approval for landscaping or layout, it is the part of the development site potentially at risk from flooding which is proposed for open space purposes and as such would be largely free from built form. Accordingly, it is the eastern part of the application site that is particularly sensitive to impacting on the Green Network designation.

The submitted Landscape and Visual Impact Assessment (LVIA) concludes that in landscape terms the proposal, including mitigation, will have minor and adverse effects during construction, reducing to negligible upon completion and thereafter neutral.

In terms of visual impacts, the LVIA states that the effect on the nearest residents would be moderate and adverse at all stages. This takes into account that screening is not considered appropriate. Nevertheless, for the majority of receptors the visual significance of the development will be slight or negligible. It is also advanced that the development would not significantly alter the character or functionality of the green corridor to the south-east of Stafford.

Only land that it was considered would generally not be likely to be developed was included within the Green Network. This is stated in the text accompanying the Green Network policy E&D27. The Saved Local Plan policy also clearly states that development will not be permitted where it would adversely affect the character of the Green Network or important linkages between more extensive areas of undeveloped space. While the policy is not so prescriptive as to seek to prevent all development, it is not considered that the safeguarding provisions of the policy that allows some development within the Network sanctions the development of significant areas of land such as the current application site. Notwithstanding the proposed provision of open space around the Green Network edges of the site, it is considered that the construction of up to 122 dwellings on the site would fundamentally fail to maintain and enhance the Green Network, conflicting with the

main aim of the policy and with part (iii) of the safeguarding conditions in assessing acceptable development within the network.

Whilst it is acknowledged that the site is adjacent to existing residential properties, the proposal would result in the loss of a significant piece of open, undeveloped land which forms part of the Green Network and Green Infrastructure designations. Such wedges of open land, which extend from the open countryside into Stafford, are important in that they contribute towards the town's character.

The development of the application site would have a harmful, diminishing impact on the essential character and function of the Green Network and Green Infrastructure designations, of which it forms an integral part, as keeping land open and free from harmful development proposals. The overall effect of the proposed development would not protect or enhance the Green Infrastructure designation.

Having regard to the location, nature and scale of the proposal and also the purposes of the Green Network and Green Infrastructure designations, it is considered that the development will conflict with Saved Policy E&D27 and Policy N4 of the emerging Plan for Stafford Borough.

Paragraph 17 of the NPPF acknowledges that the intrinsic character and beauty of the countryside should be recognised and in both paragraphs 17 and 110 that land should be allocated for development with the least environmental or amenity value.

Policies and Guidance:

National Planning Policy Framework:

Paragraphs 17 Core Principles, 110

Adopted Stafford Borough Local Plan (LP) 2001 Saved Policies:

E&D2 Townscape and landscape, E&D7 Development in the Open Countryside, E&D27 Green Network

Emerging Plan for Stafford Borough Policies:

N4 Green Infrastructure

## **10. Planning Obligations**

The Parks and Open Spaces Development Officer highlights the applicants confirmation that the proposed location of on-site open space area on land liable to flood. The Parks and Open Spaces Development Officer objects to this element of the proposal as the open space area needs to be suitable for use all year round. It should be noted that the submitted 'proposed site plan' has not been submitted for detailed consideration.

On this basis, there is some doubt as to how much usable open space can be provided on the site for use by future residents. However, in lieu of on-site provision, it would be possible for the developer to make a financial contribution towards off-site provision by a Section 106 agreement. Whilst this is not ideal on a proposal of

this size where a significant amount of usable open space should ordinarily be provided, contributions towards off-site provision can provide an acceptable alternative. Given the outline nature of the application it is not possible at this stage to provide a firm indication of the overall financial contribution towards open space as this will be influenced by the final number and type of dwellings actually proposed.

The provision of 30% affordable housing, education, highway contributions, as well as allotment provision, swimming pools, sports courts/halls and artificial turf pitches can also be secured by a Section 106 agreement.

The above planning obligations were based on the original application of 137 dwellings, however the revised number of proposed dwellings at 122 will influence the overall planning obligation amounts.

The consideration of the proposal relative to the Habitat Regulations and the Cannock Chase Area of Special Conservation has been separately addressed, above.

Policies and Guidance:

Adopted Stafford Borough Local Plan (LP) 2001 Saved Policies:

INT1 Planning Obligations

### **Conclusion**

The Council can demonstrate a 5-year supply of housing land, including a 20% buffer, and that the emerging Plan for Stafford Borough can, for the plan period, meet objectively assessed housing requirements for Stafford Town by the proposed delivery of 3 Strategic Development Locations. Furthermore, the proposal involves the development of a Greenfield site outside Stafford's Residential Development Boundary. On this basis there is no current justification to release the land for new residential development.

The site's development would adversely impact on the Green Network and Green Infrastructure designations, contrary to saved and emerging local plan policy.

The residential development of the site would adversely impact on the nearby Grade II listed building, Rickerscote Hall, by affecting the existing rural/semi-rural spacious setting around the building.

The proposal includes insufficient measures to acceptably mitigate the impact of the development on the Cannock Chase Special Area of Conservation.

In light of these objections, other advantages or benefits associated with the proposal do not outweigh the harm identified.

## Consultations

### Forward Planning Section:

#### Principle

The proposed development is on a green field site outside the Residential Development Boundary for Stafford. The development of the site for housing would, therefore, be in conflict with Saved Policy HOU3 of the Stafford Borough Local Plan 2001. However, the Council has to show a 5 year + housing land supply to meet the requirements of the National Planning Policy Framework (NPPF) which is set out by the housing provision within the emerging Plan for Stafford Borough. Paragraph 49 of the NPPF states: "Housing applications should 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." The Council can demonstrate a 5 year supply of housing land, including a 20% buffer, in the context of the Plan for Stafford Borough.

This emphasis is also made in a core planning principle (paragraph 17 of the NPPF) to proactively drive and support sustainable economic development to deliver homes. Whilst it also states that the intrinsic character and beauty of the countryside should be recognised, paragraph 9 also states that pursuing sustainable development involves widening the choice of high quality homes.

The Inspector's recent Recommendations for Further Main Modifications to the new Plan for Stafford Borough (17 December 2013) following its Examination in Public has however given weight to the Strategic Development Locations (SDLs) for housing around Stafford, contained in Policy Stafford 2 – North of Stafford, Policy Stafford 3 – West of Stafford and Policy Stafford 4 – East of Stafford, of the emerging Plan for Stafford Borough. The Inspector's Recommendations for Further Main Modifications Report states that "as amended [by the Main Modifications] the Development Strategy, including the principle of the key Strategic Development Locations around Stafford and Stone, seems sound, deliverable, viable, effective and fully justified with robust and comprehensive evidence". The application site is not one of these SDL sites.

Considerable weight should be attached to the emerging Plan for Stafford Borough which has demonstrated that for the plan period objectively assessed housing need can be fully met, as supported by Paragraphs 215 and 216 of the National Planning Policy Framework. It has an up-to-date evidence base, is at a late stage in its development and has been produced in accordance with the National Planning Policy Framework.

## Affordable Housing

Affordable housing of 30% of the total number of dwellings would be required. Housing Policy Officer recommends 80% of these should be social rent and 20% intermediate affordable, with a mix of dwelling types and sizes. The application proposes that 30% of the dwellings will be affordable housing. The Plan for Stafford Borough in Policy C2 requires developments of 12 or more units in Stafford to provide 30% affordable housing. The most up to date viability evidence the Council has shows that 30% affordable housing is deliverable at Stafford. The Council expects an independent economic viability assessment to be provided if this is disputed.

## Green Infrastructure

The proposed development is within the Green Network for Stafford within the adopted Stafford Borough Local Plan 2001 as well as being designated as Green Infrastructure within the emerging Plan for Stafford Borough through Policy N4. The development of the site for housing would, therefore, be in conflict with Saved Policy E & D 27 of the Stafford Borough Local Plan 2001.

## Policies and Guidance:

NPPF – Paragraph 9 – pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life including: widening the choice of high quality homes. Paragraphs 14 and 17 (Core Principles) – planning should be genuinely plan-led; they should provide a practical framework within which decisions on planning applications can be made; objectively identify and meet the housing needs of an area; proactively drive and support economic development to deliver homes; always seek to secure high quality design and a good standard of amenity; recognise the intrinsic beauty and character of the countryside; contribute to conserving and enhancing the natural environment; prefer land of lesser environmental value for development; Paragraphs 47 and 50 – Delivering a wide choice of high quality housing; Section 11 – Conserving and enhancing the natural environment;

Saved Policies - Stafford Borough Local Plan 2001 (LP) – E&D7 – Development in open countryside; HOU2 – Development within Residential Development Boundaries (RDBs); HOU3 – Residential development outside of RDBs.

## Conclusions

The proposed development is on a green field site outside the Residential Development Boundary for Stafford, and therefore contrary to Saved Policy HOU3 of the Stafford Borough Local Plan 2001. The Council can demonstrate a 5

year supply of housing land, including a 20% buffer, and sufficient housing land is identified in the Strategic Development Locations in the emerging Plan for Stafford Borough to meet the requirements of Stafford town. The emerging Plan for Stafford Borough has demonstrated that for the plan period objectively assessed need can be fully met. The proposal is therefore contrary to Policy Stafford 1 – Stafford Town, of the emerging Plan for Stafford Borough and the plan – led approach established in paragraph 17 of the National Planning Policy Framework.

**Reasons for Refusal:**

1. The Council can demonstrate a 5 year supply of housing land, including a 20% buffer. Considerable weight should be attached to the emerging Plan for Stafford Borough which has demonstrated that for the plan period objectively assessed housing need can be fully met, as supported by Paragraphs 215 and 216 of the National Planning Policy Framework. It has an up-to-date evidence base, is at a late stage in its development and has been produced in accordance with the National Planning Policy Framework. Sufficient housing land is identified in the Strategic Development Locations delivered by Policy Stafford 2, Policy Stafford 3 and Policy Stafford 4, in the emerging Plan for Stafford Borough to meet the requirements of Stafford town. The Council has more appropriate, viable and deliverable land available for housing so that the less preferable application site is not required. This application is a substantial residential proposal that lies outside the identified Strategic Development Locations and the proposed development strategy and is contrary to Spatial Principle 7 in the emerging Plan for Stafford Borough. The proposal is therefore premature due to the prejudice it could cause to development within the Strategic Development Locations.
2. The proposed development is on a green field site outside the Residential Development Boundary for Stafford. The development of the site for housing would, therefore, be in conflict with Saved Policy HOU3 of the Stafford Borough Local Plan 2001.
3. The proposed development is within the Green Network for Stafford. The development of the site for housing would, therefore, be in conflict with Saved Policy E & D 27 of the Stafford Borough Local Plan 2001

**Highway Authority:**

Original response:

Recommend refusal as insufficient information to determine the impact on the highway network.



Submitted Transport Assessment fails to identify dwelling trip rates and traffic distribution. Solution for A449/Rickerscote Road junction which is overcapacity does not work and the impact of the additional traffic over the railway bridge in School Lane has not been adequately assessed with possible mitigation works.

Latest response:

No objections, subject to conditions (provision of access; further details of layout, surface water drainage and surfacing materials; traffic management scheme; off-site highway works; and a travel plan).

Section 106 agreement required to secure £6200 for travel plan monitoring and a £25,000 towards the Stafford Integrated Transport Strategy for the implementation of the Real Time Passenger Information project for Stafford South.

#### **Natural England:**

1. Cannock Chase Special Area of Conservation – Applicant produced a Habitats Regulations Assessment (HRA), however local planning authority (LPA) should provide the HRA. Note that applicant has screened the proposal to check for the likelihood of significant effects arising. On the basis of information provided it is not possible to conclude that the proposal is unlikely to result in significant effects. Consider that the LPA should not grant permission at this stage.

Scale of housing proposed within 15km zone is likely to increase visitor numbers on the SAC by 15% which would have a significant effect on the interest features for which the SAC was classified.

Unless exceptional circumstances apply, it will be necessary before the grant of any permission to secure measures which will avoid the likelihood of significant effects arising, or to undertake an appropriate assessment of the effects of the development with regard to the conservation objectives of the SAC.

The applicants' HRA is silent on developer contributions to secure suitable le mitigation.

2. Landscape – Do not wish to comment.
3. Green Infrastructure potential – Note scheme includes green infrastructure.
4. Protected species – Not assessed the proposal for impacts on protected species. Apply standing advice.

#### **Cannock Chase AONB Unit:**

Whilst outside the AONB boundary and the Cannock Chase AONB Partnership does not want to object to the proposal, ask that the following points are considered:

Access to Penk Valley is limited and advocate any mitigation to be on/adjoining the site, although provision of wetland open space and access improvements. This would have some direct environmental benefits and would provide opportunities for

informal recreation close to where people live thereby minimising any additional visitor pressure on the AONB and the SAC.

**Network Rail:**

Original response:

Application not directly adjacent to the railway, and in principle have no objection to the development; however concerned by potential increase in traffic using the railway bridge and therefore placing a holding objection. Request that the developer contact Network Rail Asset Protection Engineer to discuss the increased traffic over the bridge, and if necessary to fund any mitigation measures to protect the bridge from impacts in the build-up in traffic.

Latest response:

Withdraw the holding objection. Can confirm that the School Lane bridge has been assessed to have full current construction and use capacity and various repairs including installation of tie bars to the wingwalls were carried out in early 2010. Based on this presently no concern relating to this bridge and are not in a position to prevent vehicles using it. However, understand that the local authority is at liberty to restrict usage over this bridge on environmental grounds.

**Environmental Health Officer:**

1. Sufficient refuse and recycling bin storage facilities required to be located to enable ease of access.
2. All developments must take into account the access needs of waste and recycling collection vehicles. The developer must ensure that the road structure to a development is suitable to take the weight of collection vehicles and to also allow for ease of manoeuvring safely, particularly removing the need for vehicles to reverse.
3. In order to demonstrate the use of best practicable means under the provisions of the Environmental Protection Act 1990, there must be sufficient justification for the use of driven piles over other piling methods. Businesses and domestic premises likely to be affected by the work are to be notified and the contractors contact details provided should an occupier wish to complain or ask for information/advice.
4. The developer should provide all required street furniture, this includes signs for road names.
5. The developer should provide suitable public bins for public open spaces, parks and recreational facilities. This should include suitable bins for general waste, re-cycling and dog waste bins.
6. If planting schemes are planned in the public open spaces care should be given to the positioning and the types of plants to be used.
7. All works, including demolition, site works and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
8. Deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on

Sundays or bank holidays. Delivery vehicles shall not park on the access highways to the site.

9. No burning on site during development.
10. All demolition materials shall be removed from site and properly disposed of.
11. Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust.
12. Road sweeping shall be carried out at regular intervals, both on the site and on the access highway to prevent excessive dust.
13. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.

**Housing Policy Officer:**

Council policy requires a development which provides 25 or more dwellings to provide 30% to be affordable.

As of 29 October 2013, approximately 1,532 households on the Housing Register in Stafford Borough. Strategic Housing Market Assessment (October 2012) suggests the Borough has an annual affordable housing shortfall of 210 dwellings. This development would help to reduce the housing shortfall.

Recommended that affordable housing should comprise of 80% social rented housing and 20% intermediate affordable housing. Also recommend that the development provides a mix of dwelling types and sizes.

**Tree Officer:**

No objections in principle subject to amendments to any final layout to avoid the root protection areas of on- and off-site retained trees and provide more space for the veteran oak tree and conditions. Removal of trees due to their condition as set out in the report is accepted, subject to mitigation replacement planting.

**Environment Agency:**

No objections subject to conditions (carry out development in accordance with submitted flood risk assessment and mitigation measures; and a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development which shall be submitted to and approved by the local planning authority).

**Biodiversity Officer:**

Protected Species - Applicants' report recommended a number of further surveys in order to establish the presence/absence of specific protected species. These include breeding birds, wintering birds and invertebrate surveys. Results of these surveys should inform any required mitigation works. Evidence for badger was not found within the development site.

1. Great Crested Newt survey did not find evidence of their presence therefore no further survey is required.
2. Water Vole & Crayfish surveys did not find evidence of their presence and therefore no further survey is required.
3. Nesting birds - works should not be undertaken in the nesting season (March to August), unless it can be demonstrated by the developer that breeding birds will not be affected. This can be done by requesting a method statement for protection/avoidance of nesting birds as a condition.
4. Habitat - Landscaping and ecology should be linked to provide green space with wildlife interest. Applicants' report recommends creating new wildlife habitats appropriate to the site, which would include wetland habitat and species rich grassland. Ten bird boxes and five bat boxes should be located in appropriate locations. Report also recommends improving the watercourses and their banks, to enhance their capacity as natural corridors and to improve water quality. This would support Water Framework Directive guidance.

#### **County Environmental Advice:**

Site is about 4km from Cannock Chase SAC. No information to support Habitats Regulations Assessment has been submitted. Consultation with Natural England required.

No tree survey submitted, however Baseline Site Ecological Audit has picked up tree locations and canopy spread. However, without tree survey it is possible that retained trees and proposed layout may be a desirable option, rather than an achievable outcome.

Concern that a veteran tree could be lost.

Proposal assesses that the historic landscape character is of local significance, although there was little detailed assessment of its potential origins. Furthermore, no mention of its water meadows which are recorded on the Staffs Historic Environment Record within and beyond the proposal site boundary.

The archaeological desk based study assessment (DBA) did not assess their potential for survival (although drains are acknowledged as being present) nor whether they were the result of investment by occupiers of Rickerscote Hall in the 18 to 19<sup>th</sup> century. These matters could be addressed as part of any subsequent as part of any subsequent mitigation phases should the proposal be accepted.

The DBA does not reference the 'Historic Environment Character Assessment (HECA): Stafford Environs' carried out by SCC in 2009 on behalf of SBC as part of their evidence base for their SHLAA.

Development site lies within SHECZ 11 where medium to large-scale development could have a significant impact on the historic environment. The HECA draws attention to potential relationship between the hall and water meadows, but in line

with the DBA, it suggests that the field pattern in the area of the proposed development is of local significance (within SHECZ 11 the integrity of the historic landscape is greater in the area to the west of the A449).

The methodology for the Landscape and Visual Impact Assessment is appropriate and correctly identifies landscape character as 'Riparian Alluvial Lowlands in the Staffordshire Plain' given in 'Planning for Landscape Change'. The resultant landscape policy objective is landscape enhancement, indicating a medium to high quality landscape which is at risk or rapid loss of quality and character. Borough Council advised to assess the likely landscape impacts of the proposal in detail, having regard to the description of the relevant landscape type.

Noted that table C4 that effects on a number of visual receptors is listed as major adverse or moderate adverse, and this will remain after development of the site. This degree of harm will therefore need to be balanced against other policy considerations in an overall assessment of the scheme.

Assume that the Borough Council will consider the impact on nearby listed buildings in the determination of the application.

**County Archaeologist:**

Application considered to have historic environment potential.

Given demonstrable archaeological potential for the site and surrounding area coupled with scale of proposal, advised that a field survey and archaeological evaluation work is undertaken. This work and any subsequent stages of archaeological intervention can be secured by condition.

Should the evaluation identify the need for further archaeological mitigation this would be the subject of a separate written scheme of investigation to be submitted for approval of the local planning authority.

**Parks and Open Spaces Development Officer:**

Within the catchment there is a deficiency in the quality and quantity of play facilities and sporting and recreation provision for all ages.

Amenity open space in this area falls short of national guidelines and are in need of refurbishment.

Sport pitch provision and built associated facilities within the area fall short of national standards as identified within the Open Space, Sport and Recreation Facilities Strategy 2008 Assessment and are in need of refurbishment to address significant quality deficiencies. This has been supported by draft revised 2013 assessment.

Separate LAPS and NEAP should be combined to create one play site to serve the whole development, however this will be a matter for any future reserved matters application.

Proposed location of open space is not acceptable for use, the applicant advising it falls within the floodplain. On-site open space must be capable of being used all year round and contain areas for dog walking, ball games and general recreation. Therefore objection is raised.

Formation of flood attenuation ponds are not considered to comprise usable open space. The Council will not adopt any land which forms part of a flood attenuation scheme.

Financial contributions towards open space, including play provision, dependent on dwelling type.

Proposal generates a requirement for allotment provision, as well as contributions towards pools, sports courts/halls and artificial turf pitches.

### **Schools Organisation (Staffordshire County Council):**

Application site not previously put forward by the Borough Council and therefore was not included in the analysis undertaken as part of the "Plan for Stafford Borough: Spatial Plan for Education" relating to the delivery of educational infrastructure.

The purpose of the study was to provide an evidence base to support SBC Local Plan on the need for additional school places to mitigate the impact of the housing options being developed by the Borough Council.

The report quantified the problem of the necessary education requirements and concluded that the homes being proposed required an additional 10 FE as a minimum of primary provision and an additional 8 FE of secondary provision in Stafford. In order to establish how much additional secondary capacity was required the report took into consideration the number of available places projected across the 5 secondary schools in the town, over the plan period. The report also agreed with the projections methodology utilised and concluded that the approach taken by Staffordshire County Council to project pupil numbers is highly accurate.

The report identified the likely cost of providing the additional primary school provision through creation of new primary schools, the expansion of existing primary schools and the additional secondary provision through school expansions and the creation of a new secondary school.

The approach taken in the report is deemed fair, transparent and consistent across proposed development. The report highlighted that the cost of providing a new 1 FE primary school is £3,840,000 and the cost of providing 1 FE secondary provision through existing school enlargement is £5,034,110, which included the cost of the additional land required for the new school.

Any further residential development (not included in the report) will necessitate additional education provision.

Utilising the approach taken in the report and endorsed by both SBC and SCC the likely education contributions for this site are:

Primary education: £308,868  
Secondary education: £689,673.03

**Police Architectural Liaison Officer:**

Recommend attainment of Secured by Design (SBD) accreditation.

There are some proposed links on the layout that should be redesigned to promote community safety.

**Conservation Officer:**

Original Response -

The proposal site is a large field located to the west of the grade II listed Rickerscote Hall between the Old Rickerscote Lane and Rickerscote Hall Lane.

Rickerscote Hall dates from circa 1600 with a series of alterations including wings thought to date from the early and later 18th century. Its Tudor origins are evident from elements of timber-framing, and the prominent gabled wings are typical of early adaptations to form a Hall House. The site itself developed over the years, to include agricultural buildings, a worker's cottage at Dove House, and 19<sup>th</sup> century malthouse and smithy, all of which survive and contribute to the heritage significance of the site. Some later 20<sup>th</sup> century agricultural or industrial buildings have no historical merit, but do not compromise the character of the principal listed building as a historic farmstead.

The principal views of the site are from Old Rickerscote Lane across open fields where the Hall has a distinctive presence in the landscape, enhanced by its isolated location and agricultural setting. This setting not only serves to accentuate the architectural distinctiveness of the building, but places it firmly within its historic context.

In this outline application permission is only being sought for the access and number of dwellings. There is an indicative site plan, but there is no information on the heights of the buildings and how they would relate to the heritage asset.

The supporting documents of the application recognise the impact that the development will have on the setting of the listed building: "any development will have a direct impact upon the setting of this building" (Archaeological Desk Based Assessment para 4.6.5) and; "any development will have an adverse impact on the setting of Rickerscote Hall" (Landscape and Visual Assessment).

It is agreed that the loss of open views and agricultural setting would be harmful to the historical setting of the listed building, and NPPF para 31 makes it clear that 'setting' is an integral part of the significance of a heritage asset, rather than a separate consideration. However, disagree with the statement that there would be no reduction in significance of the listed building as this is 'primarily derived from its architectural features rather than its setting' (para 7.1.2 ADBA). The visual presence of the Hall and its associated buildings within open fields is clearly significant, as discussed above.

The supporting reports suggest that the presence of modern housing to the west constitutes existing harm to the agricultural setting of the listed building. But these are at over 200m distance, allowing Rickerscote Hall to be appreciated within an open setting and a semi-rural location reminiscent of its more isolated historic location. This would clearly be compromised by a dense development at a much closer proximity of about 30m. Reference is also made to the precedent set by modern farm buildings and warehousing to the southwest. But there is a difference in the quantity of development, and the character. The existing buildings are appropriate to the context of the Hall, which has always been at the heart of a small cluster of agricultural/industrial buildings. The large warehouse was also constructed prior to the building being listed.

The reports also appear to focus on views from the Hall, rather than how the building is experienced in a wider context (ref NPPF Annex2). The experience of the setting from within the Hall is relevant, and would be compromised by the loss of open views and change in outlook. But views towards the Hall from the northwest to southwest are also significant and would be completely lost, with the listed building subsumed into a suburban setting.

Evaluation of the existing hedge to the west of Rickerscote Hall is also misleading. The hedge, with occasional mature trees, does not provide 'partial screening'; the Hall is a visually prominent building. Furthermore, enhancing this boundary with more trees, would only serve to screen the new development from the Hall rather than enhance its historical setting.

In conclusion, there is insufficient information on which to properly assess the impact of the proposed housing development on the setting of Rickerscote Hall (NPPF para 128). However, it is clear that the proposed development would entail the loss of the open rural setting of the listed building and its associated curtilage buildings, including in views towards it from the northwest to southwest, as well as the closer experience of the Hall as a building within its agricultural context.

Protection of the historic environment is integral to the definition of sustainable development in the NPPF (e.g. para 7), and harm to the setting of a listed building is counter to para 132 as well as Local Plan Policy E&D 23. NPPF para 134 states that harm to a heritage asset must be justified in terms of public benefit. Although this may include the provision of housing, it has not been demonstrated that such housing can only be provided by a development that would harm the setting of the listed building.

Latest Response –

Amended plan includes the omission of units 26 to 40 on the east side of Road 2 which creates a green buffer to the west of the Hall and would provide some closer 'public' views of the building. Although an improvement, it does not really address the wider setting issues.

Disagree with the Heritage Statement and the interpretation of the setting of the listed building.



The statement claims that the setting to the north and east would be unaffected (7.1). Although this may be true, the openness to the north and east is currently interrupted by a range of outbuildings and agricultural buildings. The open setting of the listed building is most significant to the west and southwest (ie the development site), because there are more open views and public visibility from roads and footpaths to the west, but also because the building was designed to face across this land and away from the operational side of the farmstead.

The existing mid-20<sup>th</sup> century development is at distance of over 200m (not 160m as stated eg in 7.1.13) and does not create a precedent for a large housing estate within 32m. Although the Hall is 'edge of settlement', it has a clear sense of space around it and cannot be said to have an existing suburban setting. This is evident all of the photos in the Heritage Statement.

Although close views of the Hall may be enhanced (6.4.2), 'views' are only part of 'setting', which includes the character of the space in which an asset is experienced. Again, this is semi-rural spacious setting, rather than on the edge of a residential housing estate.

The amendments would not address my concerns about the loss of the open rural/semi-rural setting of the listed building and its historic separation from urban or suburban development.

**Jeremy Lefroy MP:**

Write on behalf of residents who oppose the development for the following reasons:

Flooding – land is well known as an area liable to flood and acts as a flood plain for surrounding area. With evidence in recent years of nearby properties facing possible flooding taking away yet more flood plain from this area would be very unwise.

Intensity of development – Scale of the proposed development is wholly out of keeping for the area and is more in keeping with a town centre scheme, rather than a rural outlook.

Traffic – proposal will significantly increase the amount of traffic on local road network which is ill-equipped to deal with such an increase. Already concerns for pedestrian safety nearby and these infrastructure problems should be addressed before any application is considered.

A number of neighbour responses raise very good further points and ask that these are taken into account.

**227 signatory petition received, summary of main issues raised:**

Building on or near flood plain;

Effects on environment/wildlife;

Loss of agricultural land;

Additional traffic up to 200 plus additional vehicles;  
Road safety – blind bends and pinch points around the village;  
Pedestrian safety – areas with no footpath, mainly at road pinch points;  
Road congestion – access to A449, village currently used as a shortcut 'rat run';  
Network Rail bridge – hazard point at Gravel Lane, no footpath;  
A449 gridlock – possible increased traffic volume if Ash Flats development is approved;  
Need for a transport assessment is critical to determine trip rates and traffic distribution;  
Detrimental effects to Rickerscote Old Hall – Grade II listed building; and  
Historical site – dates back to the 'Doomsday Book' period, 11<sup>th</sup> Century.

**Neighbours:**

65 representations received (includes multiples from individual properties), summary of main issues raised:  
Highway safety concerns from increased traffic, including during construction period;  
Potential conflicts between motor vehicles, cyclists and pedestrians;  
Insufficient parking space;  
Already vehicular accidents/incidents in the area;  
Increase in traffic generation and congestion, including at peak times;  
Proposal will increase existing 'rat running';  
No pavements for large parts of School Lane, with road including blind bends, narrow carriageway and humped railway bridge;  
Query ability of railway bridge to accommodate additional proposed traffic;  
Concerns that additional vehicular traffic will inhibit the access of emergency vehicles in the area;  
Query legal right of development to access Rickerscote Hall Lane, which is a private road;  
Query if proposal will affect the use of existing rights of way that people use to access the surrounding environment;  
Exacerbate existing flooding problems – the existing site currently soaks up surface water;

Concerns over ability of existing drainage to accommodate proposed development;

Existing water supply will be put under further pressure;

Increased exposure to fumes and air pollutants;

Adverse impact on wildlife;

Impact of hedegrows;

Adverse visual impact on semi-rural aspect;

Detrimental impact on Green Network designated with the adopted and emerging local plans;

Green Networks designed to protect extensive areas of open space which provide Stafford with much of its distinctive character. Proposal would encroach significantly on this part of the Green Network and causing almost complete severance destroying almost its linear course down the valley at this point;

No compensatory extension of the Green Network, which would be difficult to achieve as it is a finite area and resource and should be protected from development;

Green Network is a valued landscape providing green infrastructure, the proposal would run counter to paragraphs 109 and 114 of the NPPF;

Amount of development is excessive, proposed density is too high;

Loss of privacy, including garden areas, and will impact on peaceful enjoyment of neighbouring dwellings;

Loss of light;

Increase in noise;

Other development proposals nearby and elsewhere in Stafford, can the town accommodate this additional growth;

Planners and councillors should consider the needs of the town as a whole, to put the long term interest first in front of short term gain;

Cannot consider the proposal in isolation from proposed development nearby at Ashflats;

Concerned that existing infrastructure (including medical facilities, schools, shops, public transport, social care) will be unable to cope with additional planned development;

Application site not proposed in existing or emerging local plan for new development;

Proposal is contrary to existing and emerging local plans;

Appreciate that new housing land is required, however application site is inappropriate;

Query applicants' conclusions of residents' views recorded at pre-application community consultation stage;

Site comprises Green Network in the adopted and emerging local plans and in the main lies outside the defined Residential Development Boundary;

Site is Greenfield land;

Application is speculative and premature to the emerging local plan, for which the local plan inspector's report is imminent;

Proposal does not represent sustainable development;

Noise and disturbance during construction period;

Security and safety concerns;

Detrimental impact of such a large residential development directly in front of Rickerscote Hall, a grade II listed building, and its wider surroundings, of which its open views and wide open spaces contribute to the setting of the asset;

Believe there is evidence that Rickerscote Hall's core is a medieval hall house (pre-dating 1600);

Proposed houses would hide from view Rickerscote Hall;

Proposal does not adequately assess the impact on Rickerscote Hall as a heritage asset;

Field that comprises the application site is integral to the setting of Rickerscote Hall and the proposal would destroy the building's setting;

Views of Rickerscote Hall in its historic setting from adjacent fields and lanes would be largely lost as a result of the proposal;

Two unlisted cottages, which have an identifiable historic relationship with Rickerscote Hall, would be effectively enclosed by the development with subsequent erosion of their relationship with the listed hall;

Issue taken with applicants' conclusions reached on the impact on the setting of the listed hall;

Proposal does not make a positive contribution to local character and distinctiveness, but would destroy the historic setting of the listed hall without clear and convincing justification, contrary to paragraphs 131 and 132 of the NPPF;

Loss of agricultural land leading to adverse effect on local agriculture – brownfield site elsewhere should be developed in preference;

Maximum height of proposed dwellings should be 2 storey, any greater would be out of keeping with the surroundings;

Query if bungalows are proposed – need to accommodate older people;

Proposal would result in an oppressive outlook for local residents; and

Development would reduce existing views towards Cannock Chase and beyond.

**Relevant Planning History**

None directly relevant to the application site.



Trine Developments Ltd C/O Parkwood Consultancy Services Charles Robinson Parkwood Consultancy Services Avenue J Stoneleigh Park Stoneleigh Warks CV8 2LG	Date Registered 29 October 2013 Decision Date 31 March 2014 Issue Date 31 March 2014
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TOWN AND COUNTRY PLANNING ACT 1990  
REFUSAL OF PERMISSION FOR DEVELOPMENT

Application No:	13/19161/OUT
Proposed Development	Development of circa 122 residential properties, open space, sustainable drainage systems and access onto Old Rickerscote Lane, Stafford
Location	Land At Old Rickerscote Lane Stafford Staffordshire
O. S. Reference:	393105 320201

Stafford Borough Council, in pursuance of powers under the Town and Country Planning Act, hereby refuse the above development in accordance with the accompanying plans and subject to the following reasons :-

1. The Council can demonstrate a 5 year supply of housing land, including a 20% buffer. Considerable weight should be attached to the emerging Plan for Stafford Borough which has demonstrated that for the plan period objectively assessed housing need can be fully met, as supported by Paragraphs 215 and 216 of the National Planning Policy Framework. It has an up-to-date evidence base, is at a late stage in its development and has been produced in accordance with the National Planning Policy Framework. Sufficient housing land is identified in the Strategic Development Locations delivered by Policy Stafford 2, Policy Stafford 3 and Policy Stafford 4, in the emerging Plan for Stafford Borough to meet the requirements of Stafford town. The Council has more appropriate, viable and deliverable land available for housing so that the less preferable application site is not required. This application is a



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## TOWN AND COUNTRY PLANNING ACT 1990

### REFUSAL OF PERMISSION FOR DEVELOPMENT

substantial residential proposal that lies outside the identified Strategic Development Locations and the proposed development strategy and is contrary to Spatial Principle 7 in the emerging Plan for Stafford Borough. The proposal is therefore premature due to the prejudice it could cause to development within the Strategic Development Locations.

The proposed development is a Greenfield site predominantly outside the Residential Development Boundary for Stafford as defined on the Stafford Area Inset map of the Adopted Stafford Borough Local Plan 2001. The development of the site for housing would, therefore, be in conflict with Saved Policy HOU3 of the Stafford Borough Local Plan 2001.

2. The proposal site is a valuable green space within both the existing Green Network for Stafford and the Green Infrastructure Network as designated in the emerging Plan for Stafford Borough. Its loss and subsequent development would be in conflict with Saved Policy E&D27 of the Adopted Stafford Borough Local Plan 2001 which states that development will not be permitted where it would adversely affect the character of the Green Network and with Policy N4 of the emerging Plan for Stafford Borough, which states that the Green Infrastructure Network will be protected, enhanced and expanded.



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#### TOWN AND COUNTRY PLANNING ACT 1990

#### REFUSAL OF PERMISSION FOR DEVELOPMENT

3. Due to its scale and proximity the proposed residential development of the site would adversely affect the clear sense of space around the Grade II Listed Building Rickerscote Hall, particularly to the west and south-west such that its established open rural/semi-rural spacious setting would be unacceptably compromised. This would be contrary to Saved Policy E&D23 (c) of the Adopted Stafford Borough Local Plan 2001 and paragraphs 131, 132 and 134 of the National Planning Policy Framework.
4. The application makes insufficient provision towards mitigating the impact of the proposed development Cannock Chase Special Area of Conservation and is therefore contrary to Saved Policy E&D38 of the Adopted Stafford Borough Local Plan 2001 and with Paragraph 118 of the National Planning Policy Framework.

#### INFORMATIVE

- 1) The Local Planning Authority has worked in a positive and proactive manner in dealing with this application and entered into pre-application discussion with the applicant, however it is considered that the applicant is unable to overcome the principle concerns in respect of the





Trine Developments Ltd	Date Registered	29 October 2013
C/O Parkwood Consultancy Services	Decision Date	31 March 2014
Charles Robinson	Issue Date	31 March 2014
Parkwood Consultancy Services		
Avenue J		
Stoneleigh Park		
Stoneleigh		
Warks CV8 2LG		

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PERMISSION FOR DEVELOPMENT

proposal being premature and contrary to the proposed development strategy and Spatial Principle 7 in the emerging Plan for Stafford Borough and the adverse effect on the Grade II Listed Building Rickerscote Hall.

Head of Planning and Regeneration  
On behalf of the Council



# The Planning Inspectorate

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2 The Square  
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e-mail: [sarah.banwell@pins.gsi.gov.uk](mailto:sarah.banwell@pins.gsi.gov.uk)

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Belinda Dawson  
Stafford Borough Council  
Planning & Engineering Service  
Stafford Borough Council  
Civic Centre  
Riverside  
Stafford  
ST16 3AQ

Your Ref: 13/19161/OUT  
Our Ref: APP/Y3425/A/14/2221135  
Date: 10 December 2014

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Dear Mrs Dawson

**Town and Country Planning Act 1990  
Appeal by Trine Developments Limited  
Site at Old Rickerscote Lane,, Stafford, Staffordshire, ST17 4HG**

I am writing to tell you that the appeal (reference number APP/Y3425/A/14/2221135), has been withdrawn. We will take no further action on the appeal.

The inquiry arrangements have been cancelled. Please inform anyone you told about the inquiry that it has been cancelled. I recommend that a notice of the cancellation is displayed at the inquiry venue. If you have displayed a notice of the arrangements at the appeal site, please overwrite the notice.

Yours sincerely

SJBanwell

Miss Sarah Banwell

*You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -*

*<http://www.pcs.planningportal.gov.uk/pcsportal/casearch.asp>*

*You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button*



RECEIVED  
- 4 OCT 2013

Project: OLD RICKERSCOTE LANE, STAFFORD



0 50 100 150 200 250m



rev a 27.9.13 drawing scale changed. TD

Scale:  
1:2500@A4

Project Number:  
13-1369/L rev a

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