

**Town and Country Planning Act 1990  
(As Amended)**

**Planning Statement**

**ADDENDUM**

Resubmitted outline planning application for the demolition of existing buildings and residential development (up to 28 dwellings) including details of access.

**Site:** Hurst Quarry, Hurst Road, Biddulph

**Document ref:** REN57/1/PS/AD

**Document date:** February 2017

## **CONTENTS**

1.	INTRODUCTION.....	3
2.	STATUS OF THE LAND .....	5
3.	GROUND CONDITIONS.....	6
4.	SURPLUS MATERIAL AND MINERALS PERMISSION .....	7
5.	VISUAL IMPACT .....	10
6.	IMPACT ON HERITAGE ASSETS.....	12
7.	ECOLOGY.....	13
8.	ACCESSIBILITY.....	14
9.	CONCLUSION - THE PLANNING BALANCE AND VERY SPECIAL CIRCUMSTANCES.....	16

## **APPENDIX A** Land Remediation, Enabling & Abnormal Foundation Cost Assessment

## **1. INTRODUCTION**

- 1.1 This Planning Statement addendum has been prepared to accompany the resubmission of an outline planning application by Renew Land Developments Limited for residential development (up to 28 dwellings) on land at Hurst Quarry, Hurst Road, Biddulph. The application includes details of access, with all other matters reserved for subsequent approval.
- 1.2 This planning application is a resubmission of application number SMD/2016/0127, which was received by Staffordshire Moorlands District Council on 29 February 2016 and withdrawn on 28 November 2016.
- 1.3 The above application was withdrawn on the basis of a number of technical matters raised by the LPA and statutory consultees that could not be resolved within the statutory time limit (and subsequently agreed extended time) for determining the planning application, so the application was withdrawn in order for these matters to be addressed.
- 1.4 The original planning application sought outline consent for 29 new build dwellings. As part of a revised technical appraisal of the scheme, the number of new build dwellings proposed has been reduced to 28 dwellings as a result of further investigations into ground conditions, areas of historic landfill, and further analysis of the required engineering operations.
- 1.5 This addendum has been prepared to supplement - and should be read in conjunction with - the original Planning Statement, which also forms part of the resubmitted planning application. It is intended to provide a summary as to how this resubmission has responded to the various issues raised in response to the original planning application.
- 1.6 This resubmission includes a range of supporting documents, which include a number of revised and additional documents (as compared to those which accompanied the original application), including the following:
  - (a) Topographical survey;
  - (b) Access Design by SCP;
  - (c) Amended Sketch Site Plan by Barrie Newcombe Associates;
  - (d) Amended Indicative Remediation Contours Plan and Isopachyte by E3P;
  - (e) Indicative Sections by PGLA;
  - (f) Amended Landscape Strategy and Landscape and Visual Appraisal by PGLA;
  - (g) Amended Design and Access Statement by Barrie Newcombe Associates;
  - (h) Amended Urban Design Analysis by Urban Imprint;
  - (i) Amended Heritage Assessment by Heritage Collective;
  - (j) Amended Highways Technical Note by SCP;
  - (k) Amended Heritage Assessment by Heritage Collective;

- (l) Amended Arboricultural Implication Study / Method Statement by White Peak Tree Consultancy Ltd;
- (m) Amended Flood Risk Assessment and Drainage Strategy by Waterco;
- (n) Extended Phase I Geo-Environmental Site Assessment by E3P;
- (o) Land Remediation, Enabling & Abnormal Foundation Cost Assessment by E3P (contained at Appendix A to this addendum - note that the drawings referred to at Appendix II of this document are the Amended Indicative Remediation Contours Plan and Isopachyte by E3P that have been submitted as separate drawings/documents);
- (p) Rock Face Stability Assessment by OTB Engineering;
- (q) Mineral Sterilisation Assessment by the Mineral Planning Group;
- (r) Ecology Surveys by CES Ecology:
  - (i) Extended Phase 1 Habitat Survey
  - (ii) Badger Survey
  - (iii) Daytime Bat & Dawn Re-entry Surveys
  - (iv) Bat Activity Survey
  - (v) Breeding Bird Survey
  - (vi) Great Crested Newt Appraisal & Mitigation Measures
  - (vii) Reptile Survey
- (s) Draft Heads of Terms for a Section 106 Planning Obligation by Knights;
- (t) Statement of Community Engagement by Knights.

1.7 This addendum seeks to address the technical matters raised, and provides a re-evaluation of the proposals in terms of green belt policy and a re-evaluation of the overall planning balance. The following sections of this addendum will now go on to assess the proposals in the context of the previous issues raised by planning officers and statutory consultees and then re-evaluates the proposal in the context of the development plan and other material considerations.

## 2. STATUS OF THE LAND

- 2.1 During the determination of the previous planning application, the case officer queried whether the site could be considered as previously developed land. The case officer provided the following feedback within an email prior to the withdrawal of the original application:

*In terms of the status of the land, the point you make that part of the site is, in your view PDL an interesting one. My view would be, based on the information I have to date is that this is not the case and that the whole of the site is greenfield. I say this because the definition of PDL contained within the Framework specifically excludes "land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures". My understanding is that the whole of the application site is subject to the restoration scheme but I stand to be corrected on that. I am unsure of the relationship of the engineering business with the quarry and am awaiting a call from Matt Griffin at the County to discuss this and a number of other issues related to this site.*

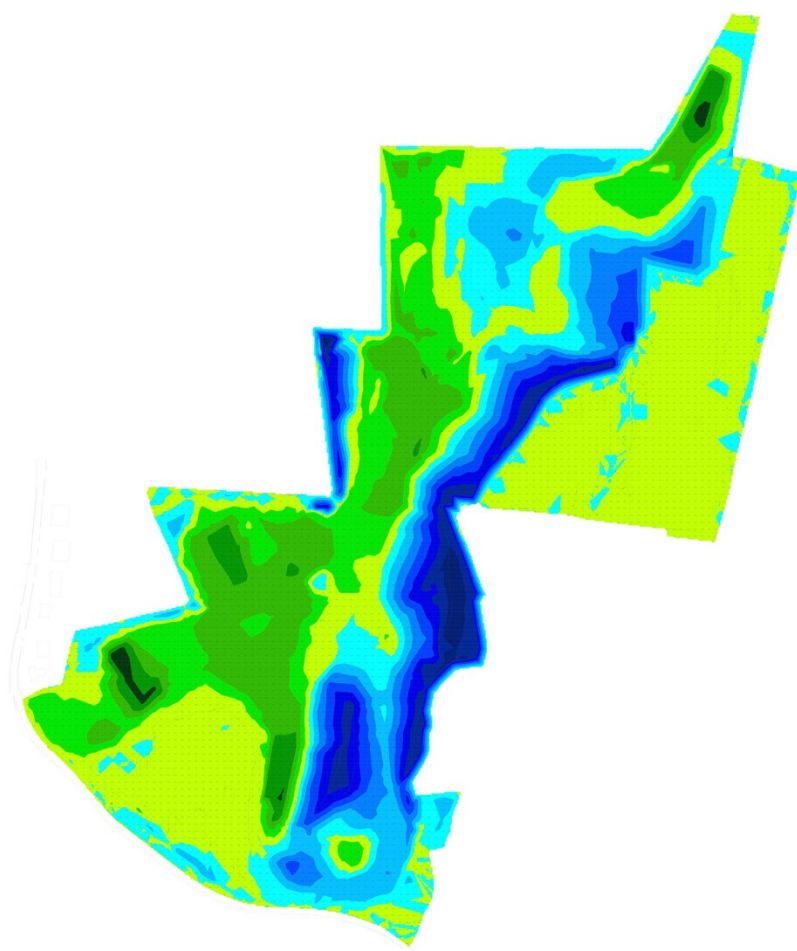
- 2.2 Having reviewed the planning and mineral planning history of the site further, Knights accept that the majority of site (but excluding the engineering works) is subject to an enforceable restoration scheme and therefore is not considered to comprise previously developed land.
- 2.3 Mineral Planning Group, who prepared the Mineral Sterilisation Assessment that accompany this application and were involved in the production of the approved restoration scheme, have advised the applicant that they are of the opinion that the engineering works at the site frontage are shown with a different colour/shading on the restoration scheme such that they could be excluded from the restoration works if their use as an engineering works continues. However, it has been pointed out that there is an error on the key on the restoration scheme, and therefore, this does not make matters clear.
- 2.4 It is also unclear whether any planning permission(s) affecting the existing engineering works itself, which has been established for some time, have any effect on the ability for its removal to be enforced in the event that the restoration scheme is implemented in future.
- 2.5 Whilst we have not yet been able to establish the position in respect of the status of the land and buildings associated with the engineering works at the site frontage, in the meantime and in light of the points above and the definition of previously developed land in the Framework, it is considered that the engineering works are likely to comprise previously developed land whilst the remainder of the site subject to the restoration scheme is not likely to be previously developed land.
- 2.6 In any event, the applicant still accepts that very special circumstances are required to justify the grant of planning permission in the Green Belt in this case.

### 3. GROUND CONDITIONS

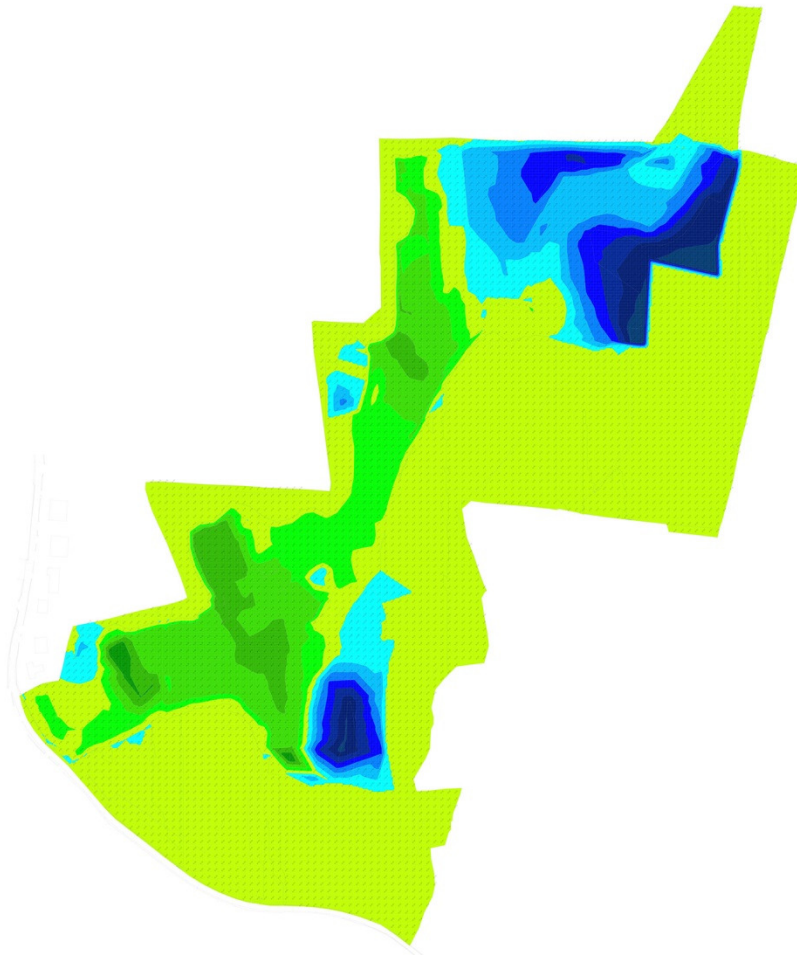
- 3.1 Since the withdrawal of the original planning application, further ground investigations have been carried out to address the comments of the Council's Environmental Health Officer. In response to the previous planning application, the Environmental Health Officer considered that the original Phase I report was not acceptable and that a full understanding of the site and the potential risks from previous landfill was required.
- 3.2 An Extended Phase I Geo-Environmental Site Assessment dated February 2017 by E3P (reference 10-822-R4) accompanies this resubmitted application, which has been informed by the further ground investigations mentioned above plus additional information that has been obtained regarding the site's history of use.
- 3.3 The report confirms that part of the northern and southern sectors of the site comprise former landfills. The northernmost area of landfill (phase 2) extends outside of the application site. Two leachate recovery chambers have now been identified adjacent to the north eastern boundary of the site and in the south of the site adjacent to the engineering works.
- 3.4 The phase 2 landfill area is identified by E3P as having notable landfill odours around the existing leachate chambers and the off-site venting in the adjacent farmers field. Based on the gas monitoring results it has been recommended to initiate remedial works to re-instate damaged cowls so that gases are managed at source and to mitigate or minimise the potential for lateral gas migration.
- 3.5 While further works are recommended, it is considered that the risk to the residential end users associated with hazardous and ground gases, can be mitigated through the adoption of appropriate controls in accordance with statutory guidance.
- 3.6 With regard to the location of the historical landfill sites and following landfill gas monitoring that has been undertaken since the withdrawal of the previous planning application, the Sketch Site Plan has been amended to reflect these particular constraints. As a result, the extent of residential development plots to the north of the site has been reduced, and the layout to the south of the site has also been amended to avoid historic areas of landfill. Open space and landscaping is now proposed in areas where there has been historical landfill.
- 3.7 The largest proportion of residential development is to be accommodated on the southern (lowest) part of the site, and the footprint of the proposed dwellings and associated domestic curtilage has also been reduced slightly to provide a satisfactory urban design response (as explained in more detail within the Design and Access Statement and Urban Design Analysis).
- 3.8 As a result of the proposed amendments to the site layout, the extent of cut and fill has changed. The overall amount of cut has been reduced, and the amount of cut would be able to be accommodated within the proposed areas of fill which would achieve a balance as stated in the Land Remediation, Enabling & Abnormal Foundation Cost Assessment (LREAFCA) attached at **Appendix A**; and considered in more detail in the following section of this addendum.

#### **4. SURPLUS MATERIAL AND MINERALS PERMISSION**

- 4.1 During the consideration of the previous application, the County Council as the mineral planning authority raised the matter of the amount of surplus material and how this will be used or disposed of.
- 4.2 The previous submission indicated that there would be around 63,000 cubic metres of surplus material as a result of the engineering works that were proposed then. The revisions to this proposal, in order to avoid historic areas of landfill, now require substantially less cut to be undertaken as shown on the Indicative Remediation Contours Plan and Isopachyte by E3P. By way of graphical illustration the plans below show the areas of cut and fill required for the original proposal and the revised proposal.



**Original Proposal (2016): Isopachyte illustrating areas of cut and fill**



**Revised Proposal (2017): Isopachyte illustrating areas of cut and fill**

- 4.3 The areas of dark blue show areas where the greatest amount of cut is required, and the darker green areas show where the greatest amount of fill is required. The changes to the revised proposal clearly demonstrate that substantially less cut and fill will be required to facilitate the proposal. The LREAFCA attached at Appendix A states that the site can now be delivered with a general cut / fill mass balance with materials retained on site and that these materials are suitable for re-engineering (note that the drawings referred to at Appendix II of the LREAFCA are the Amended Indicative Remediation Contours Plan and Isopachyte by E3P that have been submitted as separate drawings/documents). Some of the material to be excavated comprises quarry sand which may generate an excess of 4,700 cubic metres of material that may have to be taken off site. However, the revised proposals now represent a significant reduction in the amount of surplus material, which in turn also substantially reduces the required number of HGVs needed to transport surplus material off site.
- 4.4 With regard to aftercare and restoration of the quarry site, extensive landscaping is proposed as part of the development to the areas that would not be occupied by the proposed dwellings. It is also proposed to re-instate the bridleway crossing across the centre of the site as part of the proposals. It is anticipated that areas outside of the domestic curtilage and areas of public open space would be maintained by way of a management company which can be secured by way of a Section 106 legal agreement.



- 4.5 In response to the original planning application, Staffordshire County Council (as Mineral and Waste Planning Authority) queried the implications of the development on the restoration and aftercare of the quarry site (the worked and unworked areas) and what would happen with the quarry permission. On this matter the plans and supporting documents that accompany this resubmitted application demonstrate how - albeit in indicative form at this outline stage - the applicant envisages the development platforms being formed within the previously worked areas of the quarry, which parts of the application site will accommodate housing development, and how the remainder of the application site would be landscaped.
- 4.6 The purpose of this proposal is to take the opportunity to bring forward the permanent cessation of quarrying activity at the site, the relocation of the engineering business at the southern end of the site, and the site's restoration by way of the proposed residential development and associated ground works and landscaping (and deliver resulting benefits such as biodiversity gain).
- 4.7 With regard to the unworked areas within the wider quarry permission (including land outside the application site), as set out in the draft Heads of Terms the applicant is prepared to provide - either within the Section 106 Agreement or a separate dedicated undertaking - a mechanism for the existing minerals consent affecting the application site and adjoining land to be revoked upon implementation of the planning permission for residential development.

## **5. VISUAL IMPACT**

- 5.1 The LPA case officer raised concerns during the determination period of the original application that insufficient information had been provided to enable a clear understanding of existing and proposed levels. Furthermore and in the absence of further information, the LPA disagreed with the applicant's assertion that the proposed development would be visually contained and considered that from certain viewpoints there would be ready views of the dwellings.
- 5.2 Related to this matter, statutory consultees (Conservation Officer and Staffordshire Gardens and Parks Trust) raised concerns that any such visibility of dwellings may adversely affect the rural setting of the Biddulph Grange RPG and Conservation Area and that insufficient information - particularly on levels - had been provided to properly assess the impact of the proposal on these heritage assets. This specific issue is considered in more detail in the following section of this addendum.
- 5.3 Related to the assessment in section 4 of this addendum, a revised cut and fill analysis by E3P has been provided with this resubmitted application, as well as a revised Landscape Strategy and Landscape and Visual Appraisal and additional site sections by PGLA. A revised arboricultural implications study has also been provided.
- 5.4 The amount of trees that would be lost as part of the proposals has now been reduced, and all of the trees to the site perimeter would be retained. The amount of cut and fill has also been reduced and the layout amended which results in a greater proportion of development to the lower, less exposed part of the site.
- 5.5 The location of the existing engineering works would be replaced by a landscaped area of public open space that would provide a softer edge to the site that is in the closest proximity to both Hurst Road and Biddulph Grange.
- 5.6 The proposed Landscape Strategy promotes the following objectives:
- (a) Retention of trees and hedgerows to the site perimeters;
  - (b) Introduction of native hedgerows;
  - (c) Provision of landscape buffers to areas of the site adjoining existing properties on Hurst Road and to walkers using the Staffordshire Moorlands Walk;
  - (d) Introduction of a street hierarchy with distinctive planting;
  - (e) Provision of low native boundary hedges to demarcate front gardens and side boundaries;
  - (f) Improvement and enhancement of all boundaries that face towards open countryside.
- 5.7 With regard to impact on wider character the proposed development is not considered to have a major effect on the wider landscape.

- 5.8 In order to inform the assessment of the visual impact of the proposed development, and to address issues raised by the LPA and statutory consultees in response to the original application/proposal, site sections have been prepared by PGLA to assist in determining any visual effects. These sections have been informed by the Indicative Remediation Contours Plan and Isopachyte by E3P.
- 5.9 Section A to the north (highest) part of the site shows that existing ground levels within the quarry would be lowered and that the proposed dwellings would be contained below the existing quarry workings, and therefore below surrounding natural land levels, which would limit the impact of the proposed development on views from the north of the site.
- 5.10 Section B shows a section running in a south to north direction across the northern section of the site. This section shows that the proposed dwellings would be sited within the quarry bed and below the natural surrounding landform.
- 5.11 Section C runs in a general south to north direction across the whole site and the context with Biddulph Grange Garden is shown. This section shows that views from within Biddulph Grange Garden would be filtered / obscured by intervening vegetation. This section also shows the location of the existing engineering works that is proposed to be removed, which would provide a greater area of separation between the proposed development and Biddulph Grange Garden (the impact on heritage assets is considered in more detail in the following section of this addendum). Views towards the dwellings to the higher northern section of the site would also be filtered by intervening vegetation.
- 5.12 The reduction in the amount of cut and fill and the commensurate reduction in tree loss, the submission of site sections and the updated Landscape Strategy are therefore considered to positively address the concerns of officers relating to the previous application.

## **6. IMPACT ON HERITAGE ASSETS**

- 6.1 Linked to the above assessment of the proposals in landscape terms, in response to the previous application the Council's Conservation Officer and Staffordshire Gardens and Parks Trust raised concerns that visibility of the proposed development may adversely affect the setting of the Biddulph Grange RPG and Conservation Area, and that insufficient information on levels had been provided to properly assess the impact of the proposals on designated heritage assets.
- 6.2 As set out in the previous section of this addendum, updated and additional levels information has now been presented and illustrated through the proposed site sections, and in addition, a revised Heritage Assessment by Heritage Collective has been provided.
- 6.3 The Heritage Assessment states that any potential impact on heritage assets would be indirect in the sense that there would be no physical impact, but instead a potential impact on their setting that needs to be assessed. In accordance with the Framework, it is necessary to undertake an assessment of their indirect impact on significance, not on setting in isolation.
- 6.4 The Framework requires that impact on the significance of heritage assets needs to be considered in terms of either substantial harm or less than substantial harm. Substantial harm is a high test. Substantial harm is established to be harm in terms of an affect that would vitiate or drain away much of the significance of a heritage asset.
- 6.5 The Heritage Assessment sets out the architectural and historic interest of Biddulph Grange and Gardens, in addition to archaeological interest and artistic interest.
- 6.6 In terms of these components, the Heritage Assessment establishes that Biddulph Grange and Gardens is of exceptionally high significance of national importance.
- 6.7 The level of significance however is not consistent throughout the whole registered park with the area to the south west being the principal point of significance.
- 6.8 The area of the park that interacts most with Hurst Quarry (the northern boundary of the park that runs parallel with Hurst Road) rises steeply to the north and is heavily wooded preventing almost all views to the quarry from pathways within the gardens, as evidenced on sections by PGLA (also considered in the previous 'visual impact' section of this addendum). The extent and maturity of vegetation inhibits many views around Biddulph Grange.
- 6.9 The proposed development at Hurst Quarry would bring an almost imperceptible change within the wider setting of Biddulph Grange. It would not erode the significance of the Heritage Asset and it would not cause harm. Paragraph 132 - 134 of the Framework are not engaged and no harm should be considered in the planning balance.
- 6.10 The overall assessment of the proposal is that the impact on the architectural, historical, archaeological and artistic significance of Biddulph Grange and Garden would be neutral.

## **7. ECOLOGY**

- 7.1 During the determination of the original application the Council's Ecology Officer met with CES Ecology on site and subsequently raised concerns about the lack of survey work for reptiles, the loss of two areas of grassland of SBI grading criteria, and the lack of linkages/green corridors through the site to the adjacent SBI.
- 7.2 The resubmitted application is accompanied by a number of other additional ecology reports by CES Ecology, following the undertaking of additional surveys since the original application was submitted, the scope of which was informed by their site meeting with the Council's Conservation Officer. These include an Extended Phase 1 Habitat Survey, Badger Survey, Daytime Bat & Dawn Re-entry Surveys, Bat Activity Survey, Breeding Bird Survey, Great Crested Newt Appraisal & Mitigation Measures, and Reptile Survey.
- 7.3 With regard to green linkages, the revised Landscape Strategy that is reflected in the revised Sketch Site Layout now facilitates the provision of green linkages and enhanced areas of open space and landscaping.
- 7.4 With regard to areas of grassland of SBI grading criteria, the loss of important areas of unimproved and semi-improved grassland has been reduced and the proposals now include compensatory habitat creation. The Extended Phase 1 Habitat Survey includes more details of this matter, including an assessment against Staffordshire SBI selection criteria and associated recommendations.
- 7.5 With regard to reptiles, the reptile survey has now been undertaken which confirms that no reptiles or any evidence of reptiles, such as sloughed skins or eggs were recorded on any of the 10 survey visits.
- 7.6 Whilst the presence of reptiles cannot be ruled out completely, the survey recommends that reasonable avoidance measures should be secured by appropriately worded planning conditions.

## 8. ACCESSIBILITY

- 8.1 When considering the previous application, the LPA agreed that the site is not remote, but considered that the site is “*not a highly sustainable location*” in accessibility terms. Officers concluded that whilst walking and cycling routes are available, occupiers would be heavily reliant on the private car.
- 8.2 An updated Technical Note has been provided by SCP to address such matters, although it is pointed out here that the previous proposal was not subject to any material objections from the highway authority in highway safety terms.
- 8.3 When considering the accessibility of sites in rural locations, paragraph 29 of the National Planning Policy Framework (the Framework) is particularly relevant and states that:-
- ‘Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas’.*
- 8.4 The Framework also provides a definition of sustainable mode of travel (within Annex 2: Glossary) as follows:
- “Sustainable transport modes: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra low emission vehicles, car sharing and public transport”*
- 8.5 It is clear from the above that the Framework does not preclude the use of the private car, but instead seeks to achieve a balanced approach and acknowledges that different policies and measures will be required for rural areas. Having regard to this, the following measures are proposed to encourage travel by sustainable modes:-
- (a) The provision of electric charging points within each property to encourage the use of low emission vehicles;
  - (b) Free cycle with every property to encourage cycling;
  - (c) Provision of high speed internet connections to encourage working from home; and
  - (d) The provision of a Travel Plan which will include measures such as car sharing, welcome packs etc. Whilst the scale of development would not normally require a TP, the applicant is willing to provide a TP in order to encourage travel by sustainable modes and this can be conditioned as part of any permission.
- 8.6 Having regard to the existing infrastructure provided and the measures proposed, a reasonable choice of mode of travel is available and the site is accessible.

8.7 Notwithstanding this position, it is acknowledged that the private car would still be an important mode of travel for prospective residents. Again the Framework does not preclude the use of the private car, but instead seeks to achieve a balanced approach.

8.8 This position is supported in a recent planning decision in Tewkesbury, Gloucestershire (Appeal Ref: APP/G1630/A/14/2223858 copy presented in **Appendix 7** of the Highways Technical Note) where the Inspector concluded at paragraph 31 of the decision letter the following:-

*'That is not to say that car use would not be the predominant form of travel for residents of the proposed scheme. Whilst the proposed offer provides a reasonable choice, the rural nature of the site and complex travel patterns associated with everyday life are such that the car will remain the most popular choice for most. As recognised by the Council, the village is in relative close proximity to Bishops Cleeve, Tewkesbury and Cheltenham. Accordingly, it is likely that most car journeys would be short. This is a matter that weighs in favour of the proposal. Furthermore, section 4 of the Framework is clear in its intention to promote sustainable modes of travel. However, that guidance and the associated Practice Guidance are equally clear that transport solutions will vary between urban and rural situations. In that sense, the Framework does not seek to prevent car use but requires a balanced approach, depending on the context and scale of development proposed.'*

8.9 The site is well located in relation to Biddulph (circa 3km), Congleton (circa 8km), Leek (13km) and Newcastle under Lyme (circa 18km) which provide a wide range of facilities, services and employment opportunities so that most car journeys would be short.

## **9. CONCLUSION - THE PLANNING BALANCE AND VERY SPECIAL CIRCUMSTANCES**

- 9.1 In accordance with Section 38(6) of the 2004 Planning and Compulsory Purchase Act, the starting point for the determination of this planning application is the development plan, which comprises the adopted Staffordshire Moorlands Core Strategy in addition to the Saved Staffordshire Moorlands Local Plan Proposals Map. The latter confirms that the site is located within the Green Belt and Special Landscape Area.
- 9.2 As confirmed earlier in this addendum and within the original Planning Statement, it is accepted that the proposal comprises inappropriate development and does not fall within any of the exceptions listed at paragraph 89 and 90 of the Framework.
- 9.3 Paragraph 87 of the Framework confirms that inappropriate development in the Green Belt should not be approved except in very special circumstances.
- 9.4 Paragraph 88 goes on to state that very special circumstances will not exist unless potential harm to the Green Belt and any other harm is clearly outweighed by other considerations.
- 9.5 During the determination of the previous planning application, officers agreed that “a basket” of considerations could amount to very special circumstances.
- 9.6 In the matter of “other harm”, when assessing the previous proposal, officers came to the view that there would be other harm in light of the objections raised in terms of ecology, heritage, landscape and ground conditions. This resubmission demonstrates how the potential harm identified by the LPA in response to the original planning application has been addressed.
- 9.7 It is therefore necessary to determine whether there is one or a range of circumstances that would justify a departure from the development plan. The very special circumstances that are being advanced by the applicant are summarised as follows:
- (a) The proposal includes an element of previously developed land, including substantial existing buildings that are not associated with mineral extraction;
  - (b) The remainder of the site comprises a quarry with a lawful fallback position for sand extraction to continue for a further twenty years, and this proposal would therefore bring forward the restoration of this site much more quickly, albeit it would include the development of housing;
  - (c) There is no longer significant demand for sand/sandstone from this site and a combination of an inability to recycle/blend aggregates at the site and the rapid run-down of mineral extraction at the nearby White Moss Quarry (which now has the benefit of planning permission for housing) renders mineral (Silica Rock) at Hurst Quarry uneconomically viable to extract for the foreseeable future;



- (d) The combination of the above presents an opportunity to bring forward the permanent cessation of quarrying activity at the site and the relocation of the engineering business at the southern end of the site by way of the proposed residential development of the site, which would in turn deliver resulting benefits including those summarised below;
- (e) The lawful fallback position of a potential further twenty years of sand extraction at the site would result in adverse impact on the amenity of occupiers of residential properties nearby by way of noise and dust from extraction operations, as well as vehicle movements by HGVs and employee vehicles along Hurst Road which impact on both residential amenity and the local highway network. As such the proposal would result in betterment for the existing residents in the area and local highway network;
- (f) The topography of the site that has resulted from mineral extraction would ensure that any development is contained, and the escarpments surrounding the site would prevent any pressure for further encroachment into the countryside in this location by providing defensible boundaries to the development;
- (g) The proposal would otherwise not compromise the five purposes of including land within the Green Belt;
- (h) Staffordshire Moorlands District Council are currently preparing a site allocations plan, which follows on from the overall development strategy for the area advocated in the Core Strategy. Both the Core Strategy and the emerging site allocations plan accept a need to release land from the Green Belt to deliver the homes that are needed. The release of this site from the Green Belt for housing would result in the redevelopment of both previously developed land and an already scarred landscape, which would reduce pressure to release other Green Belt sites in the area that are virgin greenfield sites and/or make a positive contribution to landscape character;
- (i) The proposal offers the potential to enhance biodiversity in the local area and avoid further tree loss that may result from further quarrying activity at the site, whilst low quality self-seeded trees within the site that would be removed to accommodate the proposed development would be replaced by native tree planting;
- (j) As set out in more detail in the original Planning Statement, the proposal would make a material contribution to the LPA's housing land supply shortfall, which is significant such that it renders the LPA's housing supply policies out of date and the Green Belt policies for the Staffordshire Moorlands may be also considered to be out of date;
- (k) The proposal would also make a material contribution (precise amount to be determined) towards the provision of off-site affordable housing, where the Councils Housing Officer has agreed previously (in their comments in response to the original application) that this location is not ideal for the delivery of affordable housing, and that the affordable housing contribution would result in accelerated delivery of affordable housing elsewhere;

- (l) The proposal would have significant and wide ranging economic, social and regeneration benefits for the local area. The proposal would result in social and economic benefits, through the provision of housing to meet a significant and demonstrable shortfall in the Council's 5 year housing land supply, and in addition, the proposal would also result in local economic and environmental benefits.
- 9.8 As set out earlier, a Heritage Assessment by The Heritage Collective accompanies the planning application. In accordance with s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard has been paid to the desirability of preserving the setting of Biddulph Grange. The proposal would not affect the architectural, historical, archaeological or artistic significance of Biddulph Grange. No views of, out of, or across Biddulph Grange will be affected due to the size, maturity and density of the trees and vegetation which are present on the boundaries of the park and which are present throughout much of the surrounding landscape. The mature trees around the border of the park help to evoke a self-contained character that allows Biddulph Grange, particularly the park, to feel very much distinct from its wider surroundings.
- 9.9 The proposals would take place in parts of the site that have been subject to previous quarrying activity and as such, will sit lower than the surrounding landscape, thus lessening their impact on the setting of nearby heritage assets.
- 9.10 As such, there would be no harm for the purpose of the planning balance in the Framework and the duty of preservation under Section 66(1) of Planning (Listed Buildings and Conservation Areas) Act can be achieved.
- 9.11 In light of the above conclusions, the range of circumstances put forward in this specific case are considered to amount to the very special circumstances required to justify a departure from the development plan in terms of allowing residential development in the Green Belt.
- 9.12 In our professional opinion, planning judgement can be exercised in this case given the recent Suffolk Coastal/Richborough Estates Court of Appeal Decision<sup>1</sup> in the context of the LPA not being able to demonstrate a 5 year housing land supply and proposals to release Green Belt land across the district to enable the authority to meet objectively assessed housing needs, which it has materially failed to do over the Core Strategy plan period so far. There are a range of circumstances that we have put forward in support of the case. Whilst some of the circumstances presented on their own may not amount to very special circumstances, the range of circumstances put forward are considered to amount to very special circumstances in combination. As set out in our planning statement, in the context of R (Basildon District Council) v First Secretary of State and Temple [2004] EWHC (Admin) 2759 para 17, Sullivan J had said that:
- “... in planning, as in ordinary life, a number of ordinary factors when combined together result in something very special. Whether any particular combination amounts to very special circumstances for the purposes of PPG2 will be a matter of planning judgement of the decision maker.”*

---

<sup>1</sup> This case is subject to challenge in the Supreme Court however until the Supreme Court publishes its judgement, the Court of Appeal Decision remains material.

- 9.13 The above sits squarely with the most recent Court of Appeal decision referred to above. The LPA in this case is entitled to exercise planning judgement as per the findings in *Tesco Stores*<sup>2</sup> that the range of circumstances we have put forward do amount to very special circumstances and that the release of Green Belt in this case can be justified. The Council can recommend approval in this case on the basis of the range of circumstances put forward, and can do so without fear of legal challenge. The courts will not interfere with matters of planning judgement.
- 9.14 We therefore invite the LPA, on the basis of the range of circumstances put forward and using informed planning judgement, to recommend approval of this proposal which would have significant and wide ranging economic, social and regeneration benefits for the local area.
- 9.15 The proposal would result in social and economic benefits, through the provision of housing to meet a significant and demonstrable shortfall in the Council's 5 year housing land supply, and in addition, the proposal would also result in local economic and environmental benefits.
- 9.16 This addendum and the original Planning Statement demonstrate overall that very special circumstances exist to justify the proposed development and that such very special circumstances outweigh any harm caused by inappropriateness, and any other harm. In accordance with Section 38(6), the LPA is respectfully requested to grant outline planning permission.

**Knights Professional Services Limited**

February 2017

---

<sup>2</sup> *Tesco Stores Ltd. v Secretary of State for the Environment* [1995] 1 W.L.R. 759, at p.780F-H

## **APPENDIX A**

Land Remediation, Enabling & Abnormal Foundation Cost Assessment



Manchester / London / Edinburgh

info@E3P.co.uk  
<http://www.E3P.co.uk>

Ref: 10-822-L2

Date: 23<sup>rd</sup> February 2017

Lee Dawkin  
Renew Land and Developments Ltd

Dear Lee,

## **Land Remediation, Enabling & Abnormal Foundation Cost Assessment Proposed Residential Development, Former Hursts Quarry, Biddulph**

### ***Background***











E3P has been commissioned to prepare an initial assessment of abnormal development costs associated with the proposed regeneration of the former Hurst Quarry, Biddulph.

### ***Previous Reports***


E3P has completed an extended Phase I Geo-Environmental Site Assessment and this report should be read in conjunction with this report.

### ***Abnormal Cost Appraisal***

The site remediation and enabling works that may be required to prepare the site development platform:

-  Excavation, processing of all surface slabs and hard materials;
-  Excavation and processing of all deleterious Made Ground;
-  Backfilling of any reservoirs;
-  Excavation and management of all identified ACM (if any) in accordance with detailed approved working methodologies to ensure no fibre release;
-  Repair and upgrading the Phase 2 landfill infrastructure;
-  Removal of any previously unidentified contamination hotspots;
-  Wholesale, lift, sort and reprocessing of Made Ground to ensure absence of buried contamination and obstructions;
-  Placement of soils to required formation levels to achieve 'end product' compaction specification to support optimal foundations and adopted infrastructure;
-  Replacement of materials in accordance with the E3P enabling specification & engineering requirements;
-  Validation of materials placement to confirm suitability; and,

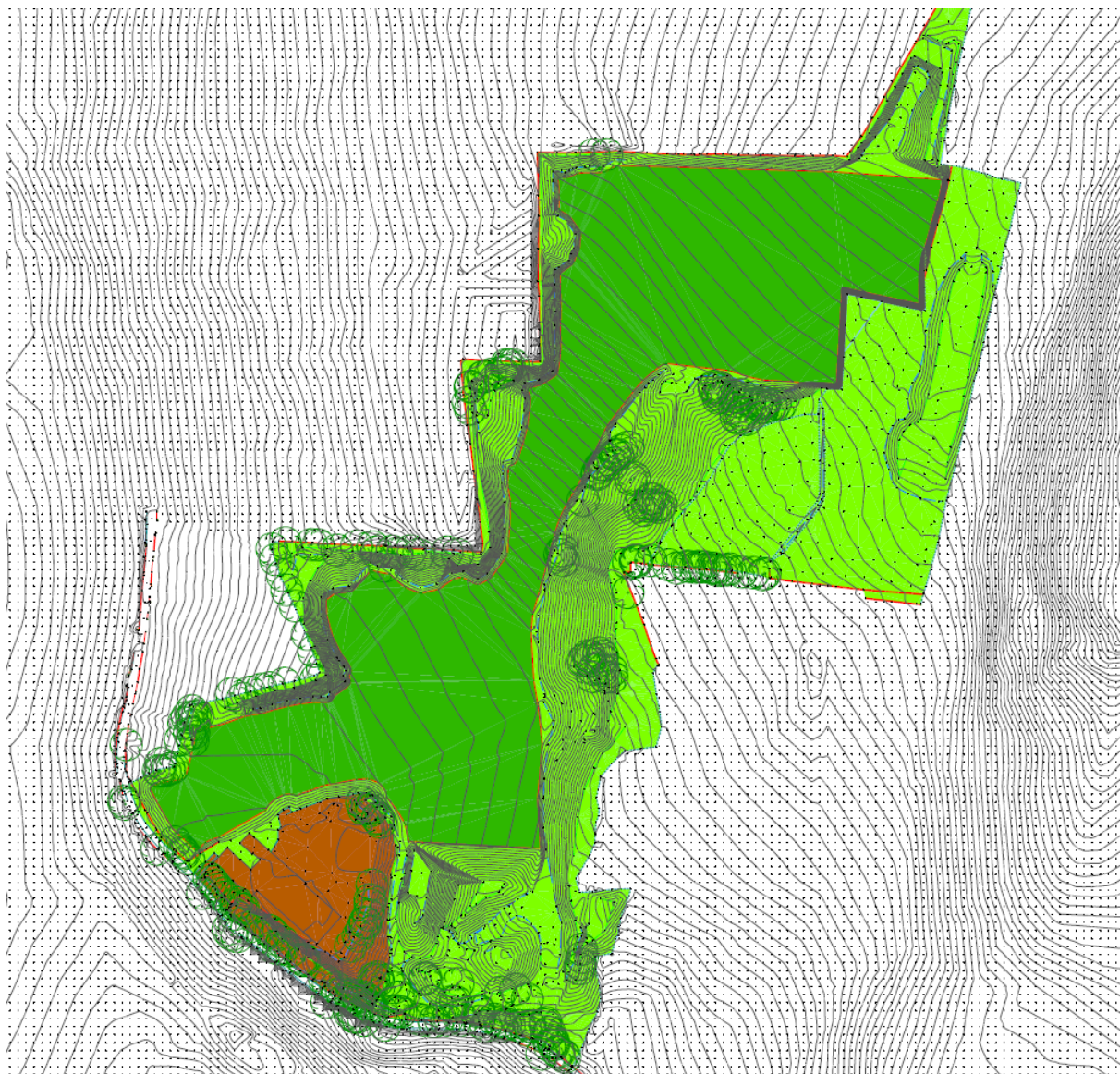


-  All works to be undertaken in strict accordance with UK Environmental Permitting and Local Planning Authority Requirements.

At this stage E3P has not allowed for any slope stability works to either existing or formed quarry faces or for the formation of the storm water or foul drainage system. Retaining structures between plots are not considered likely to be required but this will ultimately depend on the final site development layout.

E3P has completed a detailed cut and fill analysis to demonstrate the optimum cut – fill mass balance for the subject site. This work was completed using LSS v9.91.08 and the results are presented graphically on Figure 1 below with the Indicative Remediation Contours Plan. The levels presented in these drawings should not be confused with FFL and the contour should only be considered as a means to generate cut and fill volumes to deliver a development platform rather than Finished Floor Levels.

**Figure 1 –Proposed Levels Remediation Levels**



Based on preparing the site to the levels presented in Figure 1, the site can be delivered with a general cut / fill mass balance with materials retained on site. These materials are likely to comprise predominantly granular materials that are suitable for re-engineering. However, as



the material to be excavated as part of the cut comprises a quarry sand, the works could be run such that an excess of material generated ca.4700m<sup>3</sup> as part of the earthworks that could be sold to generate a credit against the works. However, for the purposes of this appraisal, the presented costs represent a potential worst case scenario cut/fill mass balance.

We trust that the above information is sufficient and if you require anything further please do not hesitate to contact the undersigned.

Yours sincerely,

**For and on behalf of E3P Ltd**



Andrew Edgar  
Director

Appendix I – Abnormal Cost Appraisal

## **Appendix I**

### **Abnormal Cost Appraisal**





Abnormal Development Items			Estimate	
	Unit	Number/ Volume	Rate	Cost
<b>Preliminary</b>				
Site Setup, Mobilisation and Project Management (Estimate 30 week programme)	Sum			
<b>Prelim Sub-Total</b>				<b>£50,000</b>
<b>Geo-Environmental Consultancy</b>				
Site Investigation, Remediation Strategy, Supervision of Remedial Works (Estimate 30 week programme)	Sum			
<b>Consultancy Sub-Total</b>				<b>£50,000</b>
<b>Enabling &amp; Remediation Works</b>				
Vegetation Strip	m2	11000	4	44000
break out of concrete slabs / relic foundations / process	m3	1000	10	10000
break out hard standing & process as 6F2	m3	1000	5	5000
Water Control & pumping	Week	30	400	12000
Off-site disposal of contaminated soils (Hazardous) (allow)	m3	10	300	3000
Cut / fill site to level / place material for vibro ground improvement	m3	154107	2.0	308,000
Slope Stability – Retaining Walls	m	200	300	60,000
Repair and upgrade of Phase 2 Landfill Site to mitigate gas and leachate issues	Rate	-	-	100,000
<b>Enabling &amp; Remediation Works - Sub-Total</b>				<b>£542,000</b>
<b>Infrastructure</b>				
Additional cost for capping to adopted highway (m³)	m2	1000	30	30000
<b>Infrastructure Sub – Total</b>				<b>£30,000</b>
<b>Foundations / Sub-structure</b>				
Vibro Replacement Stone Columns (one third of plots)	unit	9	2,000	18000
Mass Trench Fill (one third of plots)	unit	9	1,000	18000
Gas Membrane	unit	9	350	3150
<b>Construction Sub-Total</b>				<b>£39,150</b>
<b>Total</b>				<b>£711,150.00</b>

## Appendix II Drawings

