

DELEGATED DECISION REPORT

SMD/2021/0454
Valid 07/07/2021

LAND OFF CLEWLOWS
BANK
BAGNALL

OUTLINE APPLICATION WITH
DETAILS OF ACCES (ALL
OTHER MATTERS RESERVED)
FOR AN ERECTION OF UP TO
4 SINGLE-STOREY DWELLING
HOUSES WITH ASSOCIATED
ACCESS, LANDSCAPING AND
SERVICING

(OUTLINE - MINOR APPS)

MAIN ISSUES

Impact on the Green Belt and whether the development can be exceptionally provided under policies in the development plan; and impact on the character and appearance, and the ecology of the area.

DESCRIPTION OF SITE

The location and area of the site is the same as that which was submitted last year with application reference SMD/2020/0681. As such the Council has already refused to grant a permission in principle for a scheme of affordable houses to be built on the land.

The application site lies directly to the south of Pool Bungalow and consists of a large, grassed area sitting behind a timber post and rail fence, planting and dry stone wall fronting the eastern side of Clewlovs Bank. An indicative plan shows how a roughly rectangular 959 sq metres of the site would be developed, but the actual red edged area is around twice that area. Vehicular access to the site is taken directly off Clewlovs Bank where an existing access with the highway and an area of hardstanding provides a private way leading to the fields beyond. Land levels within the site do vary slightly but the general character of the area is that Clewlovs Bank rises in level to the south and the land to the east, overlooking the Stanley Pool area, drops significantly in height. The application site is located within the Green Belt, it does not form part of a Conservation Area and there are no Listed Buildings either within or near the land.

The site is grown over with uncultivated meadow land, shrubs and vegetation.

PROPOSAL

Application for outline planning permission to erect up to four single storey dwellinghouses. Details of access are provided, all other matters are revised. The site would make use of an existing access with the highway that provides a private way to the agricultural fields to the east. An indicative site plan shows how two pairs of semi-detached bungalows might be provided across the width positioned in a linear row with

frontages and driveways onto the private way, with a right angle orientation with the highway where the gable end of the dwelling would face the road.

The same indicative plan was submitted with the application last year for the permission in principle.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)

S01 Spatial Objectives
SS1 Development Principles
SS10 Other Rural Area Strategy
H1 Housing Delivery
H3 Affordable housing
DC1 Design Considerations
DC3 Landscape and character
T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

78/06329/OLDDC Residential Development. Refused.
81/09994/OLDDC Formation of access to paddock. Approved.
82/10969/OLDDC Construction of vehicle hard standing and erection of agricultural building. Refused.
06/01256/FUL Erection of a Subterranean dwelling. Refused.
SMD/2014/0613 Outline app for dwelling in garden of Pool Bungalow. Refused.
SMD/2017/0425 Outline app for dwelling on land adjacent to Pool Cottage. Refused.
SMD/2017/0508 Outline app for up to 8 dwellings. Refused.
SMD/2020/0681 Application for permission in principle to build affordable housing scheme. Refused.

CONSULTATIONS

Publicity

Site Notice expiry date: 30.08.2021
Neighbour consultation period ends: 30.08.2021
Press Advert: N/A

Public Comments

4 Objections received from local residents. The following points are raised:

- This development will increase traffic flow and noise on Clewloes Bank, which is already very busy and noisy and can be difficult to cross at times, drivers are not adhering to the speed limit, currently and additional properties will add to this problem.
- The new access road would cause a major issue given the proximity of it being almost at the top of the hill and on a blind bend.

- There is no requirement in the area for more housing, adding further properties will decrease the charm of the area
- Damaging to local ecology and natural environment

Town / Parish Comments

Bagnall Parish Council: Strongly Object. Adverse impact on Green Belt; adverse impact on the skyline viewed from Stanley Pool; adverse impact on character and setting of the village; harmful to ecology; no identified need within the locality; it is not infill development; highway hazard; unsustainable limited links to public transport; and contrary to Development Plan.

Waste Collection

No Objection

Staffordshire County Council Highways

No Objection, subject to conditions.

Severn Trent

No objection subject to drainage conditions.

Staffordshire Wildlife Trust

Holding objection, further information and detail is required to determine potential impacts on ecology and bio diversity. Clarification is required to show which site was surveyed for reptiles and recommendations and mitigation needs to be specifically relevant to the site. No details of levels changes and movement of spoil. No drainage details. No biodiversity impact assessment.

Protection method statements required for: reptiles and amphibians, nesting birds, and hedgehogs. Each dwelling should have a bird box.

DESIGNATED WILDLIFE SITES

There are a number of Local Wildlife sites in the surrounding area, the closest of which is Windy Croft Local Wildlife Site, to the west of the site on the opposite side of the road. The site supports species-rich grassland, acid grassland heathland and woodland. While none of the sites will be directly impacted, the proposed development has a role in linking the wider ecological network. The design of landscaping and ecology mitigation should be informed by these locally characteristic habitats.

HABITATS

Biodiversity Net Gain

Almost half of the existing poor semi-improved grassland will be lost, which would appear to result in a net loss of biodiversity. A Biodiversity Impact Assessment (BIA) using either Defra metric 2.0 or 3.0 is required to ensure that biodiversity net gain is delivered. This would need to be achieved both within the development as far as possible, and via enhancement of the adjacent landholding or other suitable area nearby. Habitats should reflect those in the wider area such as species-rich grassland, heathland and scrub.

Drainage

The application form states that a package treatment plant will be used to treat foul drainage and a sustainable drainage system will deal with surface runoff. However, there is no information on where or how drainage infrastructure will be provided within the site, which means additional impacts from this construction cannot be judged. Indication of the location for the foul drainage plant is required pre-determination.

A drainage scheme should be secured via condition, including where possible sustainable drainage methods such as water butts and permeable surfaces.

Ground works, level changes

It would appear from the proposed site plan (1924_PO3E) that changes in ground levels are proposed to the northern half of the site to facilitate the dwellings. There is no information as to where spoil will be placed or disposed of. There could be potential to use subsoil for landscaping and habitat creation on the land to the south, but this would need to be incorporated into an appropriate landscaping scheme for habitat gains. More information is required.

SPECIES

Reptiles

Survey methods- The Reptile and Terrestrial Amphibian Report (August 2020) by Elite Ecology contains inconsistencies regarding the site location. The grid reference within section 1.1 and figures 1 and 2 on page 5 all refer to a field to the west of the site located on the other side of the road (Clewlow's Bank). The phase 1 map in Appendix C shows the correct site, which is the same map used within the Preliminary Ecological Appraisal report (March 2020). Clarification is needed as to whether the correct site was surveyed for reptiles.

Results- A low population of grass snake and common lizard were recorded.

Impacts and Mitigation- Reptiles have the potential to be impacted during construction contrary to their legal protection, and some habitat loss will occur which would contribute to population declines.

The recommendations (Section 6) within the reptile report also appear to be aimed at the site to the west of Clewlow's Bank rather than the development site. The report states that reptiles could be relocated to the fields along the western boundary and that vegetation clearance should start east to west so that no reptiles are pushed towards Clewlow's Bank road, however, the road is located along the western boundary so these recommendations do not match up. Although small in size the development site does contain space for habitat retention and enhancements which could be situated within the southern half of the site (based on 1924_PO3E_Proposed Site Plan). This would also ensure a habitat corridor between the local wildlife sites to the west and east of the site is retained.

Given the presence of reptiles in the wider area and the suitability of habitat on the proposal site, it can be assumed that reptiles could use the proposal site. Further surveys are not required, but appropriate avoidance and protective measures need to

be taken regarding site clearance and construction. Amendments are needed to the reptile report so that the recommendations are aligned to the development site and plans.

Habitat mitigation should include reptile features such as breeding/egg laying piles, scrub, and rough grassland. We would also like to see a south facing basking area included, away from potential disturbance. These must be shown within updated plans with descriptions. A reptile and amphibian method statement will be required following the recommendations within section 6 pending the amendments. The enhancements and method statement may be secured via conditions.

Amphibians

No evidence of GCN was found during the surveys, but precautions are required for amphibians in general – to be included within reptile measures.

Birds

The PEA report (March 2020) states that there is a potential for nesting birds to utilise the vegetation onsite. A bird method statement will be required to ensure the works do not negatively impact on nesting birds. This is to include supervised clearance works or timing of works to avoid the nesting season. The development could include a minimum of 1 bird box per dwelling to compensate for lost nesting habitat. These are to be secured via condition.

Hedgehogs

The PEA report (March 2020) states that there is high potential for hedgehogs to utilise the site. As per section 5.3.3 of the report, a hedgehog method statement is required to include supervised ground clearance. This should also include good housekeeping (no nets or litter on the ground), materials to be stored on pallets, and to provide escape ramps within any open holes or ditches to enable escape if an animal falls in. To be secured via condition.

OFFICER COMMENTS

Principle of Development/Impact on the Green Belt

The site is within the Green Belt where development is inappropriate and harmful, by definition, unless it is provided for by one of the exceptions that appear on the closed lists at paragraph 149 and 150 of the NPPF. Any harm to the Green Belt must be attributed substantial weight and planning permission cannot be granted unless there are other considerations that clearly outweigh that harm.

It's not entirely clear where the applicant's case lies in respect of the Green Belt policy constraints. Unlike the previous application for permission in principle, the proposal with this application is not specifically couched as a scheme for affordable housing. The proposed development is described by the applicant as being of a "small scale" that would have "negligible" impact on the openness of the Green Belt. It is also referred to as "small infill development". However, overall while the applicant acknowledges that the development is not provided for by any of the exceptions in the closed list at para 149 of the NPPF, he reasons that the contribution that the four

homes would make to housing supply would “significantly and demonstrably” outweigh a small loss of Green Belt and only a limited impact on its openness.

With response to the applicant’s comments, the policy approach is clear, where the development is not provided for by one of the exceptions it is inappropriate and by definition harmful to the Green Belt - The development would not provide affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and it would not replace or redevelop; and it would not be village infill. Such harm, by virtue of inappropriateness, should be attributed substantial weight. There would also be harm here, despite what the applicant says, because the development would conflict with the aims and purposes of including land in the Green Belt by consuming or building over currently open land, causing countryside encroachment, and eroding open land that separates settlements.

Spatial Strategy Approach

The contribution that these four small dwellings would make to housing supply within the district would not outweigh the substantial weight that must be attributed to the significant harm to the Green Belt identified above. Particularly, as the provision of housing in this location would be clearly at odds with the recently adopted local plan which sets the spatial strategy approach to meeting the Council’s 5 year supply. In the rural areas it is anticipated that the bulk of the provision of houses will be in the larger villages, either on allocated or windfall sites. The spatial strategy identifies the area as an ‘Other Rural Area’ – areas comprising of the open countryside where development is normally unacceptable and green belt where further development is generally inappropriate, within these areas there are some groups of houses and hamlets which are not identified as ‘smaller villages’ because of their predominantly open character and loose-knit nature. ‘Other Rural Area’ strategy Policy SS10 restricts new build housing in these area to that which has an essential need to be located in the countryside and only allows rural exception housing in accordance with policies H1 and H3. New housing development policy H1 only supports affordable housing which cannot be met elsewhere, in accordance with H3; and ‘affordable housing’ local plan policy H3 makes ‘rural area’ provision for affordable housing in or on the edge of villages, where the schemes are of an appropriate scale for the spatial strategy on suitable rural exception sites where demonstrable need exists within the local area which cannot otherwise be met by means of provision in the plan.

Firstly, the application is not in or on the edge of a ‘village’, as defined by the spatial strategy. It is at the end of the loose scattered Green Belt settlement of Stanley Moor, that lies, centrally between the ‘smaller villages’ of Stanley to the north and Bagnall to the south. Secondly, there is no evidence that the proposed scheme would provide a suitable rural exception site that meets a demonstrable need that could not be met elsewhere or otherwise by means of provision in the plan.

Impact on the character and appearance of the area

The development would make a prominent intrusion into open undeveloped countryside that contributes to the distinctly rural character and appearance of the area and landscape. The dwellings would be on rising land above the roadside and occupy a skyline location when viewed from the lower ground of Stanley pool to the west.

The development of residential properties in such a prominent, raised location, would change the character of the area to its detriment, resulting in unnecessary, incongruous, and visually intrusive urban features (and subsequent encroachment) being introduced into a rural setting, the result of which will be the change, eroding and loss of the current open, rural character of the site. The application is therefore contrary to policies SS1, SS10, H1, DC1 and DC3 of The Local Plan Development Plan Document (Adopted Sep 2020) and the National Planning Policy Framework.

Impacts on ecology and biodiversity

The comments from Staffordshire Wildlife Trust suggest that currently the evidence and reports submitted with the application lack the information and detail required to determine potential impacts on ecology and biodiversity. Clarification is required to show which part of the site was surveyed for reptiles, and the consequent recommendations and suggested mitigation need to be specifically relevant to the site and proposed development. Necessary levels changes and spoil movements have not been detailed; there are no drainage details; and a biodiversity impact assessment has not been provided. Protection method statements are required for: reptiles and amphibians, nesting birds, and hedgehogs.

While the application is made for outline permission, it appears that in respect of the comments above, certain matters which have been reserved must be provided at outline stage to enable a determination as to the development's impacts and whether harms can be appropriately mitigated.

Currently, the objections cited by the Trust would be an additional reason for refusal.

Access Considerations

Vehicular access would be taken from Clewloes Bank. The Highway Officer raises no objection to the proposals noting that adequate visibility has been demonstrated on the proposed site plan. The plans also show that each property would be designated two off road parking spaces, which is likely to be an acceptable level of parking for the dwellings. Accordingly, it is considered that the development would not raise any highway safety concerns.

CONCLUSION / PLANNING BALANCE

The development would amount to inappropriate and harmful development in the Green Belt. Harmful to the character and appearance of the Landscape. Not provided for, as a rural exceptions site, by affordable housing policies in the development plan and no other considerations that would outweigh the harm. Potentially there would be disproportionate impacts, on and loss of, ecology and bio diversity.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date: 1st October 2021

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council