

DELEGATED DECISION REPORT

SMD/2021/0479
Valid 21/07/2021

LAND OFF STANLEY ROAD
STOCKTON BROOK

**APPLICATION FOR OUTLINE
PLANNING PERMISSION WITH
DETAILS OF ACCESS (ALL
OTHER MATTERS RESERVED)
FOR A PROPOSED
DETACHED DWELLING**

(OUTLINE - MINOR)

MAIN ISSUES

- Whether the proposal is acceptable in principle.
- Whether the proposal comprises an exception to inappropriate development in the Green Belt.
- Impact on the character and appearance of the surrounding area.
- Impact on neighbouring amenity.
- Impact of protect species.
- Impact on existing trees and hedgerows.
- Impact on highway safety.

DESCRIPTION OF SITE

The application site comprises approximately 0.2 hectares of the northern section of an agricultural field that is located within the Open Countryside and the North Staffordshire Green Belt. The field is located approximately 520 metres east of Stockton Brook and approximately 380 metres southwest of Stanley Moor. The surrounding area largely comprises agricultural fields with some isolated dwellings.

The field is bounded by Stanley Road to the north, a detached dwellinghouse known as 'Woodlands' to the west and a detached dwellinghouse known as 'Houghwood Cottage Farm' to the east. The remainder of the field is located to the south, which contains a large pond. Open fields are located on the opposite side of Stanley Road to the north, as well as to the south, southwest and southeast.

The roadside boundary treatment comprises a mature hedgerow. A TPO protected tree is located in each corner of the northern roadside boundary, with other unprotected trees located along the road frontage. Hedgerows form the boundaries to the east and west, whilst no boundary treatment delineates the application site from the remainder of the field to the south.

PROPOSAL

Outline planning permission with details of access (with all other matters reserved) is sought for the erection of a detached dwellinghouse.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

SS1 Development Principles
1a Presumption in Favour of Sustainable Development
SS2 Settlement Hierarchy
SS10 Other Rural Areas Strategy
DC1 Design Considerations
DC3 Landscape and Settlement Setting
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
H1 New Housing Development
SD5 Flood Risk

National Planning Policy Framework

Paragraph(s) 1 - 14

Section(s) 4, 5, 12, 13, 14, 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/1985/0483 Two detached dwellings
Refused

CONSULTATIONS

Publicity

Site Notice expiry date: 24/08/2021

Neighbour consultation period ends: 11/08/2021

Press Advert: N/A

Public Comments: A total of 26 comments (with some people submitting more than one comment) were received in respect of the application that objected to the proposed development on the following grounds:

Green Belt

- The proposed development is situated in Green Belt land and if granted would set a dangerous precedent for future infill housing development in Stanley Road.
- The development does not meet the 'exceptional circumstances' criteria as laid out in the NPPF.
- There has already been two areas of land identified for potential future housing in Stockton Brook under the Green Belt review in November 2015 and these should be considered before any other development requests in line with the SMDC Local plan.
- If the purpose of Green Belt is to prevent urban sprawl, then a two storey dwelling here seems inappropriate, surrounded as it would be by dormer

bungalows and housing stock mainly constructed pre-1950s and also blanking out views towards the Houghwood.

- For its justification, the application partly relies on the previous grant of planning permission (2008) for the conversion of a garage and outbuilding on an adjacent site to a residential annexe. This permission looks acceptable under paragraph 145(c) of the NPPF and does not establish any kind of precedent.
- The application describes the development as 'infilling an otherwise built up frontage' and describes the site as 'lying within a ribbon of other houses'. Policy H1(b) referred to, does not apply to the application site as it is not in a village but a rural road which connects two villages, Stockton Brook and Stanley. To call a small homogenous cluster of old cottages on the corner adjacent to the site a built up frontage or a ribbon of development is somewhat stretching the meaning of these terms. The development of a dwelling on the site could be considered to be creating a ribbon of development which does not currently exist, contrary to Policy H1(b).

Highway Safety

- The site is situated on a bend on an already dangerous road where there have been multiple accidents over the last 10 years. There is no made up pavement and joining the road from the site would be a further danger to vehicles and pedestrians.
- The entrance and exit to the proposed building is adversely affected by the trees with preservation orders in situ and the hedging which will clearly limit the visibility to both emerging vehicles from the proposed building and other road users. The fact that there is no footpath on this road substantially increases the risk of a serious injury to pedestrians.

Flooding

- The field is subject to frequent flooding that then flows across my neighbour's property (Woodlands) and onto the road, causing at times a 6 foot wide stream at the front of our property. This issue is well known to the Highways department (Mr Michael Webb). Further development has the potential to make this worse.

Wildlife

- A sizeable pond has been created on the land immediately above the proposed site (not shown on plan attached to the application but included in the Ecology report attached to the application, and recently being used for fishing). The proposed development has potential to cause harm to the wildlife in the area.
- I am somewhat confused by the vendor's ecology report. I have seen many amphibians, mammals and birds which include grass snakes, adders, newts, frogs, toads and lizards, badgers, foxes, weasels, stoats, voles, mice, rats and bats as well as kestrels, buzzards, owls, peregrine falcons, blackbirds, thrushes, bull finches, swallows, swifts as well as many more abundant common song birds.
- Loss of the hedge will affect wildlife.

Character of the Area

- If built upon, the ribbon development in this local area would be filled in and the view up the field to the trees on the hill would be lost.
- The dwelling will be clearly visible from across the valley.

Other Comments

- Planning application SMD/2017/0631 for 3 properties adjacent to "Stoneville" was refused.
- This field consists in total of over 11 acres and is undisputed farm land and has been so for over 200 years. The land in question was mown and baled just two weeks before the planning application was submitted. Sheep previously grazed the land before it was purchased by the applicant.
- Our family home would overlook the proposed dwelling and privacy would be non-existent for either households.

Town / Parish Comments: Bagnall Parish Council object to the application. Although it is an infill development in line with our planning policy, it is on Green Belt land and will set a precedence for other developments that will slowly create a ribbon development between the golf club and existing cottages.

Severn Trent Water: No objection to the proposals and do not require a drainage condition to be applied.

SCC Highways: First Response: Recommend refusal of the application.
Second Response (in respect of revised plans): Recommend refusal of the application.

AES Waste: No issues regarding waste collections.

Environmental Health: No objection subject to conditions.

Contamination: Although the site has predominately been greenfield, and unlikely to be significantly contaminated it is within 100m of a historic landfill Houghwood Bottom Farm (STAFFORDSHIRE MOORLANDS 73, 9999/9364). so should adopt gas protection as precaution (or undertake a site specific gas assessment).

Lighting: Condition.

Construction Impacts: Condition

Staffordshire Wildlife Trust: Holding objection - Further information/amendments required.

SMDC Tree Officer: Does not raise an objection to the application in its current form as the 2no. TPO protected trees will not be adversely affected and the loss of the other trees is accepted. However, an objection would be raised if changes were proposed in respect of visibility splays as this will likely lead to a direct impact on one or both of the TPO protected trees.

The Tree Officer raises an objection to the changes proposed to the roadside boundary as they will be suburban in character and out of character with the rural lane.

OFFICER COMMENTS

Principle of Development

Paragraph 11 of the National Planning Policy Framework (NPPF, 2021) promotes a 'presumption in favour of sustainable development'. For decision takers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless: i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 8 of the NPPF (2021) identifies three dimensions to sustainable development as being economic, social and environmental. In accordance with policies SS1 and 1a of the Staffordshire Moorlands Local Plan, the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible, enhancing the environment. When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (2021).

The application site is located in the Open Countryside and Green Belt whereby policy SS10 of the Local Plan (2020) is applicable. Policy SS10 states that these rural areas will provide only for development that has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside.

Part (1) of policy SS10 seeks to meet housing requirements and specific needs by *'restricting new build housing development in the countryside to that which has an essential need to be located in the countryside in accordance with Policy H 1'*.

Part (5) of policy H1 of the Local Plan (2020) relates to the provision of dwellinghouses in the Open Countryside and lists the forms of housing that can be acceptable in principle in these locations. The proposal does not comply with any of the forms of development listed. The principle of the development is therefore contrary to policies SS10 and H1 of the Local Plan (2020).

Green Belt

The application site is located in the North Staffordshire Green Belt whereby policy SS10 of the Local Plan (2020) and chapter 13 of the NPPF (2021) are applicable. Part (6) of policy SS10 states that strict control will continue to be exercised over

inappropriate development within the Green Belt, allowing only for exceptions as defined by Government policy.

The proposal is for the construction of a new dwellinghouse. Paragraph 149 of the NPPF (2021) outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt unless it meets an exception. A number of exceptions are listed from (a) to (g), however, the proposal does not comply with any of them. The proposed development therefore comprises inappropriate development in the Green Belt.

Paragraph 147 of the NPPF (2021) states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*.

The final two paragraphs of the submitted Design and Access Statement outlines:

'Local Plan Policy H1(b) supports new housing on sites not allocated for such purposes in Policy H 2 when the plans represent limited infill residential where the development is well related to the existing pattern of development of a smaller village and will not create or extend ribbon development or lead to sporadic pattern of development. This policy does not preclude development in Green Belt locations when this policy applies. It is considered that a dwelling on the site will be well related to the pattern of development around it and will not represent an isolated dwelling.'

'In the Green Belt, new housing is usually resisted unless very special circumstances exist to allow the normal presumption to be set aside. In this case Local Plan Policy H1 (b) is considered applicable and this constitutes very special circumstances.'

The correct policy referred to by the Design and Access Statement is part (4)(b) of policy H1 of the Local Plan (2020). This part of the policy states:

'Outside of the development boundaries, limited infill residential development of an appropriate scale and character for the Spatial Strategy will be supported, provided that:

- The development will adjoin the boundary of a larger village and be well related to the existing pattern of development and surrounding land uses, or;*
- The development is well related to the existing pattern of development of a smaller village and will not create or extend ribbon development or lead to sporadic pattern of development; and*

'In all cases the development will not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character and appearance of the countryside.'

The application site is located approximately 520 metres east of Stockton Brook (a 'smaller village' as defined by Local Plan policy SS9) and approximately 380 metres southwest of Stanley Moor (a hamlet). Therefore the application site does not adjoin the boundary of a larger village, nor is it well related to the existing pattern of development of a smaller village. Part (4)(b) of policy H1 is therefore not applicable to the proposed development, as previously detailed in the 'Principle of Development' section above. The Very Special Circumstance put forward within the Design and Access Statement therefore holds no weight.

The proposed development comprises inappropriate development in the Green Belt and no Very Special Circumstances exist that clearly outweigh the harm caused by reason of inappropriateness. The proposed development is therefore contrary to policy SS10 of the Local Plan (2020) and chapter 13 of the NPPF (2021).

Character and Appearance of the Area

Policy DC1 refers to design and seeks to secure development of a high quality which is designed to add value to the area and to respect the site and its surroundings. New development should promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.

Paragraph 130 of the NPPF (2021) requires the design of a development to add to the overall quality of an area, by being sympathetic to local character and by being visually attractive as a result of good architecture.

The application seeks Outline permission with the 'scale', 'appearance' and 'layout' of the proposed dwellinghouse saved for subsequent approval at the Reserved Matters stage. An indicative Site Plan has been submitted with the application that details a detached dwellinghouse positioned centrally within the plot and the revised Design & Access Statement outlines that the dwellinghouse will comprise a dormer bungalow. No comment can be made at this stage as to the design, siting or materials of the proposed dwellinghouse.

The application site is located within the 'Ancient Slope & Valley Farmland' character type of the Potteries & Churnet Valley Landscape Character Area. The key characteristics of this character type is:

- Strongly undulating or sloping landscape cut by small scale steep sided stream valleys.
- Small scale mainly ancient irregular fields bounded by trees and hedgerows.
- Extensive views from higher ground.
- Intimate wooded valleys.
- Stone buildings and drystone walls towards uplands.
- Isolated properties.
- Narrow winding lanes.

The application site is located on the southern side of Stanley Road which comprises a narrow, winding country lane with no footpaths or street lighting. The site frontage to the road comprises a mature native species field hedgerow of 2-3 metres in height, interspersed with trees that prevents views of the field behind. The hedgerow is positioned behind a narrow grass verge that adjoins the highway. On the opposite

side of the road is a low stone wall with open fields beyond, which provides long-distant views of the countryside. The character of this part of Stanley Road is one where buildings, hedgerows or boundary walls either abut or are in close proximity to the road with little or no verge.

It is proposed to remove the existing hedgerow along the northern boundary in its entirety. An access into the field would be created in a central position along the northern boundary. A replacement hedgerow will be planted approximately 3 metres from the back edge of the carriageway, resulting in the creation of a wide verge. In front of the verge, it is proposed to construct a pavement. No other pavements are located along this part of Stanley Road and therefore the proposed pavement will not adjoin into an existing pavement.

The Tree Officer (who also provides the Council with landscape advice) stated:

'Removal of the existing frontage field hedgerow would have immediate and on-going short to medium term adverse impact on the character of the area, which is generally typified by field hedgerows and traditional drystone walls adjacent to the carriageway edge with no significant open verge or pavement; where there are residential properties fronting this stretch of Stanley Road these again mostly have frontage boundaries (variously hedges, walls or fences) more or less abutting the edge of carriageway and again mostly without open verge or pavement. This mainly imparts a character of a rural lane. Whilst in due course a replacement hedgerow could be established as proposed behind visibility splays and this could be required to comprise suitable mixed native hedgerow shrubs and trees, this arrangement would create a wide verge, also apparently incorporating a section of pavement, which would erode the existing character and introduce a more suburban influence out of keeping with the area.'

In addition to the impact of the proposed changes to the northern roadside boundary on the character and appearance of the street scene, the inclusion of an access will open-up views into the field behind. The construction of a dwellinghouse within this field will result in the removal of a green gap between existing dwellinghouses and will join two smaller sections of development, resulting in the creation of one large ribbon development along Stanley Road.

It is for these reasons that the proposed development will lead to a prominent intrusion into the countryside; have an adverse impact on the rural character of the lane; and will erode the local landscape character of the surrounding area. The proposal will therefore be contrary to policy DC3 of the Local Plan (2020).

Amenity

Policy DC1 and paragraph 130(f) of the NPPF (2021) seek to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

The application site comprises the northern section of an agricultural field. The site extends to 0.2 hectares. Dwellinghouses are located to the east and west, with

Stanley Road located to the north with fields beyond, and fields located to the south. The 'scale', 'appearance' and 'layout' of the proposed dwellinghouse are saved for subsequent approval at the Reserved Matters stage however, given the size of the plot, a dwellinghouse could be designed that would not raise any neighbouring amenity issues.

Highways

Part (7) of policy DC1 of the Local Plan (2020) seeks to provide safe and satisfactory accesses and make a contribution to meeting the parking requirement arising from necessary car use.

Paragraph 110 of the NPPF (2021) states that applications for development should ensure that (b) safe and suitable access to the site can be achieved for all users. Whilst paragraph 111 states that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

Permission is sought for 'access' as part of the Outline application. Drawing number 21-120-02 was submitted with the planning application that indicated a centrally position access onto Stanley Road and that the whole of the existing mature roadside hedge would be relocated. The Highways Engineer assessed the application and recommended refusal on the following grounds:

'Application fails to demonstrate that it is possible to construct an access in the position indicated on the submitted plan that would allow the requisite visibility splays to be provided within land under the applicant's control.'

A revised drawing was therefore submitted (drawing number 21-120-03). The drawing indicates that the proposed access will be centrally located within the northern boundary of the plot, providing access directly onto Stanley Road. The existing mature roadside hedge will be removed with a new hedgerow planted three metres back from the edge of the existing road. A verge will be created in front of the newly planted hedgerow and a pavement is proposed to be constructed in front of the verge. Visibility splays are shown on the drawing.

The Highways Engineer assessed the revised drawing and made the following comments:

'Submitted drawing 21-120-03 now shows dimensions.'

C140 Stanley Road is subject to 40mph speed limit. Visibility splay requirement for 40mph is 2.4m x 120m. Submitted drawing clearly demonstrates that visibility splay cannot be achieved. This is acknowledged in the D&A.

Stanley Road at this point is a rural road, different in nature to the built up part of Stanley Road between A53 and the canal.

Safe and reasonable access for all users cannot be achieved. An access in this location with substandard visibility would be contrary to the interests of highway safety

Application now proposes a 3m setback between edge of carriageway and the replanted hedge with a narrow footway delineated on the frontage of the development.

There are no footway links to local facilities.

Existing mature hedge would require removal in its entirety. Frontage of the site would be more open.

'Footway' would be on private land. A footway would be more urbanising but would provide little overall benefit. Visibility could be improved slightly to the south by removal of the protected tree but would still be well short of minimum standard.'

For these reasons, the Highway Engineer recommends refusal of the planning application. The proposed development is therefore contrary to part (7) of policy DC1 of the Local Plan (2020) and the NPPF (2021) as the proposed development cannot be served by a safe and satisfactory access.

Reserved matters are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

- 'Access' – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

The submitted drawing only details the proposed access into the site, no details are provided as to the access route within the site. Insufficient information has therefore been provided in order to fully assess the application in terms of 'access'.

The 'scale' and 'appearance' of the proposed dwellinghouse have been saved for subsequent approval at the Reserved Matters stage and therefore it is not known how many bedrooms the proposed dwellinghouse will have or the level of off-street parking that is required. However, the plot is substantial in size and therefore sufficient space is available for the maximum number of three off-street parking spaces to be provided, if required.

Ecology

Policy NE1 outlines that the biodiversity of the District will be conserved and enhancement by positive management and the strict control of development by (1) protecting and enhancing habitats and species of principal importance for conservation; (2) ensuring development produces a net gain in biodiversity and; (3) any unavoidable impacts are mitigated.

A Preliminary Ecological Appraisal (PEA) dated June 2021 was submitted with the planning application. Staffordshire Wildlife Trust assessed the application and made the following comments:

'The site is within a network of semi-natural habitats linking a number of designated sites.

Houghwood (SBI) is located nearest to the site. The closest section being approximately 180 m from the development site to the south-west. However, the topology of the site sloping away from this wildlife site means it is unlikely to be impacted by the proposals (by surface runoff for example).

Habitats

Hedgerow

As shown in the proposed plans, the hedgerow along the northern boundary of the site is proposed to be moved for highway safety purposes. Appendix A of the ecology report states that plans were not available at the time of writing. Therefore, the potential impacts to the hedgerow and species using it have not been fully assessed. Furthermore, although it is classed as J2.1.2 (species-poor intact hedgerow), a species list has not been provided. We note from the tree survey report that the hedgerow contains trees, two of which are recommended to be felled.

The Design and Access Statement states that "the existing road-side hedge to the site would be removed in its entirety in order to create a safe point of access. A new hedge would be planted, of species to be agreed, located approximately 3 metres from the highway to increase visibility for the new access." It goes on to say that "The space created between the new and existing hedge will be hardsurfaced to provide a pedestrian footway." ... "The provision of a 3 metre wide strip of hardsurfacing across the site frontage in front of the new boundary hedge will provide a refuge for pedestrians to stand away from passing vehicles"

The inclusion of a hard surfaced pavement where the existing hedgerow is located would conflict with the Tree Protection Orders (TPOs) as shown within the Tree Survey report. This would likely require the felling of all of the trees. Even if they were to be retained, their root protection areas would be encroached upon. At present, the proposals are unacceptable, due to conflicting plans or statements and lack of assessment of potential impacts. Avoidance should be the first step. Could the existing field access be used, which has a better visibility? Is pedestrian access required when there is no pavement present on the rest of the road?

Should any hedge be removed, translocation of shrubs is the next option, as well as re-using hedge material such as brash and stumps to form new habitats. Any replacement hedgerow would need to utilise locally native species, standard trees, bank and ditch if possible plus seeding with appropriate ground flora.

Alternative design, and/ or additional information and assessment of hedgerow impacts needed prior to determination.

Grassland

The PEA survey found the grassland to be improved, however, the presence of species such as crested dog's tail, marsh thistle, and heath bedstraw indicate that the grassland is at least poor semi-improved, or more diverse which would have a higher baseline habitat value. This is also suggested by the site's previous/current use as a hay meadow (assumed from public comments). Google streetview images suggest a diverse field with marshy areas. This requires a more accurate botanical survey of the grassland during the optimal season prior to any hay cutting, with abundances to ensure the baseline is as accurate as possible.

Biodiversity Net Gain

Policy NE1 in the Staffordshire Moorlands Local Plan Adopted September 2020, expects that 'all development where possible seeks to deliver a net gain in biodiversity proportionate to the size and scale of the development. In circumstances where adverse impacts are demonstrated to be unavoidable, developers will be required to ensure that impacts are appropriately mitigated, with suitable compensation measures towards loss of habitat used only as a last resort where there is no alternative'

The proposal at present will appear to result in a net loss of habitats including temporary loss of a hedgerow, loss of mature trees, loss of grassland, and additional disturbance to habitats during and post construction.

A Biodiversity Impact Assessment utilising DEFRA metric 3.0 or above is required. Habitat enhancements/creation may need to be located outside of the red line boundary to secure a net gain.

We suggest that the following could be included within a landscaping plan and management plan, pending the BIA results:

- New mixed native hedgerows (with trees where suitable) for all boundaries, underseeding with a suitable wildflower seed mix.*
- Hedge translocation or re-use of hedge materials*
- Sustainable draainge features such as a new pond, swales.*
- Grassland enhancement outside of the red line boundary to increase wildflower diversity, and reseedling of any disturbed areas with a wildflower seed mix.*
- Any lawn area within the red line boundary to utilise a short-flowery lawn mix.*
- Enhancement of the pond to increase wildlife value. This would also benefit any fish within the pond. To include:*
 - o Re-profiling of banks to create shallow areas (if needed).*
 - o A mix of native floating, submerged, marginal, and bank side plants around the edge of the pond to increase cover.*

o Creation of habitat piles near and adjacent to the pond consisting of subsoil from ground works, deadwood from the two felled trees, brash piles from any hedgerow cutting.

Condition required for landscaping and management plans, pending BIA.

Drainage

From assessing the flood risk map and submitted public comments, the development site and surrounding area appear to have some surface flooding issues. We suggest that the SCC Flood Team may need to be consulted.

No drainage proposals have been included. Proposals for foul and surface drainage are unknown, thus the ecological impacts cannot be determined. As the site is liable to surface water flooding, soakaways may not be suitable. Some level changes, balancing and sustainable drainage may be required. From an ecological perspective, any additional surface runoff could impact upon downstream habitats. Existing site runoff could also become an issue due to silting when the ground is cleared and excavated. Surface runoff issues will need to be assessed and mitigated.

It may be that a sustainable drainage scheme (SuDS) could help alleviate the surface flooding issues, perhaps by creating an additional pond/ retention basin and linking via open swales and ditches. Permeable surfaces should be utilised for parking areas, and landscaping designed in a way for infiltration – if suitable ground conditions exist. This would also help to achieve a biodiversity net gain by creating additional wetland habitats.

Outline foul and surface drainage proposals required prior to determination.

Ground works, level changes, soil:

Any subsoil removed as part of ground levelling and excavations should be re-used for habitat creation. Spoil disposal details to be included within ECMP.

Species

Bats

The preliminary ecological appraisal does not appear to have assessed the trees for bat roosting potential. As per the tree report, two trees are to be felled (T3 and T4) and the hedgerow relocated.

Further information needed prior to determination.

The ecology report states that a lighting scheme will be required to protect bat commuting and foraging habitat.

Lighting plan to be secured via condition.

Great Crested Newts, Amphibians

The ecology report found the nearest pond to the site to be of poor suitability for GCN. An eDNA survey was undertaken which returned a negative result. The pond is sparsely vegetated and comments suggest it is used for fishing, which further supports this result. Pond enhancement (as above) could increase the value of this habitat for a number of species. Section 5.4.1 of the ecology suggests some enhancements.

The surveys however did not investigate the three other ponds within 250m of the site, or checked for garden ponds. Aerial photographs and Google streetview show a small pond was present within the development site until at least 2017, and this looks to have had a diverse range of wetland plants. Local residents have reported sightings of newts in the area. Newt populations can persist on land for several years after a pond has been lost and so could still be present.

HSI Assessment of other ponds and GCN risk assessment to determine whether habitat impacts would require a licence and therefore whether further survey is required.

Reptiles

Due to suitable habitat and records within the area, section 5.3.7 of the ecology report recommends that a reptile method statement is followed with site enhancements to be included.

Reptile method statement and enhancements to be secured via condition.

Birds

Timing constraints required to avoid the bird nesting season for felling and hedgerow clearance. Alternatively, an inspection by an ecologist can be made prior to works commencing.

Timing constraints or inspection to be secured via condition.

The ecology report also recommends the inclusion of bird boxes.

To be secured via condition.

Badgers and other mammals

As per the ecology report, Reasonable Avoidance Measures (RAMs) for mammals (including badgers and hedgehogs) should be followed. Details within sections 5.3.1 and 5.3.4 of the ecology report.

RAMs for badgers and hedgehogs to be secured via condition.

As per section 5.4.5 of the ecology report, one Eco Hedgehog Nest Box should be included within a suitable location.

Hedgehog enhancement to be secured via condition.

Ecological Construction Management Plan (ECMP)

An Ecological Construction Management Plan (ECMP) is required to be made available to and followed by all contractors. To tie in all precautions/mitigation, including RAMs for badgers, hedgehogs, amphibians (including great crested newts), method statement for reptiles, and birds (e.g. timing constraints or nesting bird check prior to works commencing). Pollution prevention (including silt) and other steps if required.

ECMP to be secured via condition.'

For the reasons outlined above, Staffordshire Wildlife Trust imposed a holding objection and requested the following prior to determination:

1. Biodiversity Impact Assessment utilising DEFRA metric 3.0 or above, including full botanical survey of grassland in the optimal season.
2. Consideration of alternative access to avoid hedgerow/tree loss.
3. Further information on proposed hedgerow relocation and assessment of impacts, including proposed hard-surfacing and impacts to retained trees.
4. Consult with SCC Flood Team, due to surface water flooding issues.
5. Outline foul and surface drainage plans – due to potential ecology impacts and surface flooding – to include SuDS and wetland habitat features.
6. Further information on bat roosting potential of trees.
7. GCN risk assessment including HSI of other ponds within 250m.

No further information has been submitted to support the application in respect of the above matters, therefore insufficient information has been provided to determine whether the proposal will have an acceptable impact on habitats and species and whether it will result in a net gain in biodiversity. The application is therefore contrary to policy NE1 of the Local Plan (2020) and chapter 15 of the NPPF (2021).

Trees and Hedgerows

Policy NE2 of the Local Plan (2020) seeks to protect existing trees, woodlands and hedgerows from loss or deterioration. This will be achieved by requiring them to be retained and integrated within a proposed development unless the need for and benefits of the development clearly outweigh their loss. It goes on to state that the Council will refer to its adopted Tree Strategy in the consideration of proposals and will seek to retain as many trees and as much hedgerow on site as possible.

Policy 2.2.6 of the Council's adopted Tree Strategy states that *'the Council will not normally grant planning permission for development proposals which directly or indirectly threaten trees of significant amenity unless there is overriding justification to do so'*.

The application is supported by a Tree Survey Report and Arboricultural Impact Assessment dated July 2021 and an accompanying Tree Protection Plan. The Tree Officer has assessed the application and made the following comments:

'A new, and currently still provisional (but fully effective) TPO has recently been made in relation to trees at/adjacent to the application site.

The TPO protects two mature Horse Chestnut trees, denoted T1 and T2 in the Order; other existing trees along the application site frontage are not protected, having been found to be in poor condition and/or of no particular public amenity value. The protected trees are noted in the application's Design and Access Statement and schematically shown on the indicative site layout plan. The trees (protected and non-protected) are included in a tree survey report submitted with the application; whilst the report's author has not had sight of any indicative site layout and the report therefore does not constitute an arboricultural impact assessment, it nevertheless identifies the extent of tree-related constraints of Root Protection Areas (RPAs) and shading patterns, and makes recommendations for appropriate temporary tree protection measures in relation to the trees assessed as suitable for retention.

The application seeks outline planning permission for the erection of a new detached dwelling on the existing field, and also seeks approval of access details at this stage with all other matters reserved for future consideration.

An indicative site layout plan is included, from which it is evident that the site could accommodate a new dwelling generally of the scale and generally in the position indicated without any adverse impact on the two protected trees. In addition, the proposed new access position approximately central to the highway frontage of the site would also itself have no direct impact on these trees.

By its own admission, the application would be unable to provide required highway visibility splays within land under the applicant's control. Nevertheless, the access details indicate removal of the existing field hedgerow along the full length of the site frontage to Stanley Road, with subsequent replacement hedge planting to be set back approximately 3m behind the carriageway edge, in attempt to provide as much visibility as possible within the extent of the applicant's control. The indicated resultant visibility splays fall short of that required by the local highway authority; the two protected trees are indicated as retained, as they do not encroach within the achievable but sub-standard splays. However, both trees would stand within the theoretically required full standard splays, and it is not stated in the highway authority response (due to this response being a recommendation of refusal) whether removal of one or both trees would be required in the event that the development went ahead - albeit tree T2 is anyway also not in the applicant's control. Visibility splay requirements normally require removal of any obstructions over 600mm high, although on occasion the highway authority will accept the retention of existing individual trees within an otherwise open splay. That said, the substantial stem diameter of both

protected trees would create notable obstruction to visibility, and as noted in the highway authority's updated response, visibility to the south (do they mean east?) would be slightly improved by removal of the tree (T1?) but would remain sub-standard.

I would object to this application on the grounds of loss of significant trees of importance to amenity value and to the character and appearance of the local landscape, if removal of one or both of the protected trees was required, although in practice given the issues noted above, this may remain a hypothetical objection if the development anyway cannot proceed due to being unable to meet highway access standards.

Removal of the existing frontage field hedgerow would have immediate and on-going short to medium term adverse impact on the character of the area, which is generally typified by field hedgerows and traditional drystone walls adjacent to the carriageway edge with no significant open verge or pavement; where there are residential properties fronting this stretch of Stanley Road these again mostly have frontage boundaries (variously hedges, walls or fences) more or less abutting the edge of carriageway and again mostly without open verge or pavement. This mainly imparts a character of a rural lane. Whilst in due course a replacement hedgerow could be established as proposed behind visibility splays and this could be required to comprise suitable mixed native hedgerow shrubs and trees, this arrangement would create a wide verge, also apparently incorporating a section of pavement, which would erode the existing character and introduce a more suburban influence out of keeping with the area.

For these reasons, and potentially exacerbated by any removal of protected trees required to maximise highway visibility, the proposed development is considered inappropriate for this location/site.'

The application, as submitted, does not propose the removal of the TPO protected trees and those trees that will be removed were deemed to be in poor condition and/or of no public amenity value when the TPO was served. The removal of these trees is therefore considered acceptable, subject to appropriate replacement tree planting that could be secured by the submission of the 'landscaping' Reserved Matter.

The removal of the hedgerow along the whole of the northern roadside boundary is proposed due to the requirement to provide visibility splays either side of the proposed access. However, the visibility splays that would be provided do not meet the required visibility for a road with a speed limit of 40mph. The Highways Engineer has confirmed that the required visibility splays cannot be achieved, even if one of the TPO protected trees was felled. The loss of the existing mature roadside hedgerow to facilitate a safe access has therefore not been demonstrated, contrary to policy NE2 of the Local Plan (2020).

Other Considerations

Concern has been raised by a number of local residents regarding surface water flooding that currently takes place on this stretch of Stanley Road during periods of heavy rainfall. The local residents state that the Highways Authority are aware of the issue and the problem is associated with the drains not being able to cope with the surface run-off from the application site. Concern is raised that the issue will be exacerbated if the application site is developed for a dwellinghouse.

The application has been assessed by Severn Trent Water, who do not raise an objection to the proposal and do not request a drainage condition be applied should permission be granted. However, Staffordshire Wildlife Trust has requested that foul and surface drainage plans be submitted prior to determination to establish whether they pose any potential ecology or surface water impacts. They also recommend consultation with SCC Flood Team due to the surface water flooding issues that have been raised.

No further information was submitted to support the application and therefore insufficient information is available to address whether the proposal will exacerbate the existing surface water flooding issues. This is contrary to policy SD5 of the Local Plan (2020)

CONCLUSION / PLANNING BALANCE

The proposed development does not comply with any of the types of housing developments listed within part (5) of policy H1 of the Local Plan (2020). The proposed development is therefore unacceptable in principle and contrary to policies SS10 and H1 of the Local Plan (2020).

The construction of 1no. dwellinghouse in an agricultural field devoid of development located in the North Staffordshire Green Belt comprises inappropriate development. Paragraph 147 of the NPPF (2021) states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. The Very Special Circumstance provided within the submitted Design and Access Statement does not hold any weight, as the application does not comply with part (4)(b) of policy H1 of the Local Plan (2020). No Very Special Circumstances therefore exist. The proposal is therefore contrary to policy SS10 of the Local Plan (2020) and chapter 13 of the NPPF (2021).

The proposed access onto Stanley Road cannot achieve the necessary visibility splays in order to create a safe access. The proposal is therefore contrary to policy DC1 of the Local Plan (2020) and the NPPF (2021), as it will result in an unacceptable impact on highway safety.

The submitted drawing only details the proposed access into the site, no details are provided as to the access route within the site. Insufficient information has therefore been provided in order to fully assess the application in terms of 'access'.

A holding objection has been received from Staffordshire Wildlife Trust as they

require additional information to be submitted in order to assess the impact of the proposed development on habitats and species, and to determine whether the development will achieve a net gain in biodiversity. No further information has been submitted to support the application. Therefore insufficient information has been provided to ascertain whether the proposed development will comply with policy NE1 of the Local Plan (2020) and chapter 15 of the NPPF (2021).

The removal of the mature roadside hedgerow is not required to facilitate the provision of a safe access, as even with its removal, the proposed access would be substandard. The removal of the existing hedgerow is therefore contrary to policy NE2 of the Local Plan (2020), as a need for the loss of the existing hedgerow has not been demonstrated.

The revisions to the northern boundary of the site (namely the replanting of the hedgerow back from the highway, the creation of a wide verge and the construction of an isolated strip of pavement) are out of character with the rural character of this part of Stanley Road, resulting in a suburban appearance. The provision of the proposed access will open up views into the field behind on an otherwise enclosed section of road. The construction of a dwellinghouse within this field will erode the openness of the site and create a ribbon of development by infilling an existing gap. The proposed dwellinghouse will be visible from long-distant views from the valley to the north, eroding the rural character of the countryside. The proposed development will therefore have an adverse impact on the rural character of the surrounding area, contrary to policy DC3 of the Local Plan (2020).

Insufficient information has been submitted to ascertain whether the proposal will exacerbate the existing surface water flooding issues, contrary to policy SD5 of the Local Plan (2020).

As such the application is recommended for refusal.

OFFICER RECOMMENDATION: REFUSE

Case Officer: Ailsa Berry

Recommendation Date: 07/01/2022

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council