

DELEGATED DECISION REPORT

SMD/2022/0454
Valid 14/09/2022

MITRAS COMPOSITES UK
LTD NEW STREET
BIDDULPH MOOR

REMOVAL OF TREES AND
FORMING NEW PRIVATE
ACCESS DRIVE TO
DWELLING. CLOSING OFF
EXISTING ACCESS VIA
INDUSTRIAL YARD.

(FULL - MINOR)

MAIN ISSUES

- Impact on the Green Belt
- Impact on the amenity and character and appearance of the area
- Other considerations, particularly the health and safety relative to the existing site arrangement

DESCRIPTION OF SITE

The lane that has access with New Street has historically served Miriams Farm, Park Hall Cottage, and the 19th Century Out Farm, which later became an early 20th Century Fustian Mill. The mill was later altered for the manufacture of plastics and paint, providing the origins of the existing factory site. The site is in a rural area that coincides with the Green Belt. The site is located toward the hill top and the land falls away steeply to the west, toward the Town of Biddulph.

The lane continues to provide access to the factory and the curtilage of Park Hall Cottage, it provides access to a factory car park that has been positioned to the south of the main site buildings. The lane coincides with a public footpath (Biddulph Town 60) that continues to the north past Park Hall Cottage and through the centre of the factory site.

The car park has been landscaped and enclosed to the west with an embankment of tree planting that lines the lane and has matured under a group protection order that together with five protected trees to the southern boundary provide the car park and screening and sense of place within the landscape.

Available parking has been reduced by the outside storage of product against the boundary that is shared to the west with the property at Park Hall. To the south of Park Hall and its obvious garden there is a collection of sheds that are marked on the O.S. as kennels.

PROPOSAL

To provide a dedicated driveway access to the dwelling at Park Hall Cottage. The driveway would run through a belt of protected trees and the embankment that encloses the car park to the east. The driveway would run straight along the site's southern boundary, through the car park, taking out a row of spaces and an area of

stacked factory storage. The red edge and application site do not extend beyond and include the land beyond the site's western boundary. However, an indicative detail shows how a group of kennel buildings would be demolished and a new driveway, some 40m in length, with turning head would connect this point to the dwelling and a new area of parking in its garden to the south. The old kennel buildings, appear to have arrangement separate from the house and its curtilage, which are some distance to the north.

The plans show how one protected tree (SM208T001) and 8 from a group protection order (SM208G002) would be removed to make way for the driveway.

The applicant's agent makes the following statement:

The key reason for the proposed access is to partition the access to the dwelling off from the industrial unit. The existing situation is unusual where the house is accessed via a busy industrial plant with frequent heavy vehicles loading and unloading. It presents a danger for the residents and a health and safety hazard for MCL which is why both parties are committed to this plan.

As described in the arboricultural report, there are a few TPO trees to be removed which are mainly poor-quality specimens. We are happy to replace with new TPO trees in an appropriate/agreed location within the site. The PROW runs down the existing access and through the site – it is therefore unaffected by the proposals.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)

S01 Spatial Objectives
SS1 Development Principles
SS10 Other Rural Area Strategy
DC1 Design Considerations
DC3 Landscape Character
NE1 Ecology
NE2 Trees Woodland and Hedgerows

Adopted Tree Strategy 2016

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

CONSULTATIONS

Publicity

Site Notice expiry date: 7th November 2022

Neighbour consultation period ends: 7th November 2022

Press Advert: N/A

Public Comments

One registered objection pointing to the protection orders on those trees to be removed.

A rep from the Ramblers association and Peak and Northern footpaths point to the right of way and say it could be affected.

Town / Parish Comments

Biddulph Town Council: Awaited

Staffordshire County Council Highways

Highway Authority: No Objection

OFFICER COMMENTS

Impact on the Green Belt

The site is in the Green Belt where development is inappropriate and harmful by definition unless it is provided for by one of the exceptions that appear at the closed lists at paras 149 and 150 of the NPPF. Two such exceptions at para 150 include a material change of use and an engineering operation, providing the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

The development would largely utilise existing hard surfaced car park and as such would not cause any further harm to openness or countryside encroachment in those regards. However, it is not clear where displaced storage and parking might be relocated and to what extent that might harm openness or cause encroachment. Moreover, the indicative details show how the development would result in the construction of a considerable length of new driveway and parking within the dwelling's garden to the south, this would cause countryside encroachment and harm openness by introducing driveway, hard surface and cars in areas of the Green Belt where they currently do not park.

In these respects the development would result in encroachment and harm to openness and would be inappropriate in the Green Belt. Any harm to the Green Belt must be attributed substantial weight. Planning permission should not be granted unless very special circumstances provide considerations that clearly outweigh that harm.

Impact on the Character and Appearance and Amenity of the Area

The factory car park would appear to have been deliberately landscaped with the provision of enclosing embankment and tree planting to the eastern boundary and the edge of the lane. The trees have matured under a group protection order and together with a line of five protected trees to the boundary to the south, shared with the adjacent farm land, a strong corner belt of trees is provided that enclose, screen, and provide sense of place for the carpark. The tree line provides an almost parkland or edge of woodland character and setting for the car park in this location.

The proposed driveway would take out 9 of these protected trees and hard surface a swathe of the steep grass embankment, causing serious harm to the character and appearance of the area in this location.

Much of the arboriculturists report adopts a tone of advocacy for the merits of the proposal and is not limited to the health, well being and merits of those trees that would be destroyed. However, where survey results are provided it would appear to indicate that all trees that would be removed should otherwise live and contribute for at least another 10 years, in many cases considerably longer than that, the condition of the trees are mainly rated as either fair or good. The trees are not posing particular risk to public health. From non-expert observation the trees appear mature and leafy with no obvious signs of ill health. They assist greatly with the character in this locality and this point of entrance into the commercial site.

There would be harm to the character and appearance of the area and conflict with policies SS10, DC1, DC3 and NE2 in those regards.

Ecology

The trees potentially provide habitat for wildlife, protected species and bio diversity. The trees and the area have not been subjected to an ecological survey, relative to the presence of bats and birds. Removing the trees would result in the loss of their environmental and ecological contribution. There would be conflict with policy NE1 of the Local Plan in those regards.

Other Considerations

The reasons for the application as described by the applicant are to provide a dedicated drive for the dwelling at Park Hall Cottage, so that occupants do not have to cross factory land to reach their access. It is said to be dangerous because heavy vehicles cross the site to load and unload.

The dwelling has shared an access with working farm, Fustian Mill and then working factory for well over a century, without any evidence of incident or accident. A vehicle approaching the dwelling travels the same route as cars belonging to staff, customers and visitors which turn into the car park just 20m from the existing entrance to the dwelling. Moreover, the public footpath which follows the route of the access lane, passes the car park, the entrance to the dwelling and gives access through the factory site, must remain open and unobstructed. Factory operations must successfully protect and observe the health and safety of those pedestrians using the footpath, and it is not clear why the occupants of the dwelling can be not afforded that same protection and consideration. The application proposal does not appear to have explored any other possibilities that might see dwelling access provided by the unaltered lane and passage across the car park, without making alteration necessary, away from the main factory buildings.

From the end of the lane the space is open and visibility toward the dwelling entrance is good, and visa versa, the ability to judge and execute a safe ingress or egress would not appear to be overly problematic and no more dangerous or awkward than many householders who must negotiate traffic entering or leaving their properties.

An offer to plant replacement trees in a different location, would not mitigate the harm that is identified here and replacement trees would not have the maturity and presence that is currently present here.

Overall the circumstances and benefits highlighted by the applicant would not clearly outweigh the harm that has been identified above.

CONCLUSION/PLANNING BALANCE

The development would result in the removal of numerous protected trees that make serious contribution to the character, appearance and amenity of the area. The introduction of hard surfacing on areas of grassed embankment and garden area would not preserve openness and cause countryside encroachment that would be inappropriate and harmful to the Green Belt. There would be harm to ecological habitat and contribution to the environment.

The benefits of the scheme as described by the applicant would not clearly outweigh those harms.

In these regards the development would conflict with policies SS10, DC1, DC3, NE1 and NE2 of the Local Plan. There would be conflict with the SMDC adopted Tree Strategy 2016 and the NPPF.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date: 9th November 2022

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council