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Planning. Design. Economics.

**Planning Statement**

Former Fole Dairy, Uttoxeter, Staffordshire

The Co-operative Group

June 2013

40290/10

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## 1.0 Introduction

- 1.1 This planning statement is prepared by Nathaniel Lichfield & Partners [NLP] on behalf of the Co-operative Group, to assist Staffordshire Moorlands District Council [LPA] in its consideration of an outline planning application for the demolition of existing buildings (with the exception of the former mill building which falls outside of the current application 'red line' boundary) at the former Fole Dairy, Uttoxeter Road, Fole and the redevelopment of the site as a housing led mixed use development. The application is submitted in outline with all matters reserved for subsequent approval, with the exception of access arrangements which are to be determined.
- 1.2 This submission follows the refusal of outline planning permission for application ref. 12/00161/OUT\_MJ. This submission directly responds to the reasons for refusal and demonstrates that outline planning permission should be granted.

## The Application Submission

- 1.3 In accordance with the scoping of the application with Staffordshire Moorlands District Council the following documents form part of the submission:
- 1 Application Forms & Notices;
  - 2 Plans;
  - 3 Design and Access Statement (prepared by Plan-it);
  - 4 Flood Risk Assessment with support from Hyder on Hydraulic modelling (prepared by WSP);
  - 5 Transport Statement (prepared by WSP);
  - 6 Energy Statement (prepared by WSP);
  - 7 Extended Phase 1 Habitat Survey (prepared by WSP);
  - 8 Bat Emergence and Activity Surveys (prepared by WSP);
  - 9 Tree Survey (prepared by WSP);
  - 10 Heritage Statement (prepared by AHP);
  - 11 Buildings for Life Assessment within Design and Access Statement (prepared by Plan-it);
  - 12 Environmental Noise Assessment (prepared by WSP);
  - 13 Landscape and Visual Impact Assessment included within Design and Access Statement (prepared by Plan-it);
  - 14 Geo-Environmental Statement (prepared by WSP);
  - 15 Air Quality & Odour Assessment (prepared by WSP);
  - 16 Utilities Assessment (prepared by WSP);
  - 17 Structural Reports (prepared by Francis Bradshaw Partnership);

18 Marketing Report (prepared by Harris Lamb).

1.4 For clarification, this Planning Statement also considers the affordable housing requirements.

1.5 An Environmental Impact Assessment [EIA] screening request, was submitted to the LPA, who subsequently issued a formal screening opinion on the 14<sup>th</sup> March 2013 confirming that the proposed development did not constitute EIA development.

## **Structure of the Report**

1.6 The following sections of this report are structured as follows:-

- 1 Section 2 describes the application site and surroundings;
- 2 Section 3 outlines the planning history of the site;
- 3 Section 4 describes the development proposals;
- 4 Section 5 outlines the relevant planning policy framework for the determination of the application; and
- 5 Section 6 assesses the planning considerations relevant to the proposed development.

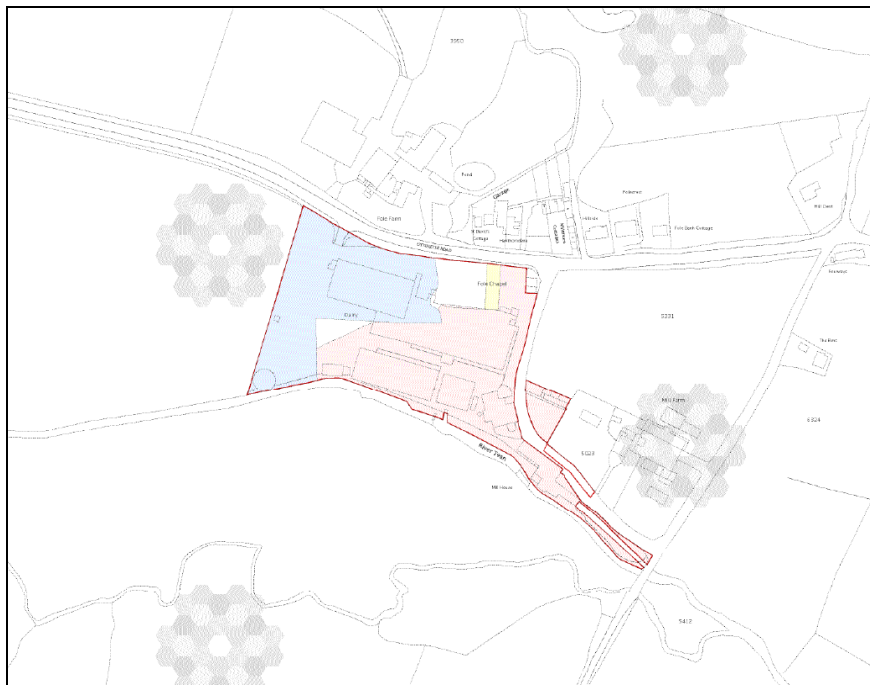
1.7 It is concluded that outline planning permission should be granted for the proposed development.

## 2.0 Application Site

### The Site

- 2.1 The former Fole Dairy site is situated on the A522 between Checkley and Uttoxeter (approximately 1km to the east of Checkley and 7.5km to the west of Uttoxeter). The site extends to approximately 2.02 ha and comprises previously developed land that slopes gently southwards towards the River Tean which bounds the site to the south.
- 2.2 The site contains a number of redundant large industrial structures associated with its previous use as a dairy. The majority of the structures are located on the eastern side of the site and there is a large hard surfaced area on the western part of the site. The structural condition of buildings within the site varies with some in a very poor state of repair. A number of structures have already been demolished for health and safety reasons.
- 2.3 The site has no internal landscape features. It currently represents a major developed industrial site in the countryside.
- 2.4 The site is currently accessed directly from Uttoxeter Road and there are 2 main access points on the unnamed lane to the east of the site that connects Uttoxeter Road to Fole Lane.

Figure 2.1 Site Location Plan



## The Surrounding Area

- 2.5 The site is bound to the:-
- 1 North by Fole Chapel, Uttoxeter Road and existing residential development fronting Uttoxeter Road. Fole Spring Farm, a grade II listed building is also in close proximity on the opposite side of Uttoxeter Road;
  - 2 South by the River Tean and agricultural land beyond. The A50 is also located approximately 0.9km from the site;
  - 3 East by the former Mill building (which will be subject to a separate application), Mill Farm House and associated agricultural land and buildings; and,
  - 4 West by agricultural land. Checkley sewage works and the village of Checkley are situated approximately 1km from the site.
- 2.6 The site is in close proximity to the services and facilities provided within the settlements of Checkley, Lower Tean, Upper Tean and Uttoxeter including education, sports, health and shopping facilities.
- 2.7 The site is accessible by public and private transport. There is a bus stop located adjacent to the northern boundary of the site and this is serviced by the No.32/32(A) service which runs between Uttoxeter and Stoke on Trent every twenty minutes Monday to Saturday and hourly on Sundays.

## 3.0 **Planning History**

### **Introduction**

- 3.1 The application proposals follow the refusal of outline planning permission for mixed use development at the site. The following provides a brief summary of the previous application proposals and the decision.

### **Application Ref 12/00161/OUT\_MJ**

- 3.2 On 17<sup>th</sup> February 2012, the Co-operative Group made an outline application for the demolition of the existing dairy buildings (with the exception of the former mill) and redevelopment of the former dairy site for a residential-led mixed use scheme. The scheme consisted of the construction of 61 dwellings, the retention and conversion of the former mill building for employment floorspace (500 sq. m), the construction of 100 sq. m of new build employment floorspace and associated works.
- 3.3 The application followed pre-application discussions with officers of the LPA, pursuant to which officers provided advice indicating that a mixed use scheme (comprising housing and employment development) should be pursued. The application also followed engagement with Checkley Parish Council, which was strongly supportive of the application proposals. The strong local support was demonstrated at the Planning Committee meeting on 17<sup>th</sup> May 2012, when both Parish Councillor Keith Flunder and Ward Councillor David Trigger, representing the local Community, spoke in favour of the proposed development.
- 3.4 The application was reported to Committee on 17<sup>th</sup> May 2012. The Planning Officer's report accepted that the marketing evidence submitted demonstrated that no suitable and viable employment use could be found for the whole site. However, it suggested that the submission did not provide evidence to justify the quantity of employment space within the mixed use scheme or the scale of housing development proposed. The recommendation was to refuse planning permission on these grounds. Members followed this recommendation and planning permission was refused.

## Application Proposals

### Introduction

- 4.1 The application proposals seek outline planning permission for a high quality, housing-led mixed use development comprising up to 60 dwellings, 300 sq.m. of new build workshops, landscaping and public open space.
- 4.2 The application proposals have been prepared pursuant to and in response to the Council's reasons for the refusal of planning permission for application ref, 12/00161/OUT-MJ.

### Pre-Application Consultations

- 4.3 In advance of the application submission, the Co-operative Group undertook pre-application discussions with the LPA. In particular, a meeting was held on 31 October 2012, which was attended by officers of the LPA and representatives of the Co-operative Group, as well as local Ward Councillor, David Trigger.
- 4.4 The salient point that emerged from this meeting was that there is general policy support for the redevelopment of the site for a mixture of uses, comprising housing and employment, and that the key issue to be addressed is the appropriate scale and balance of the uses. In this respect:
- 1 Officers agreed during the meeting that the Harris Lamb Marketing Report (October 2012) provides useful evidence on the need for and deliverability of employment floorspace in this location.
  - 2 The Co-operative Group and officers did not agree on the extent to which the planning policy framework supports the level of housing development proposed. The Council's position was that this should be the minimum required to deliver the mixed use development. In this context, the Co-operative Group committed to undertaking an economic viability appraisal, to inform the application proposal.

## Proposed Development

### Residential

- 4.5 It is proposed to redevelop the site for approximately 60 dwellings, which will comprise a mixture of dwelling types and sizes including detached, semi-detached and terraced properties.
- 4.6 Informed by consultation with the LPA and research conducted by NLP (appended to this report), it is considered that the most appropriate house type split for the site whilst ensuring the site remains viable would be:
- 1 23 two bed properties;

- 2 32 three bed properties; and
- 3 5 four bed properties.

- 4.7 To derive an initial housing mix for the proposed development, it has been assumed that the village and surrounding area has similar demographic characteristics as the District as a whole, and would grow in a similar manner by 2013. NLP's analysis concludes that due to the reasonably high number of one-person households in the area by 2013, coupled with an ageing population, the need for smaller units is likely to exceed the need for large family units. As such, 22 smaller two bed units are being provided on site as part of the scheme to cater for this need.
- 4.8 This requirement for smaller units would correlate with the current stock of housing in the local area; the findings of the North Housing Market Area SHMA; and, the recommendations of Staffordshire Moorlands Council's Housing Requirements Paper (October 2010).
- 4.9 It is proposed that 33% (20 units) affordable housing will be provided at a tenure split of 70% affordable rented and 30% intermediate. Of the 20 units, 15 will be two bed dwellings and the remaining 5 will be 3 bed units. This responds to the comments of the Council's Housing Officer in respect of the earlier application. The precise type and mix of affordable housing will be established at the reserved matters stage.

## **Employment**

- 4.10 A proportion of workshop floorspace (approximately 300 sq. m.) is proposed as part of the scheme. This provides an opportunity for employment uses to remain on the site, in line with Policy E2 of the emerging Staffordshire Moorlands Core Strategy.
- 4.11 The quantity of floorspace proposed is informed by detailed local market evidence provided by Harris Lamb (see the accompanying Marketing Report), which advises that this is the maximum amount of employment floorspace that should be pursued as part of a mixed use proposal given the constraints of the site and market conditions. The report makes clear that there is no robust local market evidence supporting this level of floorspace and that it is highly aspirational. As part of the development proposals, The Co-operative Group has endeavoured to provide as much employment floorspace on site as economically viable.

## **Design and Layout**

- 4.12 The development will provide:-
- 1 60 new build dwellings;
  - 2 300 sq.m. of workshop accommodation; and,
  - 3 0.39ha of open space.
- 4.13 This will result in an average net density of approximately 30dph, which is

reflective of the type of housing proposed for the site and the character of the site and its surroundings.

- 4.14 An illustrative masterplan accompanies the outline planning application. Although the masterplan is indicative, it demonstrates that a high quality development, which complements the surrounding environment and respects local character is achievable. The illustrative scheme provides a mix of character areas and building typologies, which responds to the characteristics of the locality.
- 4.15 The design principles for the proposed dwellings and the site layout are set out in the Design & Access Statement. This identifies a series of individual character areas with key design codes which show how the development will be designed and laid out to enhance local distinctiveness and the appearance of the area.
- 4.16 The masterplan identifies development of no more than 2 storeys in height in order to relate to the character and scale of the existing residential development and deliver landscape improvements over the current position. Particular care will be taken to ensure that the siting and orientation of buildings will avoid any adverse impacts on the adjoining residents through dominance or loss of privacy.
- 4.17 Landscape sensitivities will be addressed and a range of attractive and accessible greenspaces are provided across the site.

## **Landscape and Open Space**

- 4.18 Appropriate soft landscaping will form an integral part of the proposed development to ensure that the site will be well integrated with its surroundings and will have a positive visual impact on the receiving environment. The application is in outline, with further details on landscaping arrangements to be provided at reserved matters stage.
- 4.19 A new riverside linear park containing a meandering pedestrian footpath is proposed along the southern edge of the site to open up access to the River Tean and provide a soft edge to the development. The park will also contain informal and formal play areas and a variety of planting. The design of the park will create positive views along its length, but also into the site from the open countryside to the south.
- 4.20 Retention of the mature trees to the south of the site will contribute to the establishment of a strong landscape framework for the development. This will allow the area to retain established features of ecological and habitat value, and also allow the incorporation of sustainable urban drainage principles [SUDS], which will contribute additional ecological and habitat opportunities.

## **Access and Transport**

- 4.21 The main vehicular access to the site will be provided from three locations, one

from the A522 Uttoxeter Road and two from the unnamed Lane to the east of the site. The accompanying Transport Statement demonstrates that the proposed access arrangements are acceptable in terms of visibility and capacity, and can also accommodate the movement of a standard refuse vehicle.

- 4.22 The proposed development benefits from a bus service that runs adjacent to the site and has bus stops that are well within recommended walking distances. This bus service provides access to Hanley and Uttoxeter's Bus and Train Stations, where residents can interchange and access a wider range of bus services to numerous destinations.
- 4.23 The proposed development will also upgrade the footway on the southern side of the A522 Uttoxeter Road along the site's northern frontage. This will improve pedestrian linkages to the bus stop on the southern side of the A522 Uttoxeter Road and also provides a larger waiting area for pedestrians at the bus stop.

## Planning Policy Context

### Introduction

- 5.1 In accordance with Section 38(6) of the 2004 Act, the development plan for the former Fole Dairy site comprises the ‘saved’ policies of the Staffordshire and Stoke-on-Trent Structure Plan [SSSP], adopted in 2001; and the Staffordshire Moorlands Local Plan [SMLP] adopted in 1998.
- 5.2 Under the provisions of the Planning and Compulsory Purchase Act 2004 a number of obsolete policies in the SSSP and SMLP expired on the 27<sup>th</sup> September 2007. All other policies have been ‘saved’ by Direction of the Secretary of State until replaced by new policies in the Council’s Local Development Framework [LDF]. Even these, however, are time-expired and can only therefore be afforded negligible weight in making planning decisions.
- 5.3 The emerging Core Strategy [SMCS] for Staffordshire Moorlands will replace the SMLP once adopted. The Revised Submission Core Strategy was submitted to the Secretary of State for examination in July 2012. The Inspector has issued an interim report outlining the relevant sections of the plan he considers unsound. As such, only limited weight can be afforded to the relevant policies contained in this document.
- 5.4 The National Planning Policy Framework [The Framework] is a material consideration in the determination of planning applications. The Framework sets out the Government’s planning policies for England and was adopted on the 27<sup>th</sup> March 2012.
- 5.5 The LPA has issued Public Open Space – Supplementary Planning Guidance (2004), Housing for Local People and Affordable Housing – Supplementary Planning Guidance (2005), and Space about Dwellings – Supplementary Planning Guidance (1998) which are also relevant to the determination of this application.

### Sustainable Development

- 5.6 The Framework [§7 & 8] identifies three dimensions to sustainable development: economic; social; and environmental, which should not be undertaken in isolation, because they are mutually dependent. The Framework indicates that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The Framework’s presumption in favour of sustainable development makes it clear that the planning system should not act as an impediment but should support economic growth.
- 5.7 The Framework also requires local planning authorities to identify and update annually a specific supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements [§47]. Staffordshire

Moorlands does not, however, have a five-year supply of housing land. This point was confirmed by the Inspector at the recent Examination and is undisputed by the Local Authority. In this situation, the Framework advises that relevant policies for controlling housing should not be considered up to date and that housing applications should then be considered in the context of the principles of sustainable development [§49].

- 5.8 SMCS Policy SS1 (Development Principles) requires development proposals and the use of land to contribute positively to the social, economic and environmental improvement of the district in securing the efficient and effective use of resources (including making the best use of previously developed land) and contributing effectively to tackling climate change and reduced carbon emissions.

## Principle of Development

- 5.9 The site is not allocated for any specific land use in the SMLP. The established use of the site is for employment uses however. Policies controlling the release of such land for development are therefore of relevance (as referred to below).
- 5.10 The site is located within a Special Landscape Area. Policies N8 and N9 make clear that development should not materially detract from the high quality of the landscape and provide that high standards of development are expected.
- 5.11 SMCS Policy SS6c (Other Rural Areas Strategy) seeks to facilitate the appropriate redevelopment of previously developed sites in areas outside of towns and villages, provided they bring positive benefits to the area.

## Employment Development

- 5.12 Saved SMLP Policy E7 (Loss of Existing Employment Sites) seek to protect employment sites unless the location is undesirable in environmental or traffic terms and alternative sites are available (i.e. the sites are no longer needed to meet employment requirements).
- 5.13 Similarly, SMCS Policy E2 (Existing Employment Areas) seeks to safeguard existing employment sites unless:
- 1 It can be demonstrated that the site would not be suitable or viable for continued employment use; ***or***
  - 2 Substantial benefits would be achieved through redevelopment.
- 5.14 SMCS Policy E2 makes clear that, where redevelopment is proposed, preference should be given to mixed use schemes that retain an element of employment provision on the site.
- 5.15 The Framework [§22] states that long term protection of sites allocated for employment purposes should be avoided where there is no reasonable prospect of a site being used for that purpose and applications for alternative uses should be treated on their merits having regard to market signals and the

relative need for different land uses to support local communities.

- 5.16 The Framework [§28] supports economic growth in rural areas to create jobs and prosperity.

### **Housing Development**

- 5.17 The RS [Table 1] establishes a housing requirement for 300 dpa for Staffordshire Moorlands from 2006 – 2026. This represents a target of 6,000 dwellings. The RS urges local planning authorities to give priority to the development of brownfield land before greenfield land is released for development. A minimum target of 70% has been set for development on previously developed land [Policy CF5].

- 5.18 SMLP Policies H4 and H7 of the Local Plan, seek to direct new housing development to within the development boundaries of defined towns and villages and that housing development in the open countryside (i.e. outside of the defined development boundaries) will only be permitted in a limited range of circumstances. Notwithstanding this, the housing and settlement-based policies in the SMLP are time expired with the settlement boundaries in the Local Plan being drawn up only to accommodate development requirements to 2001. Only very limited weight can therefore be afforded to these policies. Furthermore, as referred to later in this statement, the LPA is unable to demonstrate a 5 year supply of housing land. In such circumstances, and cognisant of the Framework [§49], policies controlling the delivery of housing are considered out of date and proposals should consequently be considered in the context of the presumption in favour of sustainable development.

- 5.19 In respect of the emerging SMCS, the following points are noted:

- Policy SS2 (Future Provision of Development) sets draft development requirements and provides that sufficient deliverable land must be provided to provide at least 5 years of housing development at all times.
- Policy SS3 (Distribution of Development) requires 28% of all new housing development to be provided in rural areas (1,540 dwellings based on SMCS targets).
- Policy SS4 (Managing the Release of Housing Land) provides that there is a preference for previously developed sites before greenfield for the purposes of accommodating housing development.
- Policy SS6C (Other Rural Areas Strategy) seeks to restrict new housing development to that which is essential to meet local needs, including affordable housing. The policy seeks to sustain the rural economy and facilitate the redevelopment of previously developed sites that deliver positive benefits.

- 5.20 Although the Examination in Public has taken place recently, the Inspector has not issued his report and there are unresolved objections in respect of their emerging provisions. As such, only limited weight can be afforded to its provisions.

## Housing Mix and Affordable Housing

- 5.21 The SMLP [Policy H16] states that in settlements of less than 3,000 people on housing sites of 25 or more dwellings or greater than 1ha, the Council will seek to negotiate the provision of affordable housing. The Housing for Local People and Affordable Housing SPG 2005 states that the Council will require schemes to include a minimum of 33% affordable housing.
- 5.22 SMCS Policy SS2 (Future Provision of Development) requires a minimum of 1,525 affordable housing units to be provided between 2006 – 2026 as part of the overall housing provision in the District.
- 5.23 SMCS Policies SS1 (Development Principles) and H1 (New Housing Development) require new housing development to provide for a mix of housing sizes, types and tenure including a proportion of affordable housing, as set out in Policy H2. SMCS Policy H2 (Affordable Housing and Local Needs Housing) recommends that the provision of affordable housing be delivered through the following means:
- 1 In towns, residential developments of 15 or more shall provide a target of 40%;
  - 2 In larger villages, residential developments of 5 dwellings or more shall provide a target of 50% affordable housing on site; and,
  - 3 In the rest of the rural areas, including smaller villages, all housing should either be affordable or meet a local need. Unless circumstances dictate otherwise, 70% of all affordable housing provided on site should be social rented with the remainder intermediate housing.
- 5.24 As mentioned earlier, the Inspector’s Report on the Core Strategy has not been issued and his Interim Report has expressed concerns with this policy. Therefore, this policy can only be given limited weight for the purposes of development management.
- 5.25 The Framework [§50] provides that a wide choice of high quality homes should be delivered to increase opportunities for home ownership and create sustainable inclusive and mixed communities. Where affordable housing is needed, LPAs should set policies for meeting this.

## Design and Layout

- 5.26 In line with national planning guidance, the development plan requires that proposals demonstrate a good quality of design which takes account of the character, appearance and form of the site and the surrounding area in respect of issues such as scale, density, height, layout, landscape, access and open space requirements [SMLP Policy B13].
- 5.27 The SMCS [Policy DC1] recognises the importance of good design, and in particular, new developments should be of high quality, be designed to respect the site and its surroundings, promote a positive sense of place and identity, and reinforce local distinctiveness by positively contributing to and

complementing the special character and heritage of the area.

SMCS Policy SS1 (Development Principles) requires development to maintain the distinctive character of the Staffordshire Moorlands, its individual towns and villages and their settings.

- 5.28 The Framework [§56] states that good design is a key aspect of sustainable development, is indivisible from good planning and should positively contribute to making places better for people. Design policies, however, should avoid unnecessary prescription [§59].

## **Open Space and Recreation**

- 5.29 The SMCS [Policy C2] promotes the provision of high quality recreational open space by implementing and supporting schemes that will protect and improve the quantity, quality and accessibility of open space and outdoor sports, leisure and children's play facilities throughout the district. The Public Open Space SPG [Policy R1] indicates that residential developments of more than 20 units will be expected to make open space provision to achieve a minimum standard of 3.2ha of public open space per 1000 population.
- 5.30 The Framework [§56] indicates that access to high quality open spaces and opportunities for sport and recreation are considered important for contributing towards the health and well-being of communities.

## **Drainage and Flooding**

- 5.31 SMCS [Policy SD3] states that development proposed within the floodplain will be guided to first make use of areas at no or low risk of flooding before areas at higher risk. Development deemed acceptable within areas at risk of flooding due to national or other policies or other material considerations, must be subject to a flood risk assessment.
- 5.32 The supporting Technical Guidance to The Framework advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 5.33 Furthermore, new developments should be protected from flood risk through selection of appropriate location, layout, design and incorporating sustainable drainage systems [SUDS] [Technical Guidance to The Framework §5]. Land for development should also comply with the sequential tests in the Technical Guidance to The Framework [§3].

## **Environmental Assets**

### **Ecology**

- 5.34 Policies in the SMLP seek to protect, conserve and enhance the natural resources of the district. Development which could adversely affect any site of

significant conservation value will be required to conserve the site's biological interest [Policies N11, N13, N14 & N15].

5.35 The SMCS [Policy NE1] seeks to improve the biodiversity and geological resources of the District by positive management and strict control of development. SMCS Policy SS1 (Development Principles) also requires development to protect and enhance the natural environment.

5.36 The Framework [§118] states that local planning authorities should aim to conserve and enhance biodiversity.

### **Noise**

5.37 The Council will also aim to ensure that the effects of noise pollution are avoided or mitigated by refusing schemes which are deemed to be environmentally unacceptable [SMCS Policy SD3].

5.38 The Framework advises that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and to make use of conditions to mitigate and reduce noise arising from new development [§123].

### **Air Quality**

5.39 The Council will also aim to ensure that the effects of air pollution are avoided or mitigated by refusing schemes which are deemed to be environmentally unacceptable [SMCS Policy SD3].

### **Highways and Transport**

5.40 The SMCS, the Staffordshire Local Transport Plan 2011 [LTP] and The Framework promote developments which reduce the reliance on the private car for travel journeys [SMCS Policy T1 & LTP Policy 5.1 & the Framework §35]. The SMLP [Policy T14] states that planning permission will not be granted for development which would lead to additional cars entering unsuitable areas, particularly those that are environmentally sensitive.

## Planning Considerations

### Introduction

6.1

This planning submission is made pursuant to the refusal of planning permission for application proposal ref 12/00161/OUT\_MJ. The formal decision notice for that application contends that the proposals raised conflict with the statutory and emerging development plan. Whilst this application seeks outline planning permission for a similar form of development to that refused previously, additional information is provided through this submission, which addresses the LPA's concerns set out in the previous reason for refusal and demonstrates that planning permission should be granted.

6.2

Before undertaking a more detailed assessment of the planning merits of the proposal against the relevant provisions of the planning policy framework, it is important to set out the following basic matters of principle:

- 1 The planning policy framework strongly supports the redevelopment of previously developed sites. In this context, officers have agreed during discussions that the Council is keen to see this site redeveloped and returned to active and beneficial use.
- 2 The established use of the site is for employment uses and there is a policy presumption in favour of protecting sites for such uses unless they are no longer required to meet employments needs *or* substantial benefits would be achieved through redevelopment. In this context, in considering the previous application, officers indicated<sup>1</sup> that the marketing information submitted provided evidence that no suitable and viable use employment use could be provided for the whole site. Furthermore, significant benefits would be delivered. In such circumstances, policy supports mixed use development and it is generally accepted that the most appropriate mix of uses, in this location is housing and employment.
- 3 Whilst there is general support for the redevelopment of the site for a mix of uses, comprising housing and employment, the principle issue with the previous application was that (based on the information previously submitted) officers considered that it was not possible for the Council properly assess whether the balance of uses and the quantity of development proposed was the most appropriate. This revised submission provides further local market and economic viability evidence, which demonstrates that the level of employment development proposed is the maximum that could possibly be achieved (and even this is aspirational); and that the quantity of housing proposed is at the minimum level necessary to deliver the development.

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<sup>1</sup> Planning Officer's Report [para.7]

6.3 It is therefore considered that the application proposals represent the most appropriate mix of development for the site. Furthermore, we submit that this quantity of housing development is clearly required to bring forward development and remediate this previously developed site in the public interest.

## Principle of Development

### Employment

6.4 The established use of the site is for employment purposes. As such, the release (or part release) of the site for alternative uses needs to be considered in the context of SMLP Policy E7 and emerging SMCS Policy E2. These policies seek to protect employment sites unless they are no longer required and are not suitable and viable for continued employment use; ***or*** substantial benefits are achieved through redevelopment. SMCS Policy E2 makes clear that where redevelopment is proposed, preference should be given to mixed use schemes.

6.5 In this context (and as demonstrated in the accompanying Marketing Report):

- 1 The site has been actively marketed (both locally and nationally) for employment uses, on reasonable terms, since June 2009, without a suitable end user being secured. As such, there is very little prospect that the site will be reoccupied / redeveloped in its entirety for employment uses.
- 2 In terms of the employment land demand: supply balance, there is sufficient existing commercial floorspace available in the local area to meet demand without this site. Moreover, there is sufficient committed supply in the pipeline to meet employment development requirements for the sub area, as identified in the emerging Core Strategy, almost ten times over up to 2026<sup>2</sup>. In addition, there are existing commitments, such as Blythe Bridge<sup>3</sup>, locally that are better placed to meet any emerging local needs.
- 3 There are significant viability issues associated with the delivery of commercial accommodation in this location.

6.6 On this basis, in the context of SMLP Policy E7 and emerging SMCS Policy E2, this site is not required to meet economic growth objectives or employment development requirements and such development is not viable. We draw

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<sup>2</sup> The Core Strategy identifies a requirement for 7.2ha of employment land in the 'Rural Areas' to 2026. The Employment Land Supply Figures indicate that, as of 31<sup>st</sup> March 2012, there is a total committed supply of 70.0ha of employment land comprising 56.71ha of land with unimplemented planning permissions; 3.65ha of remaining allocations; and, 9.64ha of land that is currently being built out for employment schemes.

<sup>3</sup> 50.4ha of high quality B-class employment land is identified at Blythe Road.

support for this from the findings of the Employment Land Study (2008), which concluded that the site was not of high quality and that it was not essential for it to be retained in employment use. As such, for these reasons alone, the principle of releasing the site for alternative uses is appropriate.

Notwithstanding this, the proposed redevelopment will deliver significant benefits. These will be set out in detail in the following sections but these include helping the Council achieve a 5 year supply of housing land; delivering much needed affordable housing; relieving pressure on Greenfield land, as well as delivering significant social, economic and environmental benefits.

- 6.7 The release of the site for alternative uses in these circumstances raises no conflict with SMLP Policy E7 and emerging SMCS Policy E2. Its release also complies with the Framework (which advises LPAs to avoid the long-term protection of employment sites where there is no reasonable prospect of them being used for that purpose [§22]). Notwithstanding this, the applicant is prepared to retain an element of employment within the scheme to cater for any future local needs that may arise.
- 6.8 In terms of the appropriate quantity of employment floorspace for the site, the applicant has sought advice from Harris Lamb on this issue. In this context, the accompanying marketing report clearly states that the maximum amount of B-class floorspace which should be pursued on the site, allowing for constraints and market conditions, would be 300 sq.m (although it is clear that this is highly aspirational).

## Housing

- 6.9 SMLP Policy H4 directs new housing development to within the development boundaries of the District's towns and villages. Residential development in the open countryside is resisted unless it supports the operation of farming or forestry or involves the conversion of rural buildings [SMLP Policy H7]. Whilst the site is well-related to existing built development in Fole, if a strict interpretation of the Local Plan is applied, the site is located within the open countryside by virtue of the fact it is not located within any defined settlement boundary. However, the housing and settlement based policies of the SMLP were adopted in 1998 and established in the context of accommodating housing needs up to 2001. These policies are therefore clearly time-expired and should not be given any significant weight<sup>4</sup> for the purposes of

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<sup>4</sup> Support for this is drawn from SoS decision (16 July 2012) in relation to appeal applications in Tewkesbury Borough Council comprising mixed-use development incorporating housing [Appeal Refs: APP/G1630/A/11/2146206 & APP/G1630/A/11/2148635]. Whilst there was conflict with spatial policies, the development plan settlement boundaries were based on housing requirements up to 2011. Consequently the weight to be accorded to this conflict was significantly reduced. The most significant material consideration was that a 5 year housing land supply could not be demonstrated and significant weight was given to the need to support economic growth.

development management.

6.10 The Council's Examination in Public has taken place recently and the Inspector has issued an interim report which outlines his concerns in relation to a number of policies which he has found unsound. As such, there are unresolved issues in relation to the Core Strategy and therefore only limited weight can be attached to the housing policies in this document.

6.11 Notwithstanding this, the proposals support the emerging objectives of SMCS Policy SS6c, which relates to development within rural areas, in the following way:-

- 1 The housing mix responds to local needs, as identified in the Council's SHMA and by specialist demographic modelling and forecasting tool PopGroup. Further information on this point is provided below.
- 2 A total of 20 affordable dwellings will be provided (33% of the development), thereby helping to meet the needs of the rural community. In this respect, the Council has recently undertaken a Rural Affordable Housing Needs Survey for Checkley Parish. This demonstrates a surprisingly high immediate unmet need for 77 affordable dwellings. As an aside, in documenting the outcome of local consultations, it is clear that local residents specifically identified the application site as having potential to accommodate some affordable housing as part of a wider redevelopment scheme.
- 3 The provision of 300 sq. m. of employment floorspace will provide around 6 new direct jobs, thereby contributing towards sustaining the rural economy;
- 4 The redevelopment of the site will help to restore the quality and character of the landscape, a designated Special Landscape Area in the SMLP;
- 5 The development will regenerate an underused major developed site in the countryside whilst bringing positive benefits to the area in terms of housing provision and new employment opportunities, in line with SMCS Policies SS2, SS3 & SS6, which seek to make provision for an element of housing and employment in the rural areas. The proposals thereby complement the overall development strategy for the District.

6.12 Staffordshire Moorlands District Council is unable to demonstrate a five-year housing land supply. This point was reiterated by the Inspector in the Core Strategy Examination in Public Interim Report and is undisputed by the Local Authority. The Framework advises that, in this situation, policies for managing the delivery of housing should not be considered up-to-date and housing applications should be considered in the context of the presumption in favour of sustainable development.

6.13 The Framework therefore represents an important material consideration in the determination of this application. In this context, the following demonstrates how the proposed development performs a positive economic, social and environmental role in compliance with the Framework [§7 & 8]. In making the

following points, reference is made to relevant existing and emerging development plan policies as appropriate.

## **Sustainable Development: Social Role**

- 6.14 The proposed development will support the creation of a strong, vibrant and healthy community by increasing the supply of housing of a type and tenure that meets the needs of the area on a suitable previously developed site.

### **Housing Supply**

- 6.15 The Framework and SMCS Policy SS2 require the LPA to identify sufficient deliverable land to provide at least 5 years of development at all times. Staffordshire Moorlands District Council, however, is unable to demonstrate a five year supply of housing land.
- 6.16 The West Midlands RS (Phase 2 Revision) has been accepted by the Council in its revised submission draft Core Strategy as the appropriate housing target. The Staffordshire Moorlands housing requirement is 6,000 net dwellings over the period 2006 to 2026 and is the basis of any assessment of the 5 year housing land supply for the district.
- 6.17 The LPA's latest Land Supply Schedule 31/03/2012 indicates that there is a supply of 1,195 dwellings which represents a 3.98 years supply against the RS requirement. The Council are claiming a 4.35 year supply against the emerging Core Strategy requirement but this does not take account of the NPPF Buffer (likely to be 20%), includes allocations without permission and does not included the backlog, since 2006, in the 5 year forward supply. This conflicts with recent planning appeals at Land between Station Road and Dudley Road, Honeybourne, Worcestershire (APP/H1840/A/12/2171339) and Land at Sellars Farm, Hardwicke, Gloucestershire (APP/C1625/A/11/2165865).
- 6.18 Furthermore, the Framework [§47] introduces an additional buffer of 20% where there has been a persistent under delivery. In this case, the Council's delivery record is considered to represent persistent under delivery in terms of national policy. If the additional buffer and the backlog are applied to the 5-year requirement, the shortfall would be 1,282 dwellings which represents a 2.41 year supply (See Appendix 2).
- 6.19 It cannot therefore be contested that there is an urgent need to increase the supply of housing land if the needs of the community for adequate housing are to be satisfied.
- 6.20 It should be noted that both the LPA and our adjusted supply assessments include sites without planning permission, which is contrary to the approach taken by a number of Inspectors in very recent appeal decisions in assessing 5 year supply calculations. In particular, it is noted that in considering appeal ref. APP/R3325/A/12/2170082 - Land rear of Wincanton Community Hospital (29 August 2012); and, appeal ref APP/H1033/A/11/2159038 – Land at Manchester Road, Chapel-en-le-Frith (23 August 2012), the Inspectors held that

sites without planning permission should not be included within the 5 year supply. On this basis, the actual justifiable 5 years supply position in Staffordshire Moorlands is likely to be significantly worse than calculated

- 6.21 The proposed development would assist the LPA in meeting its housing requirements, thereby demonstrating compliance with SMCS Policies SS2 and SS3 whilst securing sustainable patterns of growth and development in accordance with the emerging spatial strategy. The shortfall in housing supply should be given substantial weight in the determination of this application in accordance with the Framework [§49].

### Meeting Housing Needs

- 6.22 The proposed development will consist of approximately 60 units, of which 22 units will be smaller two bed units, 33 three bed units and 5 four beds. There will also be a mixture of dwelling types and sizes, including terraced, detached and semi-detached properties to reflect local housing requirements. The precise range of house types will be determined through the reserved matters application.

- 6.23 The proposed housing mix has been calculated with reference to the LPA's most recent SHMA (2007) and our own in-house housing analysis. Firstly, the SHMA notes that the Three Towns housing market sector (which incorporates the application site), is typified by: low levels of private rented housing, suggesting scope for growth in this part of the market; low proportions of social housing; and a shortfall of smaller properties, both terraces and apartments.

- 6.24 Secondly, the results of NLP's own research into the District's housing requirements are set out in Appendix 3 but are summarised in Table 6.1. These are informed by specialist demographic modelling and the forecasting tool PopGroup. The proposed dwelling mix has been kept as closely aligned to the demographic modelling as possible, taking viability issues into account.

Table 6.1 Estimated Housing Type Required (2013)

	<b>SMDC's Requirements %</b>	<b>Proposed Dwelling Mix – Fole %</b>	<b>Proposed Dwelling Mix – Fole (Numbers)</b>
1/2 bed flat/house/bungalow	54.1	55	<b>23</b>
3/4 bed house	41.2	45	<b>38</b>
Housing with Care	4.4	0	<b>0</b>
<b>TOTAL</b>	<b>100</b>	<b>100</b>	<b>60</b>

Source: NLP

- 6.25 Due to data limitations and margins of error in small-area statistics, it has not been possible to undertake modelling of local housing need at the Ward or Parish level. However, it is considered that Staffordshire Moorlands District is a

relatively homogenous area with relatively consistent demographic characteristics across the rural areas in particular.

- 6.26 This proposed split is weighted as far as viably possible towards the provision of smaller units on the site in accordance with the SHMA, the emerging Core Strategy (and Housing Requirements Paper) and the West Midlands North Housing Market Areas SHLAA.
- 6.27 The proposed development will also accommodate 33% affordable housing (a total of 20 units). This level of affordable housing accords with the Council's SPG 'Local People and Affordable Housing' and meets The Framework's requirement to provide affordable housing to meet local needs. Indeed the Framework encourages local planning authorities to consider whether allowing some market housing, as in this case, would facilitate the provision of significant additional housing to meet local needs [§54].
- 6.28 The proposed development complements the overall development strategy of the District by contributing towards the provision of affordable housing in rural areas, in line with SMCS Policies SS2 and SS6, and by providing housing which is essential to local needs, including affordable housing, in line with SMCS Policies Policy SS6c and H2.
- 6.29 The development also responds to local needs by helping to address the considerable undersupply (232 dwellings) of affordable housing that has occurred over the last four years and by contributing to the Council's 5-year housing land supply, thereby helping to address the persistent under-provision of housing generally in recent years.
- 6.30 The immediate need for affordable housing in the local area is re-enforced by the Council's own Rural Housing Needs Survey 2012 for Checkley Parish, which identifies an immediate unmet need for 77 affordable dwellings. The proposed development will make a significant contribution towards addressing this need. In terms of accommodation requirements, the recent survey indicates that the most acute local needs are for smaller units, in particular 2 bedroom accommodation, including some flats. The proposed scheme has been tailored to best meet these requirements whilst remaining sympathetic to the location.
- 6.31 In summary, the proposed development will increase the supply of market and affordable housing, and assist the Council in addressing immediate needs, as well as supporting economic growth.

### **Suitability of the Site**

- 6.32 The application proposals would bring a vacant previously developed site, located within the settlement of Fole, back into active and productive use, thereby enabling it to contribute to the local economy once again. This accords with the SMCS [SMCS Policies SS1 and SS4] and the Framework, all of which prioritise the redevelopment of previously developed sites ahead of the release of Greenfield land. Indeed, the SMCS sets a target of 65% of all housing

developments to take place on brownfield land [Policy SD1]. The redevelopment of this previously developed site will help to meet this target.

### **Sustainable Development: Economic Role**

- 6.33 The proposed development will contribute to building a strong, responsive and competitive economy. In particular, the proposals will bring a number of economic and fiscal benefits in terms of job creation during construction, increased expenditure in the local economy, additional Council Tax payments and New Homes Bonus payments.

### **Redevelopment of Redundant Site**

- 6.34 The application site, which was formerly in employment use, has been vacant for over 3 years for a variety of reasons, including very weak market demand (as outlined in the accompanying Marketing Report).
- 6.35 The site has not made any contribution to the local economy in over 4 years. Furthermore, the site is no longer suitable or commercially viable for employment uses. In this context, it represents a wasted asset.
- 6.36 Redevelopment of the site for the mix of uses proposed will create an opportunity for some employment development to be delivered, which, in isolation, would not otherwise be financially viable. As demonstrated in the Marketing Statement, the maximum amount of B-class floorspace which should be promoted on the site is 300 sq.m (although it is clear that this is highly aspirational). This level of floorspace could be expected to generate around 6 direct jobs<sup>5</sup>). In this way, the proposals for new workshops on the site will create new opportunities for employment, increased economic prosperity, provide easy access to jobs for those living in the more rural areas of the District and contribute towards sustaining the rural economy. The proposals thereby comply with SMCS Policies SS1, SS2, SS3 and SS6c.
- 6.37 Other substantial planning benefits, which outweigh the loss of the majority of the site for employment use, include: making a valuable contribution to the Council's 5-year housing land supply; the remediation of a contaminated site; a reduction in visual impact and significant improvements to the appearance of the site within the Special Landscape Area designation and the conversion and retention of the former mill building (which will form part of a separate application). The proposals thereby comply with SMLP Policy E7 and SMCS Policy E2.

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<sup>5</sup> Based on standard employment densities related to B1c light industrial contained within the 2010 HCA/OffPAT Employment Densities Guide 2<sup>nd</sup> Edition

## Sufficient Land

- 6.38 A key requirement of the economic role is to ensure that there is sufficient land available at the right time to support growth. There is currently a shortfall in housing land supply which is likely to affect the ability of the LPA to attract inward investment and maintain a skilled workforce for existing employers in the area. The proposals will provide housing for future employees and thereby help to meet the LPA's aim to offer a full range of dwellings capable of attracting workers. The significant proportion of 1/2 bed dwellings being provided as part of the development also responds to the housing needs of the growing elderly population in the District.

## Economic Benefits during Construction

- 6.39 Construction employment for the proposed development has been estimated based on a construction cost of approximately £6.9 million (based on the typical cost of constructing 60 dwellings and includes an allowance for constructing the 300 sqm workspace units). The total construction cost, divided by the average turnover per construction sector employee in the West Midlands indicates that approximately 52 person-years of temporary construction employment would be created by the development. This equates to around 21 annual temporary construction jobs based on a 2.5 year build-out rate.
- 6.40 National construction firms typically use a combination of their own permanent workforce on projects and local contractors, with a proportion of construction workers drawn locally. Based on experience elsewhere, it is reasonable to assume that a proportion of the construction jobs created by the proposed development will be taken up by the local workforce, particularly if measures are put in place to encourage local recruitment and to raise local skills levels.
- 6.41 In addition, it is also likely that some businesses in the local area, (as well as the West Midlands economy generally), would benefit from the trade linkages that would be established to construct the development. This means that further indirect jobs would be supported locally from suppliers of construction materials and equipment. Local businesses would generally also benefit to some extent from temporary increases in expenditure as a result of the direct and indirect employment effects of the construction phase e.g. when construction workers spend their wages in local shops and other facilities.
- 6.42 The level of construction industry employment to be supported by the development is particularly important because of the impact the recession has upon the sector. Recent ONS data showing GDP change by industry highlights that the largest contraction in economic output was observed in the construction and manufacturing industries<sup>6</sup>. For example, during the recession, private sector housing and commercial construction declined by as much as

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<sup>6</sup> % Change since Q3 2007 to 2009. Source: NLP Analysis, ONS 2009

40%, contrasting with increases in the public sector. The proposed development would make a large contribution towards ameliorating recent job losses in the sector.

- 6.43 Additional employment opportunities would result in terms of indirect and induced jobs. For example, as a result of businesses in the local area benefitting from the trade linkages that would be estimated to construct the development.

### **Economic Benefits after Completion**

- 6.44 Once the dwellings and the employment workshops are occupied, residents and business owners alike will need decorators, plumbers, gardeners, cleaners and such services. Residents moving to the development from outside the local area will also create additional demand for facilities such as shops, restaurants etc with the associated local economic benefits for Checkley, Lower Tean, Upper Tean and Uttoxeter.
- 6.45 On the basis of a 60 dwelling development, it is estimated that the development could generate around £462,000 net additional expenditure in the local area based on the additional annual expenditure arising from new residents.

### **Fiscal Benefits**

- 6.46 The proposed development would generate New Homes Bonus payments. The Bonus is equal to the national average for the council tax band of each additional property and will be paid for the following 6 years. This ensures a continued revenue stream for the Local Authority at a time when most have to make fiscal cuts. In this case, the proposed development would generate a new homes bonus payment of around £84,100 per annum, which equates to approximately £504,600 over the course of the six years to be divided between Staffordshire Moorlands District Council and Staffordshire County Council.
- 6.47 Clearly the housing proposed at the former Fole Dairy site would make a valuable fiscal contribution of approximately £504,600 over a 6 year period at a challenging time for the authority. This represents a considerable income for a Local Authority whose entire budget for 2012/13 is £11.19 million<sup>7</sup>.
- 6.48 Local Authorities are entitled to spend this additional funding as they see appropriate, for example, on the enhancement of front line services, an improvement in local facilities or council tax discounts for local residents. However, they will be required to debate local spending priorities with the community.

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<sup>7</sup> Revenue Accounts Budget 2012-13, DCLG

6.49 Using information provided by Staffordshire Moorlands, the proposed development could also generate an additional £85,000 per annum in Council Tax receipts once the units are complete, based on 2013/14 Council tax figures. In total, Staffordshire Moorlands stands to earn around £1.05 million from the New Homes Bonus and Council Tax receipts over the first 6 years of this development and further Council Tax receipts thereafter. This represents a considerable source of income at a time when Local Authorities are being forced to deal with the realities of substantial budgetary pressures.

### **Sustainable Development: Environmental Role**

6.50 The proposed development will result in the removal of a redundant, vacant site that currently projects a poor outward appearance. Its redevelopment with a high quality, residential led, mixed use development will deliver significant environmental benefits. It has been demonstrated through the application submission that the scheme will enhance the natural, built and historic environment and will help to improve biodiversity on the site, conserve a locally valued (although non-designated) heritage asset and make the best use of a redundant former dairy facility.

6.51 It is of relevance that:

- 1 No designated nature conservation sites will be affected by the proposed development on this site. Rather, the opening up of the culverted brook will be beneficial to the ecology value of the site. Support for this is drawn from the comments of the Countryside Officer on the previous application
- 2 Existing trees and hedgerows will be accommodated as part of the development where possible. The important trees to the south of the site along the river will be retained and will enhance the proposed playground and river walkway. Additional planting and open space will also be provided throughout the site to mitigate any losses.
- 3 The proposed development will open up the Broadgatehall Brook which transects the site and incorporate it as a feature of the development. The opening up of this currently culverted brook will also reduce flood risk within the site and to residential properties on the opposite side of Uttoxeter Road. This has been welcomed by the Environment Agency.

### **Special Landscape Area**

6.52 The site is located in a Special Landscape Area as designated by the SMLP and as such the site is subject to SMLP Policies N8 and N9. Plan-it has conducted a Visual Impact Assessment of the proposed development at this site. The Visual Assessment gauges the likely impact of the proposed development on the character of the area in terms of impact on the landscape character, impact on topography and impact on townscape and assessed the proposed development from six viewpoints surrounding the site. From all areas it was considered that the proposed development will have a beneficial impact in terms of visual appearance ranging from minor beneficial impacts to major

beneficial impacts.

- 6.53 The main body of the site is lacking high quality features typical of the wider landscape character due to the previous use of the site which has resulted in a substantial built environment and large areas of associated hard surfacing. The demolition of the large structures on site and replacement by more appropriately designed dwellings will address the negative impact that the site currently has on the surrounding Special Landscape Area.
- 6.54 The only landscape feature of note on the site are some mature trees of character and quality along the banks of the River Tean and along the site's western boundary. The landscape masterplan for the site, proposes retention of existing mature trees and vegetation along the River's edge and the western boundary. In addition, the masterplan creates the opportunity to introduce high quality landscape features into the heart of the site. It is determined that the overall impact of the proposed development is therefore predicted to be majorly beneficial to the landscape character of the area.
- 6.55 Whilst landscaping is a reserved matter, the proposed landscape framework (as set out in the D&AS) will seek to retain existing trees of value, open up Broadgatehall Brook, create green space and a children's play area along the banks of the River Tean, and provide soft landscaping throughout the site.

### **Responding to Climate Change**

- 6.56 The development is also environmentally sustainable in terms of the design and construction techniques that will be implemented on site. The construction methods used will ensure that the development complies with national sustainability guidelines, and that emissions across the site are minimised. The Co-operative Group proposes that:-
- 1 The proposed dwellings will be designed to comply with standards required by Building Regulations;
  - 2 The inclusion of renewables and low and zero carbon technologies will be considered at the reserved matters stage;
  - 3 Storage provision for waste and recycling will be provided for dwellings;
  - 4 Construction waste will be recycled on site where practicable; and
  - 5 The development will meet the requirements of Level 3 of the Code for Sustainable Homes and will provide high quality, energy efficient dwellings in a modern, yet sustainable development.
- 6.57 The Energy Statement submitted with the planning application demonstrates compliance with the local policy and building regulations on site and concludes that the scheme could incorporate one or more of the following energy saving methods: Mechanical Ventilation and Heat Recovery; Exemplary Fabric; Photovoltaic; and, Ground Source Heat Pumps. Although a detailed assessment cannot be undertaken until the design stage, the development will perform well in terms of energy efficiency.

6.58 The sustainable design of the scheme has been a consideration from the outset with the indicative layout of the scheme being designed to maximise the natural resources on site to enable future occupants of the dwelling to lead sustainable lifestyles and reduce emissions.

6.59 On this basis, the development accords with the relevant provision of the national planning guidance and the emerging Core Strategy [Policy SD1]. It is also concluded that the proposed development performs a positive economic, social and environmental role and comprises sustainable development in accordance with the provisions of the Framework [§7]. As a result, there is a presumption in favour of allowing the application proposals.

### **Development Appraisal / Economic Viability**

6.60 The Harris Lamb Marketing Report demonstrates that costs of delivering the proposed employment development within the site, exceed achievable values and makes a financial loss, even with an assumed land value of zero. It is therefore clear that the commercial floorspace proposed will never be delivered, unless it is as part of a wider development.

6.61 During pre-application consultations with officers, it was suggested that the level of housing development to be delivered in this location should be the minimum necessary to deliver the redevelopment of the site. The Co-operative Group does not accept that there is any policy requirement to demonstrate this. However, in this context, the Co-operative Group instructed Davis Langdon to undertake a costs assessment [Appendix 4] for the delivery of housing development, and local agents, John German to provide advice on development values [Appendix 5]. This information has been used to generate a residual land value, using the HCA EAT model [Appendix 6].

6.62 Informed by this evidence John German has prepared an economic viability report. This demonstrates that:

- 1 The proposed housing development generates a residual land value [RLV] of £799,188 (or approximately £159,837 per acre), based on the development of 60 dwellings, as proposed. Incorporating the costs / values of the commercial element would reduce this RLV, although not significantly.
- 2 The RLV achieved is significantly lower than market value for residential land in the area.
- 3 On balance the development is economically viable, although viability is marginal and the landowner (i.e. the Co-op) would have to accept a lower selling price for the site than would normally be expected in order for development to realistically be delivered.

6.63 In conclusion, the development appraisal demonstrates that the proposed development is deliverable. However economic viability is marginal and it is clear that the quantity of housing, and the housing mix proposed, is absolutely

necessary in order to have any realistic prospect of the scheme coming forward and the significant benefits of the development being delivered.

## Conclusion on Principle

6.64 Having regard to the foregoing, we conclude that:

- 1 The release of the site for mixed use development as proposed is strongly supported by national and local planning policy relating to existing employment sites. In particular, the proposed development causes no conflict with SMLP Policy E7 and emerging SMCS Policy E2.
- 2 The SMLP policies guiding the development of housing and the development limits established to accommodate the development requirements of the SMLP are time expired and can not be given any significant weight for the purposes of development management. In addition, the emerging SMCS policies controlling housing development have been through Examination and the Inspector has issued his Interim Report. However, the Inspector has expressed concerns over a number of the policies and it remain the subject of unresolved objections. As such, only limited weight can be attached to their provisions for the purposes of development management. Furthermore, the Council can not demonstrate a 5 year supply of housing land. Therefore, cognisant of the Framework [§14 and 49], applications involving housing should be considered in the context of the presumption in favour of sustainable development. In this respect, it has been demonstrated that the proposed development will:
  - i Perform a positive **social role** helping the Council to address the urgent local need for additional market and affordable housing; and by delivering a proposal for which there is strong local community support.
  - ii Perform a positive **economic role** putting vacant and wasted land resources back into active and economically beneficial use; providing housing and commercial accommodation to support economic growth; and deliver significant fiscal benefits.
  - iii Perform a positive **environmental role** delivering significant landscape, ecology and heritage benefits, including making a positive contribution to the Special Landscape Area designation. Furthermore the delivery of housing on previously developed land will decrease pressure to release greenfield sites.
- 3 The level of employment development proposed is the maximum that has any prospect of being delivered and the quantity of housing proposed is the minimum required to viably bring forward this mixed use development.

6.65 Having regard to the foregoing, the principle of development and the balance of uses / quantity of development proposed complies with national and local planning policy.

# Design and Form of Development

## Design and Layout

- 6.66 This outline application is accompanied by a Design and Access Statement which explains the design approach. In summary the design principles which have been followed in the indicative layout are:-
- 1 The masterplan proposes development of no more than 2 storeys in height in order to relate to the character and scale of the existing buildings in the surrounding area and deliver landscape benefits.
  - 2 An average net residential density of approximately 30dph will be achieved across the site. This overall density represents an efficient and effective use of the developable land available and provides a mix of character areas and building typologies, which respond to the locality, which includes some areas of increased density around the main frontages and mews streets (e.g. in a similar manner to Millennium Cottages) and areas of lower density around the waterside park (e.g. in a similar manner to the agricultural holdings, such as Mill Farm and Fole Spring Farm).
  - 3 The development has been designed to retain a semi-rural character of the area and to complement the character of its surroundings. A series of spaces (including play space) are proposed as part of the development to create a strong sense of place.
  - 4 The overall concept for the visual appearance of the proposed housing is to design buildings, along Uttoxeter Road, The Lane and Broadgatehall Brook, as a natural extension of the existing settlement. On this basis, it is important to reflect the rich variety of proportions and detailing that occur on the adjacent roads, whilst reflecting the overall unity within the streetscape.
  - 5 A key design principle is to respond to the variety of streetscape characteristics along Uttoxeter Road; thus, a variety of typologies are proposed to enhance the visual richness created along the main street including:
    - a The proposed terraced cottages that pick up the general proportions and rhythms of Millennium cottages.
    - b A series of corner turns and semi detached dwellings are proposed that respond to simple proportions identifying within the design study.
- 6.67 The design rationale and an explanation of the evolution of the scheme design and layout and its appropriateness for its context is set out in detail in the accompanying Design and Access Statement.
- 6.68 The Design and Access Statement, the Heritage Statement and the Landscape Impact Assessment demonstrate that the design and layout of the scheme is well conceived and will preserve and enhance the surrounding landscape

conservation area. Furthermore, it demonstrates that a high standard of housing development will be achieved, improving the character of the area and appropriate in terms of its scale, density, height and layout.

- 6.69 On this basis, the proposed development complies with the general design objectives NPPF [§115], SMLP Policy [B13] and SMCS Policy [DC1].

## Highways and Transport

- 6.70 The application site is well located to existing built development in the settlement of Fole. The main vehicular access to the site will be provided from three locations, one from the A522 Uttoxeter Road and two from the unnamed lane to the east of the site. Good access to the A522 Uttoxeter Road will allow the application site to be well integrated to the wider highway and transport network in terms of pedestrian, cycling and vehicular links with the surrounding area.

- 6.71 The accompanying Transport Statement demonstrates that:-

- 1 The development embraces the design principles set out in the Manual for Streets [MfS] by prioritising pedestrian and cycle movements and, through the use of shared surface arrangements, create a sense of place;
- 2 The proposed development benefits from a bus service that runs adjacent to the site and has bus stops that are well within recommended walking distances;
- 3 The proposed development will upgrade the footway on the southern side of the A522 Uttoxeter Road along the site's frontages. This will improve pedestrian linkages to the bus stop on the southern side of the A522 Uttoxeter Road and also provide a larger waiting area for pedestrians at the bus stop; and,
- 4 The traffic generated by the existing and proposed uses of the site has been estimated which demonstrates that the proposed development will result in a significant reduction in trips and in particular HGV movements, when compared to that which could be generated by existing Dairy use of the site.

- 6.72 The Transport Statement concludes there are no overriding reasons preventing the Highway Authority from recognising that the proposals are acceptable in transport terms.

- 6.73 On this basis, it has been demonstrated that the application proposals will help deliver a safe, secure and integrated pattern of development which will encourage movements by modes of transport other than the private motor car, in compliance with The Framework, SMLP Policy T14 and SMCS Policy T1.

## Heritage

- 6.74 The Framework establishes a presumption in favour of conservation of heritage

assets. In acknowledgement of this, the effect of the proposals on the historic environment has always been seen as a key issue in respect of developing this site and the proposed development has been designed to respect the character of the receiving historic environment.

6.75 The accompanying Heritage Impact Assessment sets out in detail how the application proposals preserve and enhance the heritage of the site. However, the following key points are noted:-

- 1 The proposed development will not impact upon the historic mill building, and will improve its setting in accordance with SMCS [Policy DC2];
- 2 The chapel is an important local heritage asset and the scheme will provide it with an enhanced setting and it has the potential to become a 'gateway' building to the site;
- 3 The proposed development will enhance the setting of the historic mill building, and its appearance will be enhanced by removing later additions and landscaping; and,
- 4 Much of the post-war development is of little or no significance architecturally and dominates the village. With on site interpretation, the communal and historic value of the site can be protected and shared with existing and new inhabitants.

6.76 Further to the above, we consider that the proposed development will deliver significant benefits that weigh in favour of a proposed scheme. In this context, the application proposals will:-

- 1 Sustain and enhance the significance of the surrounding Listed Structures;
- 2 Not result in the loss of a local heritage asset which will be subject to a separate planning application;
- 3 Secure regeneration and economic vitality by putting a vacant site back into active and beneficial use and increasing available expenditure in the local area;
- 4 Deliver a development that is appropriate in terms of its design and make a positive contribution to the character, quality and distinctiveness of the historic environment; and,
- 5 Enhance enjoyment of the heritage assets of the site and local sense of place.

6.77 On this basis, the proposed development respects the significance of heritage assets within the site and complies fully the relevant provisions of the development plan, emerging policy and The Framework.

## **Drainage and Flooding**

6.78 The application submission includes a Flood Risk Assessment [FRA], undertaken by WSP and a Hydraulic Modelling Report, undertaken by Hyder Consulting.

- 6.79 The accompanying FRA sets out suggested mitigation measures for the site, which will need to be implemented and these include the use of SUDS to alleviate any increase in surface flows from the application site.
- 6.80 The Environment Agency Flood Zone Map and Staffordshire Moorlands District Council Strategic Flood Risk Assessment (2008) both located the vast majority of the site within Flood Zone 1. Flood Zones 2 and 3 are located on the southern boundary of the site.
- 6.81 Finished floor levels for the proposed buildings should be set 600mm above the 1 in 100 year plus climate change flood levels taking into account the River Tean, Broadgatehall Brook and blockage scenarios, to mitigate against flood risk.
- 6.82 Attenuation storage will be provided to ensure no surface flooding for up to the 1 in 30 year return period design storm and no flooding of properties for up to the 1 in 100 year plus climate change return period design storm. Flows will be retained on site for up to the 1 in 100 plus climate change return period design storm.
- 6.83 To mimic the existing catchment a SUDS management train will be incorporated. This will use drainage techniques in series to incrementally reduce pollution, flow rates and volumes. The SUDS management train will provide treatment to surface water run-off and attenuation storage.
- 6.84 On this basis, the proposed development does not cause any material conflict with the relevant provisions of The Framework or SMCS Policy SD3.

## **Environmental Assets**

### **Ecology**

- 6.85 An Extended Phase 1 Habitat Survey, involving a desk study consultation exercise and a walkover field survey was conducted by WSP in October 2011. A Bat Emergence and Activity Survey was also conducted by WSP on site. The survey work concluded that there are some habitats on site that have potential ecological value, including buildings and hedgerows.
- 6.86 The site has suitable habitat for bats and breeding birds. The report concludes that the development proposals would only have a temporary and reversible negative impact on habitat suitable for foraging birds. With appropriately timed works, no nesting birds or their nests or eggs will be damaged or destroyed and any disturbance to the habitat suitable for foraging birds will be mitigated following the works.
- 6.87 Good levels of bat activity were recorded in the vicinity of the engineering building, which is to be retained as part of the development. Levels of activity were consistent across the three surveys with the focus of activity occurring behind the Mill/engineering building and along the hedgerow and trees to the north of the road which runs adjacent to the site.

- 6.88 The Bat Emergence and Activity Report concluded that due to the level of activity recorded on site, it is recommended that a bat mitigation license would need to be sought from Natural England to undertake the proposed conversion and renovation of the engineering building as this process could affect potential bat roosting.
- 6.89 The site has suitable habitats for otters and water voles and it is concluded that although there are none present at the site currently, it is recommended that a riparian mammal survey be repeated prior to the finalisation of any detailed design so that any mitigation measures (if required) can be incorporated into the proposals.
- 6.90 The current development proposal will incorporate a large amount of new green infrastructure into the site including: additional tree planting, open space for public use, the reinstatement of the existing water culvert, as well as residential gardens. This increase in green infrastructure is likely to produce an overall net gain for biodiversity across the site.
- 6.91 On this basis, the proposed development will provide suitable protection for protected species in compliance with The Framework and local policies [SMLP Policies N11, N12, N13, N14 and N15 & SMCS NE1].

## **Noise**

- 6.92 Following consultation with the Environmental Health Department of Staffordshire Moorlands District Council [SMDC], a noise assessment was undertaken in accordance with the consultation response from SMDC. The Noise Assessment was also conducted in compliance with relevant guidance of the time, Planning Policy Guidance 24 1994: Planning and Noise, and the documents therein, including BS8233:1999: Sound Insulation and Noise Reduction for Buildings – Code of Practice.
- 6.93 Consultation was undertaken with the Environmental Health Department of SMDC to agree the scope of the required noise assessment, the scope and approach to the baseline noise survey, and the assessment methodology to be adopted. The Environmental Noise Assessment conducted by the WSP Group concludes that parts of the site have been identified as falling within Noise Exposure Categories [NEC] B and C. As a consequence, consideration has been given to appropriate noise mitigation measures.
- 6.94 The proposed site layout addresses the noise impacts and creates localised noise barriers for external spaces thereby ensuring the external noise level criteria adopted from BS8233:1999 can be achieved. In addition, the building fabric and windows will meet the standards outlined in the Noise Report so that the internal noise level criteria will also be satisfied. This can be adequately controlled by the imposition of appropriate conditions.
- 6.95 On this basis, noise is not a determining factor in granting planning permission for the proposed development. Further details are provided within WSP's Noise Assessment Report. The proposed development therefore accords with the

relevant provisions of the emerging development plan [SMCS Policy SD3] and national guidance [PPG 24 §10 & NPPF §173].

### **Air Quality and Odour**

- 6.96 The scope of the Air Quality and Odour Assessment Report was determined following consultation with the Environmental Health Department of SMDC to discuss the availability of Monitoring data, the assessment methods to be applied and to obtain a copy of their latest review and assessment report and any complaints data regarding odour arising from the nearby WWTW.
- 6.97 An assessment of the odour arising from the nearby WWTW has been completed to determine the potential for odour from the WWTW to be detected by future occupants of the redevelopment. An odour ‘sniff test’ was completed on three separate days within November 2011 and during these visits no significant odour levels arising from the WWTW were detected beyond the boundary of the WWTW. No odour was detected at the entrance to the proposed site on any of the site visits. Furthermore, no complaints regarding odour arising from the WWTW have been received by SMDC, despite the closest existing property being 160m from the WWTW boundary.
- 6.98 On this basis, the assessment concluded that air quality and odour need not be considered a determining factor in granting planning permission for the proposed development. Further details are provided within WSP’s Air Quality and Odour Assessment Report. The proposed development therefore accords with the relevant provisions of the emerging development plan [SMCS Policy SD3] and The Framework [§174].
- 6.99 The technical assessments which were conducted on this site and accompany this application demonstrate that there are no technical constraints preventing the development of the site such as drainage, flood risk, ecology, infrastructure and landscape.

7.0

## Conclusion

7.1

The proposed development performs a positive economic, social and environmental role and comprises sustainable development in accordance with the provisions of the Framework. As a result there is a presumption in favour of allowing the application proposals.

7.2

The application proposals broadly accord with, and are supported by, the development plan. Any perceived conflict with policies relating to housing in this location is substantially reduced on account of (i) the fact that housing and settlement based policies in the Local Plan have time expired; and (ii) policies in the Core Strategy have been tested at examination but the Inspector has concerns in relation to a number of policies and it remain subject to unresolved objections.

7.3

Any conflicts are also clearly outweighed by the significant benefits delivered by the development and other material considerations. In particular:-

- 1 There is less than a five-year supply of deliverable housing land, which is acknowledged by the LPA. The application proposals seek to increase the supply of both market and affordable housing and help address this position.
- 2 The proposed development will take place on previously developed land in accordance with local and national policy and will reduce pressure to release greenfield land, which is an inevitable response to current shortfall in supply.
- 3 There is an immediate local need for affordable housing, as evidenced by the Council's recent affordable housing needs survey for Checkley, which the application proposals will contribute towards meeting.
- 4 The application will deliver significant economic investment in the Fole, Checkley, Lower Tean and Upper Tean area, investing around £6.9 million in constructing the scheme and provide c.21 annual temporary construction jobs per annum.
- 5 The proposed development will benefit Staffordshire Moorlands District Council as the Council will receive significant additional funding through the New Homes Bonus Scheme and Council Tax receipts of around £1.03 million over 6 years.
- 6 The design and layout of the proposed development reflects the character of the area and can meet the normal requirements in relation to open space and landscaping. It will not result in any adverse impacts on the highways network or features of nature conservation importance.
- 7 The redevelopment of the site will help to restore the quality and character of the landscape, a designated Special Landscape Area.

- 8 The development will provide employment space for Start-up units as required by the Local Authority and will allow residents the opportunity to work close to home.
- 9 The opening up of the culvert that transects the site will incorporate a natural feature into the development and deliver ecology and environmental improvements as well as reducing flood risk
- 10 A children's playground and a river walkway will be created by the proposed development, which will not only benefit the residents of the development but the wider community also.

7.4 It has further been demonstrated through the submission that the level of employment development proposed is the maximum that has any prospect of being delivered and the quantity of housing proposed is the minimum required to viably bring forward the proposed development. This addresses the previous concerns of the Council on the balance of uses and quantity of development proposed. In addition, it has been demonstrated that whilst the proposed development is deliverable, its economic viability is marginal. Reducing the quantity of housing development proposed would render the proposal undeliverable, and consequentially the site could remain undeveloped for the foreseeable future. This is contrary to national and local planning policy objectives and contrary to the wishes of the local community, who strongly support the proposals

7.5 **For the above reasons, we request that planning permission is granted for the proposed development without delay.**





## Appendix 2 Housing Land Supply Position

### Staffordshire Moorlands 5 YEAR POSITION : NLP Position (20% Buffer)

Housing Requirement (2012-2017)		NLP Position	
Emerging RSS	(2006-2026)		6,000
5 Year requirement	(2012-2017)		1,500
Backlog	(2003-2012)	677	
NPPF 20% Allowance		300	
	Sub Total		
<b>Outstanding 5-Year Requirement</b>			<b>2,477</b>
<b>Residual Annual 5-Year Requirement</b>			<b>495</b>
Housing Supply (2012 - 2017)			
Commitments			
Deliverable Supply @ 31st March 2012		1,195	
	Sub Total	1,195	1,195
<b>Total Supply</b>			<b>1,195</b>
<b>Difference</b> (Under Supply expressed as a minus)			<b>1,282</b>
<b>5-Year Housing Supply Expressed as Years of Residual Annual Requirement</b>			<b>2.41</b>

## Appendix 3 Defining the Housing Mix

# Appendix 4 Davis Langdon Cost Assessment

**TO FOLLOW**

## Appendix 5 John German's Development Values

**TO FOLLOW**

## Appendix 6 HCA EAT Model