

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

Planning Statement

Redevelopment of former dye works for residential purposes comprising the erection of 19no. dwellings comprising 6no. 3 bedroom, 11no. 4 bedroom and 2no. 5 bedroom open market homes (resubmission of planning application reference 13/00500/FUL_MJ).

Site: Former Forge Colour Works,
Congleton Road, Biddulph

Applicant: Renew Land Developments Ltd

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1. INTRODUCTION

- 1.1 This planning statement has been prepared to set out the case in support of a full resubmission planning application by Renew Land Developments Ltd for the redevelopment of a former dye works - the Former Forge Colour Works, Congleton Road, Biddulph – for residential purposes. The proposed development comprises the erection of 19no. dwellings comprising 6no. 3 bedroom, 11no. 4 bedroom and 2no. 5 bedroom open market homes.
- 1.2 This application comprises a resubmission of the refused application, reference 13/00500/FUL_MJ, for the erection of 26no. dwellings which was refused by delegated powers on the 20th September 2013. The previous application was refused on seven grounds that are summarised as follows:
- i. Inappropriate development in the Green Belt and the LPA considered the case for very special circumstances was not sufficient to outweigh the harm by reason of inappropriateness.
 - ii. The LPA consider the site to be in conflict with policies H1, H2, R2 and SS6c and the provision of 8no. affordable houses did not outweigh the conflict with both national and local policy restricting new housing in the countryside and promoting sustainable development.
 - iii. Insufficient information submitted with the application relating to risk assessment in accordance with the risk management framework provided in CLR11.
 - iv. The application does not include any legal mechanism to secure financial contributions.
 - v. The proposal would significantly impact upon nature conservation interest concerning badgers. Insufficient levels of information submitted with the application in order to assess the impact of the proposed development on nature conservation interests.
 - vi. The proposed development is unacceptable as it involves the construction of new buildings within 8m of the top of the bank of the Biddulph Brook.
 - vii. The proposal would lead to an unacceptable loss of existing trees (some of which are protected under TPO), which would be detrimental to the visual amenity and character of the site and its surroundings and would result therefore in the proposed development having a greater adverse visual impact through the loss of screening and in some places a limited opportunity to establish new screening.

- 1.3 This resubmission seeks to address the previous reasons for refusal and the applicant and project team have worked hard to address the concerns and issues raised in the refusal of the original planning application, including associated liaison with the statutory consultees directly.
- 1.4 In response to the technical reasons for refusal the relevant statutory consultees have been contacted, and the preparation of this resubmission has been informed by direct liaison with these statutory consultees in order to ensure that their previous concerns are allayed by this resubmission.
- 1.5 In addition to the above this application is accompanied by a detailed Viability Study which is informed by an assessment of the abnormal costs associated with the development of this site for housing.
- 1.6 It is therefore asserted that reasons for refusal 3, 5, 6 and 7 have been addressed in this resubmission application.
- 1.7 Reason for refusal 2 refers to housing in the countryside to be limited to affordable housing or that essential to meet an identified local need. The aforementioned viability study demonstrates that the scheme would not be viable to provide a high proportion of affordable housing due to the abnormal costs involved with the remediation of this site.
- 1.8 It is proposed as part of this application to enhance viability and maximise the benefits/contributions that the scheme can deliver. It is proposed therefore that this scheme is for 100% open market homes, but that the developer contribution required in respect of education is paid in full and that a financial contribution to off-site affordable housing in lieu of an onsite provision is provided. The viability report establishes the amount of off-site affordable housing contributions that the scheme can make in this regard, whilst pre-application discussions have confirmed that this revised scheme for 19 dwellings is not required to make a financial contribution towards public open space/play provision. A Draft Heads of Terms for a Section 106 Planning Obligation accompanies the planning application.
- 1.9 In accordance with good practice, the submission of this planning application follows detailed pre-application discussions with the LPA and key statutory consultees regarding both the principle and detail of the proposed development. The application has also been informed by pre-application engagement with the local community, including through a public consultation event held in March 2013 (prior to the original planning application being submitted) and further engagement with local residents and Biddulph Town Council between the determination of the original application and this resubmission application.
- 1.10 The application site is situated on the northern edge of Biddulph and is located in the Green Belt, where the erection of new buildings for residential purposes comprises

inappropriate development. The Framework confirms that exceptions to this include *“the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”*.

- 1.11 The Framework also confirms that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. It then goes on to state that *“very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”*.
- 1.12 The site comprises previously developed land that was last used for industrial purposes (a dye works, with a history of substantial built development within the site) and despite the site and adjoining land being washed over by Green Belt there is existing built development (predominantly housing) to the north, west and south east of the site.
- 1.13 It has been demonstrated that that the proposal would have a limited impact on the openness of the Green Belt and the purposes of including land in the Green Belt; and a positive impact on the character and appearance of the area and visual amenities of the Green Belt; would represent a sustainable form of development; and that there are a number of other key considerations weighing in favour of the development.
- 1.14 By way of summary the case for very special circumstances comprises a combination of the following key factors:
- The proposal involves the reuse of previously developed land that has a history of substantial built development and previous planning permissions for redevelopment for residential purposes;
 - The site is heavily contaminated and the proposal would bring about its remediation to the benefit of the local environment, public safety and the local area in general;
 - The site has been neglected for several years and become an eyesore/problem site and the proposal to bring it back into positive and beneficial use has the strong support of the local community;
 - The proposal comprises a sustainable form of development that would deliver a valuable number of homes and a financial contribution towards off-site affordable housing provision at a time when the LPA has a significant and demonstrable shortfall in housing land supply (and therefore the relevant development plan policies on the supply/distribution of housing are out of date) and has a poor record of delivery of affordable homes over recent years;

- The proposed development would contribute towards meeting the objectives of the emerging development plan associated with the future growth of Biddulph, with the added benefits of relieving the pressure to urbanise greenfield land in the Green Belt to address the housing requirements of the emerging development plan and comprising a sequentially preferable option to the development of greenfield land in the Green Belt; and
- The proposal would deliver biodiversity gain, including by way of the creation of a wildlife reserve.

1.15 In light of the above it is asserted that the granting of planning permission for these residential proposals is justified on the basis that, when weighing all considerations in the planning balance, there is a compelling case for very special circumstances

1.16 It is also asserted that the planning application submission demonstrates that the proposal would have an acceptable impact on matters of acknowledged importance, including in relation to highways, infrastructure/drainage and ecology. This planning statement concludes that the proposal complies with the development plan and all other material considerations, including the Framework, and that therefore in accordance with S38(6) of the Act, there is a presumption in favour of the grant of planning permission.

1.17 This planning statement should be read in conjunction with the other application documents, including:

- The application drawings by Barrie Newcombe Associates;
- Design and Access Statement by Barrie Newcombe Associates;
- Urban Design Appraisal by BPUD Ltd;
- Landscape and Visual Appraisal and Landscape Strategy by Paul Gray Landscape Architects;
- Phase I Geo-Environmental Site Assessment by E3P;
- Coal Workings Risks Structural Statement by ARJ Associates;
- Flood Risk Assessment (including Drainage Strategy) by ARJ Associates;
- Foul Drainage Strategy by ARJ Associates;
- Transport Statement by SCP Transport;
- Ecological Scoping, Water Voles, Badgers, Breeding Birds and Bat Survey Report and Supplementary Letter by Solum Environmental;
- Arboricultural Statement by Cheshire Woodlands;
- Viability Appraisal Report by Guest Garsden;
- Draft Heads of Terms for a Section 106 Planning Obligation by Knights; and
- Statement of Community Engagement by Knights.

2. SITE & SURROUNDINGS

- 2.1 The site covers an area of approximately 1.7 ha in area and is located on the east side of the A527/Congleton Road, Biddulph. The site comprises the former Forge Colour Works; the former works buildings have been demolished, but evidence/features of the former buildings (including retaining walls, floor slabs and hardstandings) still remain on site and it is asserted that the majority of the site comprises previously developed land (as considered in more detail in section 6).



Aerial Image of the Application Site

- 2.2 The north east section of the site is covered in mature trees of some significant arboricultural and ecological value and therefore this area is left undisturbed by the proposed development.
- 2.3 The site is located on the northern edge of Biddulph (approximately 1.6km to the town centre) and approximately 3.8km south east of Congleton town centre. The site is washed over by Green Belt; however there is existing built development (predominantly housing) close by to the north, west and south east. To the north are fields (with a public footpath running through) and a small group of houses. To the south east is Fold Lane along which are a number of homes, whilst there are a number of dwellings on the opposite side of Congleton Road running south.
- 2.4 The majority of the site is well screened from outside its boundaries – including from the road to the west and public footpath to the north – by the heavily tree lined boundaries. Biddulph Brook runs alongside (outside) the site boundary at its north-west corner,

beyond which a small disused garage and forecourt that separates the site from Congleton Road.

- 2.5 There are two bus stops immediately in front of the site (on the A527), these offer services to Biddulph, Congleton and Macclesfield (service nos. 99a, 99b). The site is also within walking distance of a range of facilities to the north of Biddulph, including the local middle school Woodhouse Middle School (1.3km), St Lawrence's Church and Church Hall, the Biddulph Arms public house and a fuel filling station with general store. The accessibility of the site is considered in more detail within the Urban Design Appraisal, which highlights that further facilities are within either 20 minute cycle ride or a 10 minute bus ride from the site at Biddulph and Congleton.
- 2.6 The site and surroundings are described and assessed in more detail in the Design and Access Statement and Urban Design Appraisal that accompanied the planning application.

3. THE PROPOSAL

- 3.1 The full details of the proposed development are described in the Design and Access Statement and Urban Design Appraisal, but a summary of the proposal is set out below.
- 3.2 The proposal comprises the redevelopment of the site for 19no. dwellings, the site formerly comprised Forge Works, a colour/dye works. The site is currently vacant following the demolition of the buildings of the former dye works, however a number of the retaining walls, together with floor slabs and hardstandings still remain.
- 3.3 The proposal seeks the erection 19no. open market dwellings comprising a mixture of 3, 4 and 5 bedroom detached and semi-detached houses together with associated vehicular access, amenity and parking.
- 3.4 The proposed layout has evolved through the preparation of the application and has been determined by a number of factors, including the reasons for refusal of the previous scheme for 26no. units and subsequent liaison with key statutory consultees to address the technical issues raised, the use of a single vehicular access and the proximity of adjoining dwellings.
- 3.5 The proposed dwellings would front onto the internal access road and Congleton Road offering natural surveillance, whilst private amenity space would be to the rear. The proposed layout has been designed to respond to the characteristics of the site and have a strong relationship with Congleton Road.

- 3.6 The proposed dwellings are two storeys in height and parking would be provided in the form of private drives and in some cases garages. Parking provision would be made for 38 spaces in total.
- 3.7 Each dwelling would have a private rear garden. It is proposed that the upper north east part of the site is retained as an ecological area to protect existing species and it is also proposed to introduce other species, flora and fauna into the area to increase biodiversity (see ecology report and supplementary letter by Solum for more details). It is proposed to retain the majority of the boundary vegetation, and provide supplementary planting throughout the site.
- 3.8 The proposed dwellings would reflect the character and appearance of the local vernacular. The indicative elevations demonstrate how the use of reconstituted stone walling, "cottage style windows", boarding and render together with pitched roof front canopies help to create a distinct character that is appropriate to this location whilst the form maintains the tighter density feel of the adjacent ribbon style development.
- 3.9 The site is currently accessed directly from Congleton Road, this access would be retained and upgraded to provide 5.5m wide carriageway width, 6m radii and 2m wide footways on both sides of the access road.
- 3.10 The nearest bus stops to the site are located on the A527 Congleton Road, in the immediate vicinity of the existing site access. The bus stop for northbound travel is located to the north of Baileys Bank. As detailed in the Transport Statement the proposal includes improvements to the bus stop adjoining the site.

4. PLANNING HISTORY

- 4.1 The most recent planning history in relation to this site is the refused application 13/00500/FUL_MJ. This application was for the erection of 26no. dwellings and was refused on 20th September 2013 for the following reasons (summaries provided):
- i. Inappropriate development in the Green Belt and the LPA considered the case for very special circumstances was not sufficient to outweigh the harm by reason of inappropriateness.
 - ii. The LPA consider the site to be in conflict with policies H1, H2, R2 and SS6c and the provision of 8no. affordable houses does not outweigh the conflict with both national and local policy restricting new housing in the countryside and promoting sustainable development.
 - iii. Insufficient information submitted with the application relating to risk assessment in accordance with the risk management framework provided in CLR11.

- iv. The application does not include any legal mechanism to secure financial contributions.
- v. The proposal would significantly impact upon nature conservation interest concerning badgers. Insufficient levels of information has been submitted with the application in order to assess the impact of the proposed development on nature conservation interests.
- vi. The proposed development is unacceptable as it involves the construction of new buildings within 8m of the top of the bank of the Biddulph Brook.
- vii. The proposal would lead to an unacceptable loss of existing trees (some of which are protected under TPO), which would be detrimental to the visual amenity and character of the site and its surroundings and would result therefore in the proposed development having a greater adverse visual impact through the loss of screening and in some places a limited opportunity to establish new screening.

4.2 In addition, perusal of the LPA's online planning resource highlights the following planning history for the site:

Application Number	Description	Decision & Date
12/00149/OUT	Erection of industrial units and new vehicular access.	Refused 21/05/2012
94/00242/OLD	Outline application in respect of residential care home, bungalows and crèche	Approved 21/11/1994
92/00938/OLD	Variation of conditions 1 & 2 of SM1181/88 to extend period of outline consent by further 2 years	Approved 16/11/1992
90/00412/OLD	Excavation and removal of redundant sludge lagoon	Approved 05/09/1990
88/01181/OLD	Site for residential development	Refused – Appeal Allowed 07/09/1989
89/00517/OLD	Site for residential development (10 properties)	Refused 07/08/1989
85/14295/OLDDC	Change of use to demolition and machinery dismantling depot with storage of demolition materials	Approved 18/02/1986

5. DEVELOPMENT PLAN & MATERIAL CONSIDERATIONS

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 contains the only guidance in planning law as to how the balance of decision making is to be tackled, which states the following:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

THE DEVELOPMENT PLAN

- 5.2 The operative Development Plan comprises the adopted Core Strategy (adopted March 2014). The other “*material considerations*” to which Section 38(6) refers include national planning policy, emerging local policies and guidance and the site specifics.
- 5.3 The development boundaries and Green Belt boundaries contained within the Staffordshire Moorlands Local Plan are still in force until such time as they are reviewed as part of the Site Allocations work which is ongoing.

Core Strategy Development Plan Document (Adopted March 2014)

- 5.4 Policy SS1a (Presumption in Favour of Sustainable Development) states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 5.5 Policy SS2 (Future Provision of Development) confirms that provision will be made for 6000 additional dwellings (net of demolitions) to be completed in Staffordshire Moorlands (excluding the Peak District National Park) during the period 2006 to 2026. This will be phased at the average development rates to achieve the net additional dwelling completions set out below. Sufficient deliverable land will be identified to provide at least 5 years of development at all times.
- 5.6 Policy SS3 (Distribution of Development) this states that development will be located in accordance with the Spatial Strategy and will be distributed between the towns and rural areas. In identifying land for new development or in considering planning applications, development shall also be compatible with the settlement hierarchy in terms of the development approaches set out in policies SS5 and SS6.

- 5.7 Policy SS5 (Towns) this policy identifies the three towns as Leek, Biddulph and Cheadle. These settlements will accommodate the bulk of the District's housing, employment and retail needs, distributed as follows in the case of Biddulph:

Housing (net completions 2006-2026)	Employment (additional employment land 2006-2026)	Retail (additional convenience and comparison goods floorspace)
1200	4.8 hectares	AAP Proposals

- 5.8 Policy SS5b (Biddulph Area Strategy) this confirms that the Council and its partners will seek to enhance the role of Biddulph as a significant service centre and a market town and support its regeneration. This will be achieved through the following actions (inter alia):

1. Improve the local housing market and range of community facilities by:
 - a. Increasing the range of available and affordable house types, especially for first time buyers, families and older people, including extra care housing;
 - b. Allocating a range of deliverable housing sites both within the urban area and, on land adjacent to the urban area. Sites within the urban area shall be in locations across the town which have good accessibility to services and facilities with priority being given to previously developed (brownfield) sites. Sites on land adjacent to the urban area shall be in locations which relate well to the urban area, can be assimilated into the landscape, and would help secure infrastructure improvements for the benefit of that part of the town. Sites for new housing development will be identified and phased through the Site Allocations DPD within the following broad locations and in the following priority order depending on the need for sites to be brought forward:
 - i. Within the urban area
 - ii. Extension to the urban area to the west of the Bypass (Area 4)
 - iii. Small urban extensions in the Green Belt which will be identified as part of a comprehensive review of the Green Belt boundary around Biddulph through the Site Allocations DPD and the review of the Core Strategy.

- c. Improving the housing stock in Biddulph East through selective redevelopment and broader regeneration measures including the need to improve all unimproved Schindler properties;
- d. Protecting, increasing and improving the provision and accessibility of open space, sport and recreational facilities, including the provision of a Sports Village. Specific areas will be identified through the PPG17 Audit and the Sports and Physical Activity Strategy;
- e. Increasing the provision of educational, health and community facilities to include the provision of a Primary Care Centre. Specific facilities and needs will be identified through the Plans and Strategies of relevant service providers.

5.9 Policy SS6 (Rural Areas) states that the rural areas comprise of the following development categories:

- Larger villages
- Smaller villages
- Other rural areas

In total these will provide for around 1,680 new dwellings in and 7.2 hectares of employment land between 2006 and 2026 in accordance with the Area Strategies set out in policies SS6a – SS6c.

5.10 Policy SS6c (Other Rural Areas Strategy) confirms that the other rural areas comprise the countryside and the Green Belt outside of the development and infill boundaries of the towns and villages, as defined in the Site Allocations DPD, including those small settlements and dispersed developments not identified in Policies SS5, SS6a and SS6b. These areas will provide only for development which meets an essential local need, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside. The Council and its partners will achieve this through the following actions (inter alia):

- 1) Meet essential local needs by:
 - a. Restricting new housing development in the countryside to that which is essential to local needs, including affordable housing (in accordance with policies H2, H3 and R2);
 - b. Allowing the conversion, extension or replacement of an existing rural building in accordance with policies R1 and R2;
 - c. Allowing suitable development which would secure the future conservation of a heritage asset in accordance with policy DC2;

- d. Allowing rural exceptions housing (in accordance with policies H2 and R2);
 - e. Allowing community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy. In such cases the development should be in a sustainable location close to an existing serviced settlement;
 - 2) Maintain the Green Belt within Staffordshire Moorlands but its detailed boundaries will be reviewed to ensure that its purpose in separating the urban areas and maintaining their identity is consistent with the need to promote sustainable patterns of development around settlements in or on the edges of the Green Belt. This review will be undertaken through the Site Allocations DPD to allow for any small scale site allocations required to meet local needs in exceptional circumstances. Strict control will continue to be exercised over inappropriate development within the Green Belt as defined by Government policy.
- 5.11 Policy H1 (New Housing Development) this policy states that new housing development should provide for a mix of housing sizes, types and tenure including a proportion of affordable housing as set out in policy H2, and where appropriate housing for special groups, to meet the needs and aspirations of the current and future population having regard to the Area Strategies in SS5 and SS6.
- 5.12 All development will be assessed according to the extent to which it provides for high quality, sustainable housing and to which it meets identified local housing market needs and the strategy for the area having regard to the location of the development, the characteristics of the site and the economics of provision.
- 5.13 Policy H2 (Affordable and Local Needs Housing) confirms that the provision of affordable housing will be delivered through the following measures:
- In the towns, residential developments of 15 dwellings (0.5 hectares) or more shall provide a target of 33% affordable housing on-site from all sources. The actual level of provision will be determined through negotiation taking into account development viability and other contributions;
 - Elsewhere, residential developments of 5 dwellings (0.16 hectares) or more shall provide a target of 33% affordable housing on-site from all sources, unless there are exceptional circumstances which dictate otherwise. Exceptionally this may be provided through a commuted sum payment in lieu. The actual level of provision will be determined through negotiation taking into account development viability and other contributions.

5.14 Policy R2 (Rural Housing) this states that other than sites allocated for housing development in the Site Allocations DPD, only the following forms of housing development will be permitted in the rural areas outside the settlement and infill boundaries of the town and the villages:

- Affordable housing which cannot be met elsewhere, in accordance with Policy H2.
- A new dwelling that meets an essential local need, such as accommodation for an agricultural, forestry or other rural enterprise worker, where the need for such accommodation has been satisfactorily demonstrated and that need cannot be met elsewhere.
- Proposals for replacement dwellings, provided they do not have a significantly greater detrimental impact on the existing character of the rural area than the original dwelling or result in the loss of a building which is intrinsic to the character of the area.
- Extensions to existing dwellings provided they are appropriate in scale and design and do not have a detrimental impact on the existing dwelling and the character of the rural area.
- The conversion of non-residential rural buildings for residential use where:
 - The building is suitable and worthy in physical, architectural and character terms for conversion; and
 - It can be demonstrated that agricultural or commercial use is not viable or suitable. In such cases there will be a requirement for a marketing exercise to be carried out by a suitably qualified professional or other evidence that the building would be unsuitable for a commercial use; or
 - Conversion to residential use would enable a building of particular merit to be safeguarded.

5.15 Policy SD3 (Carbon Saving Measures in Development) this states that the Council will promote further carbon-saving measures in both new and existing developments (where this is consistent with other Core Strategy Policies), in the following ways:

1. Supporting developers who propose exceeding the thermal efficiency standards required by law for new buildings or extensions, at the time of the application. In the case of larger developments such as housing estates the Council will support measures such as 'communal' micro-renewables, or District Heating installations.
2. The Council will support measures by landowners/developers designed to contribute to existing or emerging District Heating networks (for example by connecting 'exporters', with receptors, of heat).

3. The Council will support measures designed to improve the sustainability of existing buildings (such as improved thermal insulation, water conservation, or the installation of micro-renewables).

5.16 Policy C1 (Creating Sustainable Communities) this policy states that in order to create sustainable communities at a local level the Council will:

1. Support proposals which protect, retain or enhance existing community facilities (including multi use and shared schemes) or provide new facilities. New facilities should preferably be located within defined built up areas where they are most accessible. In exceptional cases facilities may be located adjacent to these areas where it can be demonstrated that this is the only practical option and where a site is well related to the existing settlement.
2. Safeguard land required for the provision of facilities to meet existing and future community needs, as identified by service providers.
3. Resist proposals involving the loss of community facilities unless:
 - a. an alternative facility of the same type is available or can be provided in an accessible location in the same locality; or
 - b. a viability appraisal including a marketing exercise by a qualified professional demonstrates that there are no options for continued use as a community facility which are financially viable and it can be demonstrated that loss of the facility would not disadvantage local residents.
4. Only permit new development where the utility, transport and community infrastructure necessary to serve it is either available, or will be made available by the time it is needed. All development proposals must therefore either incorporate the infrastructure required as a result of the scheme, or make provision for financial contributions and/or land to secure such infrastructure or service provision at the time it is needed, by means of conditions or a planning obligation in line with the Council's Developer Contributions SPD, or any subsequently adopted Community Infrastructure Levy.
5. Support the relocation of uses which are no longer compatible with their surroundings due to negative amenity issues such as noise or accessibility where an alternative suitable site can be secured, subject to the requirements set out in Policy E2 in order to facilitate regeneration.
6. Require development proposals to incorporate high quality locally distinctive design features and layouts that will reduce crime and the fear of crime and support inclusive communities, particularly in terms of accessibility and functionality in line with the Council's Design SPD.

7. Require major new development to be accessible by a choice of means of transport, in accordance with policy T1.

5.17 Policy NE1 (Biodiversity and Geological Resources) states that the biodiversity and geological resources of the District and neighbouring areas will be conserved and enhanced by positive management and strict control of development. Inter alia the LPA will:

- Support opportunities to improve site management and increase public access to wildlife sites including supporting the objectives of the Staffordshire County Council Rights of Way Improvement Plan.
- Ensuring development where appropriate produces a net gain in biodiversity, and ensuring that any unavoidable impacts are appropriately mitigated for.
- Ensuring development promotes the appropriate maintenance, enhancement, restoration and/or re-creation of biodiversity through its proposed nature, scale, location and design.

5.18 Policy DC1 (Design Considerations) this states that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design SPD.

5.19 Policy DC3 (Landscape and Settlement Setting) confirms that the Council will protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands by:

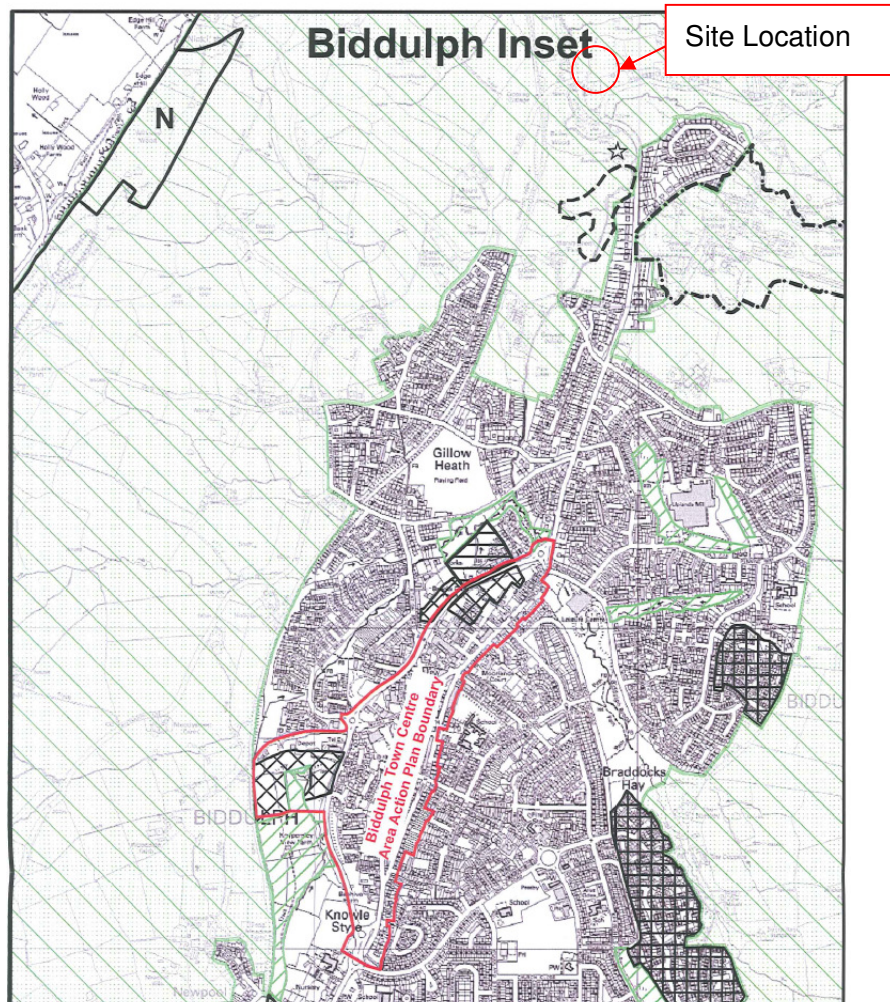
- Resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement and important views into and out of the settlement as identified in the Landscape and Settlement Character Assessment;
- Supporting development which respects and enhances local landscape character and which reinforces and enhances the setting of the settlement as identified in the Landscape and Settlement Character Assessment;
- Supporting opportunities to positively manage the landscape and use sustainable building techniques and materials which are sympathetic to the landscape;
- Identifying through the Site Allocations DPD and protecting from inappropriate development, areas of visual open space where the intention will be to retain the land's open and undeveloped appearance. Where appropriate the Council will seek public access agreements with the land owners and seek proposals for the enhancement or improvement of these areas as part of the green infrastructure network in accordance with policy C3. In exceptional cases, limited development

of areas of visual open space may be acceptable where this will bring about overriding improvements to the open space itself;

- Recognising and conserving the special quality of the landscape in the Peak District National Park, and ensuring that development does not adversely affect the wider setting of the National Park.

Staffordshire Moorlands Local Plan (Adopted September 1998)

- 5.20 According to the Staffordshire Moorlands Local Plan Proposals Map (which is saved until such time as work on the Site Allocations Development Plan document is complete) the site lies within the Green Belt to the north of Biddulph. The site is not specifically designated for any particular use (see proposals map extract below).



Local Plan Proposals Map Extract

OTHER MATERIAL CONSIDERATIONS

National Planning Policy Framework

- 5.21 Paragraph 14 confirms that a presumption in favour of sustainable development is at the heart of the Framework, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:
- Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted (including land designated as Green Belt).
- 5.22 Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay.
- 5.23 The NPPF aims to boost the supply of housing, with paragraph 47 stating that to do this LPAs should:
- Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
 - Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, LPAs should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
 - Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;

- For market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
 - Set out their own approach to housing density to reflect local circumstances.
- 5.24 Paragraph 49 confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites.
- 5.25 The Framework seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50). In order to achieve this LPAs should:
- Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
 - Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
 - Where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.
- 5.26 Paragraph 56 confirms that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 5.27 Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

- 5.28 Planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 5.29 Paragraph 88 states that when considering any planning application, LPAs should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 5.30 Paragraph 89 goes on to confirm that a LPA should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 5.31 Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 5.32 Paragraph 121 confirms that planning policies and decisions should ensure that: the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation; after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and adequate site investigation information, prepared by a competent person, is presented.

National Planning Practice Guidance (The Guidance)

- 5.33 On 6th March 2014 the Government published National Planning Policy Guidance (the Guidance). This replaces a number of older guidance notes and complements the Framework.
- 5.34 The Guidance provides supplementary guidance on a number of topic areas including housing land and economic development needs assessments, design and flood risk (amongst other things). The Guidance has been taken into account by the applicant's project team in preparing this application.

Design Principles: New Dwellings and extensions to Dwellings Supplementary Planning Guidance (SPG) (published date unknown)

- 5.35 The Council's adopted SPG builds on guidance set out in Policy B13 and at Appendix 3 of the Local Plan. The SPG confirms that all proposed dwellings will be assessed in the context of their surroundings so that the development is both appropriate and respects the scale, proportions and character of the area.

Space About Dwellings SPD

- 5.36 This SPD reiterates guidance set out in Policy B13 and Appendix 3 of the Local Plan. It provides details of distances required between front elevations of dwellings containing principles windows; rear elevations; required sizes for rear gardens.
- 5.37 The guidance states that for dwellings of three or more bedrooms the mean length required is at least 11m and area required is at least 65sqm excluding the area of the garage space or occupied by another building. For dwellings with one or two bedrooms, the mean length required is at least 14m and area required is at least 85sqm (excluding the area of the garage space or occupied by any other outbuilding).
- 5.38 The guidance also provides details relating to daylight, stating that: New buildings that are to be sited close to (or at right angles to) the principal windows of existing properties must be designed so that there is no obstruction to daylight beyond: a. the horizontal angle of 45° measured on plan view from the mid-point of the nearest principal window of an adjacent property; and b. the vertical angle of 45° measured on elevation from the mid-point of the nearest principal window of an adjacent property.

6. ASSESSMENT

6.1 The focus of this resubmitted planning application and this planning statement is on addressing the reasons for refusal of the original planning application, both in terms of the principle of development in the Green Belt and its impact on the Green Belt and other technical constraints.

6.2 The starting point and foundation behind this application is the fact that the LPA are currently unable to demonstrate a five year supply of deliverable housing land, with latest figures published by the LPA confirming a 2.17 year supply as at March 2014. The National Planning Policy Framework carries with it a presumption in favour of sustainable development and confirms that in cases where an LPA cannot demonstrate a five year supply of housing land then the development plan policies in respect of housing are considered to be out of date. Thus triggering paragraph 14 of the Framework which states the following:

A presumption in favour of sustainable development is at the heart of the Framework, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *Specific policies in this Framework indicate development should be restricted.*

6.3 There is a footnote attached to the second point above which refers to the relevant policies, these include the Green Belt. However, there are certain exceptions for development in the Green Belt which are considered below along with a comprehensive case for very special circumstances.

6.4 It is well established that the erection of new buildings for residential purposes in the Green Belt comprises inappropriate development. The Framework confirms that exceptions to this include *“the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”*.

- 6.5 The Framework also confirms that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. It then goes on to state that *“very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”*.
- 6.6 Taking account of the above and other relevant planning policies set out in section 5, the characteristics of the site, the nature of the proposed development and the reasons for refusal of the previous scheme, it is considered that the main issues/considerations in determining this planning application are:
1. The impact of the proposed development on the Green Belt (including its character and appearance and visual amenities) and the purposes of including land within it;
 2. Whether or not the proposal would represent a sustainable form of development;
 3. Whether there are other considerations weighing in favour of the development;
 4. Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify the development; and
 5. Whether the development would have an acceptable impact on matters of acknowledged importance, including trees, highways, drainage/flood risk, ecology and contamination.
1. **The impact of the proposed development on the Green Belt (including its character and appearance and visual amenities) and the purposes of including land within it**
- 6.7 Paragraph 79 of the Framework confirms that the Government attaches great importance to Green Belts and that: the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence.
- 6.8 The application site is located on the northern edge of Biddulph and has a long history of built development. Evidence of this includes OS Maps dating back to 1882 through to 1971, which are contained at Appendix 3 within the Phase I Geo-environmental Assessment prepared by E3P and submitted as part of this resubmission application.

- 6.9 The aerial photograph below also illustrates the substantial amount of built development on the site in the latter years of the former dye works , which covered the vast majority of the part of the site where the homes the subject of this application are proposed to be sited.



Historic Aerial Photograph of the Application Site (date unknown)

- 6.10 The site is adjoined by existing built development – predominantly housing – close by to the north, west and south east.
- 6.11 With the points above in mind, this is clearly not therefore a case whereby new build residential development is proposed on a site that comprises and is surrounded by predominantly open countryside.
- 6.12 However, given that the buildings associated with the former works have been demolished (albeit that evidence of those buildings and associated hardstandings remains on site) and the site is currently unused, it is acknowledged that the erection of 19 dwellings on the site would have a greater impact on the openness of the Green Belt than the site as extant. It is however considered relevant to bear in mind the previously developed status of the site (considered in more detail later in this statement), its history of built development, position on the edge of Biddulph and siting and amount of existing built development close by when considering the amount of harm to the openness that would result from the proposal and weighing this in the overall planning balance in determining this planning application. With reference to paragraph 79 of the Framework, the site and its surroundings does not have a history of being ‘permanently open’.

- 6.13 Although parts of the site itself are predominantly open in character following the demolition of the previous buildings, it is asserted that the harm that the proposed development would cause to the openness of the Green Belt would be minimised by the extensive screening to the development that would result from the topography of the site and surroundings and extensive planting along the site's boundaries and within the heavily planted north east section of the site (which is not proposed to be developed, but rather retained as an ecological area). Indeed, the LPA's SHLAA Site Assessment Form acknowledges that the site is well screened.
- 6.14 The nature and detail of the proposed design has also been carefully tailored (for example by proposing a low density that is in keeping with the existing housing nearby and restricting homes to two storeys) to minimise the impact of the proposed development on the openness of the Green Belt, as demonstrated in the Design and Access Statement and Urban Design Appraisal.
- 6.15 Furthermore, a second foundation to this resubmission application and key case that should be borne in mind in the determination of this resubmission is High Court decision case number: CO/1361/2014, Redhill Aerodrome Limited vs SOS communities and local government, Tandridge District Council and Reigate and Banstead Borough Council (copy at Appendix 1). This case clarifies exactly what should be taken in to account when considering the harm that a development would cause to the Green Belt. It is stated at paragraph 51 that:
- "The effect upon the landscape character and the visual impact of a development proposal are clearly material considerations but are different from a consideration of harm to a Green Belt. If a development proposal contributed to the enhancement of the landscape, visual amenity and biodiversity within the Green Belt those could well be factors in its favour as part of the very special circumstances balancing exercise. "*
- 6.16 This judgement makes it clear that harm to the landscape character, impact on visual amenity, and noise and disturbance are to be considered separately from Green Belt considerations. The Framework does not allow for the cumulative gathering of non-Green Belt considerations as a reason to warrant refusal on the basis of impact on the Green Belt.
- 6.17 Assessment of the impact of the proposal on the Green Belt should focus on the five purposes of including land in Green Belts that are listed in the Framework, as follows:
- To check the unrestricted sprawl of large built up areas;
 - To prevent neighbouring towns from merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and

- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 6.18 First of all, it is considered important to emphasise that the site has been developed since the 19th Century and is now an area of derelict/redundant former industrial land that overall and in general terms makes no positive contribution to Green Belt objectives and has little function in the Green Belt.
- 6.19 Mindful of the scale, design and siting of the proposal within the site it is not considered that the proposal would compromise either of the first two purposes listed above. The development of the site for the purposes proposed would not lead to unrestricted sprawl, equally it would not result in neighbouring towns merging.
- 6.20 Furthermore, it is considered that the site's previously developed status (considered in more detail later in this assessment section) and long history of accommodating substantial built development is an important consideration in these respects; the proposal would not involve the loss of undeveloped greenfield land in the Green Belt or urbanising of the vicinity, but rather comprises the bringing of long established brownfield land back into beneficial use. Built development on this site has been a feature of the settlement of Biddulph for many years (again as evidenced in the Ordnance Survey maps at Appendix 3 of the Submitted Phase 1 Geo-environmental Assessment) and the proposal seeks to maintain that position, not add to the extent of the built up area of the settlement.
- 6.21 These points are also relevant to the final three purposes of including land in Green Belts. As the site comprises previously developed land that does not appear as countryside it is considered that the proposed development would not compromise the third purpose listed above i.e. it would not prevent the safeguarding of the countryside from encroachment, but rather the proposed development is only proposed on the previously developed part of the site and would not therefore involve any encroachment into the countryside.
- 6.22 Furthermore, as the siting and design of the buildings have been carefully thought out to sit well with the topography of the site and comprise good design in general, it is considered that the development would assist in the preservation of the setting and character of the adjacent town of Biddulph. The buildings would not appear dominant in the landscape – but rather would be effectively screened by existing vegetation as set out in other supporting documentation including the Landscape and Visual Appraisal - and a high quality landscaping scheme would be implemented to further reduce any visual impact of the development. The development would act as a gateway to Biddulph, strengthening its character and identity. It is also considered that the strong support for the proposed development from the local community – including immediate local

residents whose homes face the site (from the opposite side of Congleton Road) and are close by to the south east – reflects the acceptability of the proposal in this respect.

- 6.23 Finally, it is considered that the proposal accords with the fifth purpose of including land in Green Belts, as it comprises the redevelopment of derelict previously developed land and would in turn bring it back into beneficial use. Furthermore, the relevant wider planning context (as considered elsewhere in this statement) – including that some Green Belt land release around Biddulph will be necessary to accommodate the future needs of the Borough – provides further reasoning to support the redevelopment of this previously developed land in this context, not least as it would reduce the pressure to release greenfield land elsewhere in the Green Belt to deliver the new homes required locally over the coming years.
- 6.24 It is considered that the proposal would have a positive environmental impact as compared to the redevelopment of greenfield land in the Green Belt elsewhere for housing development, even more so mindful that the site is heavily contaminated and the proposal would bring about its remediation. In addition, the design of the proposed development would seek to minimise its impact on the appearance of the Green Belt. Mindful of these points it is considered that the proposed development would plainly not compromise the fifth purpose of including land within the Green Belt.
- 6.25 Further to the above, it is considered that the proposal to bring the site back into beneficial use through the development of homes in the manner proposed would have a positive impact on the character and appearance of the area and visual amenities of the Green Belt.
- 6.26 The Landscape and Visual Appraisal that accompanies the planning application assesses the proposed development from a number of viewpoints and considers its impact on the landscape. The study has found that the site is currently well screened from external views due to mature vegetation that surrounds all sides of the site. The study concludes that the proposed development would have little or no adverse impacts and it could be argued that the mitigation measures, such as the planting of trees and reinforcing the hedgerows, will actually be beneficial when viewed from the north of Congleton Road.
- 6.27 The LVA demonstrates that the proposed development would be barely visible within the landscape and with the suggested landscape treatment, combined with the sympathetic materials of the development; it would provide a positive benefit to the Green Belt and offer improvements to the landscape.
- 6.28 It is also considered relevant to bear in mind that substantial built development on the site was for many years a key feature of the character and appearance of the local area. In more recent years however and following the demolition of the former dye works

buildings, the site has remained in an untidy state that has become an eyesore, a potential danger (including to the environment and children in the area) and is viewed as a problem site by the local community (as clearly established in the applicant's engagement with the local community at pre-application stage, including at the public consultation event).

- 6.29 It is asserted that the site currently makes a poor contribution to the character and appearance of the area. Although much of the site is effectively screened from view, the site's prominent position alongside the A527 and close by to a number of residential properties means this is an important factor. It is considered that the proposal would bring the site back into beneficial use in a manner that would have an acceptable – and indeed positive – impact on the character and appearance of the area and visual amenities of the Green Belt, particularly when taking into account the negative contribution that the site currently makes in this respect.
- 6.30 The submitted Urban Design Appraisal provides a detailed assessment of the existing local vernacular and the character of the surrounding area and has informed the proposed development. The Urban Design Appraisal (UDA) appraises the proposed development in the context of the local area. The UDA confirms that development of this site offers the opportunity to clean up and provide a newly defined gateway to the settlement of Biddulph, which would in turn strengthen the character and identity at the northern edge of the settlement.
- 6.31 It is asserted that the proposed redevelopment of this site would enhance the appearance of the area and the Green Belt, by way of tidying up the site, creating areas of greenspace and ecological enhancement to the north of the site and bringing this unused previously developed site back into beneficial use.

2. Whether or not the proposal would represent a sustainable form of development

- 6.32 It is asserted that the proposal represents a sustainable form of development in terms of its accessibility to local services and facilities (including in terms of both proximity and accessibility by alternative means of transport to the private car), as summarised in section 2 of this statement and examined in more detail in the Urban Design Appraisal, Design and Access Statement and Transport Statement.
- 6.33 The Transport Statement confirms that walking is acknowledged as offering a realistic and healthy alternative to the use of the private car for short trips up to 2kms in length from the site (the 2km threshold originally derived from PPG13, this clearly no longer forms part of national policy; however it continues to be a widely recognised threshold and indicator). The following local services and facilities are within 2km of the site

Woodhouse Middle School, St Lawrence Pre-School playgroup, Biddulph Leisure Centre, Recreational grounds and convenience stores (as shown diagrammatically within the Transport Statement).

- 6.34 Furthermore, cycling is acknowledged as providing a realistic alternative to the use of the private car for journeys up to 5km, including travel to work (the 5km threshold again originally derived from PPG13, this clearly no longer forms part of national policy; however it continues to be a widely recognised threshold and indicator), all of the services available within Biddulph are within an acceptable cycling distance, in addition to a high proportion of Congleton including the railway station. The site is also connected to the National Cycle Network, with Route 55 running 200m to the west of the site which runs/connects to Stoke on Trent to the south and Congleton and beyond (including Macclesfield) to the north.
- 6.35 In addition, there are bus stops located directly outside the site along Congleton Road, which provide access to three buses per hour with services to Biddulph, Congleton, Macclesfield and Tytherington Business Park. It can be seen from Figure 4.3 of the submitted Transport Statement that Congleton and Congleton Railway Station lies within a 30 minute public transport journey from the site, Macclesfield a 40 minute journey and Leek and northern parts of Stoke on Trent within a 50 to 60 minute journey. As detailed in the Transport Statement the proposal includes improvements to the bus stop adjoining the site.
- 6.36 It is concluded therefore that the site benefits from good access to a wide range of services and facilities, including by alternative means of transport to the car, and that the site is very sustainably located as a result.
- 6.37 Furthermore, in the context of recent appeals elsewhere, where sustainability and access to services has been a reason for refusal by the LPA and/or key issue for consideration in determining the appeal (not least mindful of the presumption in favour of sustainable development), Inspectors have concluded that a number of sites are sustainable, despite them being further removed and remote from services than the application site at Forge Works.
- 6.38 In appeal 2192192 (copy of decision letter at Appendix 2), the Inspector noted that apart from a bus stop and post box there were no other facilities in the village (Brereton Heath) and that there would be undoubted reliance on the private car for many journeys. The Inspector also took account of an assessment of the proposed development in terms of the three dimensions of sustainability and concluded that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework as a whole (including

the provision of market and affordable homes that would address housing need and the reduction of the land supply deficit).

6.39 A further relevant appeal case is reference 2211721 (copy of decision letter at Appendix 3), where the Inspector concluded that although the site does not meet all of the distance criteria for accessibility of amenities and services, they acknowledged that is the case for many edge-of-town sites and the facilities concerned are available on foot or by bus. It is considered that the same conclusion should be drawn herein, although the site does not meet all of the distance criteria for accessibility, ultimately services and facilities are available either by bus, cycle or foot.

6.40 The Framework sets out the three dimensions of sustainable development as the economic, social and environmental roles. It is stated that the proposed development would satisfy all three of these roles as follows:

- **Economic role:** It is widely recognised that spending on construction and infrastructure significantly benefits the UK economy. A report by the Confederation of British Industry (CBI) and research company L.E.K highlighted that construction is the best sector for stimulating the economy and that for every £1 spent on construction an additional £1.84 is stimulated elsewhere within the economy (Construction in the UK Economy: The Benefits of Investment, 2009). The proposal to deliver up to 19 dwellings would have positive economic effects on the local economy, not only through direct job creation but also through the supply of goods and services to the construction activity on site. The creation of 19 dwellings would also deliver additional potential spending power within the local retail sector, related to expenditure on food, drink, householder goods, and services. The additional spending within the local economy would also support existing local full time employment positions within the local retail sector. Section 143 of Part 6 of the Localism Act states that local finance considerations, such as contributions from the Crown/CIL as a result of the proposed development are material considerations when considering development proposals. Furthermore the delivery of dwellings would result in New Homes Bonus contributions to the area, along with further contributions through a section 106 agreement. Such contributions could be used locally to fund the provision of additional services, infrastructure, highway and other village improvements which would benefit the wider community. In conclusion, the proposals are likely to bring some economic benefits to the area, which are a material consideration in favour of the scheme.
- **A social role** – the proposal would provide additional local spending power, and it is likely that the dwelling sizes proposed would attract families to the area. This would provide local support to existing local services including the local primary school, shop and public house. As such, this would add to the sustainability of

the existing community by supporting existing local services. In addition the proposal would result in the amelioration of the visual appearance of this site, which is considered by locals to be an eyesore in addition to remediating the site of historic contamination which is considered to be beneficial to the local community as set out in the submitted Geo-environmental assessment and the Summary of Contamination Issues/ Findings by ARJ Associates at Appendix 4 of this statement. In conclusion, the proposals are likely to bring some social benefits to the area, which are a material consideration in favour of the scheme.

- **An environmental role** – great care has been taken to ensure that the proposed development of up to 19 dwellings on the site can take place in a manner that would respect environmental considerations and without causing material harm to the environment, and to identify and address opportunities to utilize and improve the environment. The proposal would deliver environmental benefits through the remediation of this heavily contaminated land and associated reduction in risk to the environment (as confirmed in the Summary of Contamination Issues/ Findings by ARJ Associates at Appendix 4). It also includes the provision of an ecological area to the north east of the site and other forms of ecological mitigation, which as set out in the submitted Ecological Scoping Report and supplementary letter by Solum would lead to biodiversity gain and enhancement to the benefit of the local environment. In conclusion, the proposals are likely to bring some environmental benefits to the area, which are a material consideration in favour of the scheme.

- 6.41 Given the factors above, the accessibility of the site and that, as set out previously, the proposal comprises the redevelopment of previously developed land that would involve its remediation to the benefit of the local environment/community and public safety and reduce the pressure to release greenfield land elsewhere (including in the Green Belt) for housing development, it is considered that the proposal comprises a sustainable form of development.

3. Whether there are other considerations weighing in favour of the development

Reuse of Previously Developed Land

- 6.42 As referred to above, it is strongly asserted that the application site comprises previously developed land within the Green Belt. Although the former colour works buildings have been demolished a number of retaining walls and extensive areas of hardstanding are present across the majority of the site.

- 6.43 The site has a history of extensive built development as is evident in the historic aerial image below:



Historic Aerial Photograph of the Application Site (date unknown)

- 6.44 As previously mentioned, the buildings that were once on the site have been demolished, however several remnants of the buildings including hardstandings and retaining walls remain.
- 6.45 The main part of the site (where development is proposed) is not reclaimed by nature, there are areas along the site boundaries, such as that along Biddulph Brook that comprise areas of trees, however the foundations and hardstandings of the historic buildings are very extensive and prominent.
- 6.46 The key element of the current definition of previously developed land (contained in the Framework) that applies to the application site is that land is previously developed land if it is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.
- 6.47 The only exclusion to previously developed land is when the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

- 6.48 It is asserted that the area of the application site that is to be developed comprises land *“which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure.”*
- 6.49 The site has clearly not been laid out to grass, it does not begin to have the appearance of countryside, and the site plainly still appears to be a partially cleared, contaminated industrial site with foundations and hardstanding remaining. The site is a man-made landform, containing various levels, retaining walls and appears an eyesore in the landscape. As such, it is concluded that the site comprises previously developed land.
- 6.50 The present condition of the site is best assessed by physical inspection. It is understood from pre-application discussions with the LPA prior to the submission of the original application (and on the basis of their assessment of the site within the SHLAA) that they do not consider the site to be previously developed land. However it appears that this conclusion was reached without a visit within/inspection of the site itself, which reveals the true extent of evidence of the site’s history of use/built development. In light of the LPA’s view on this matter at pre-application stage (prior to the submission of the original application), the applicant obtained legal advice/opinion on this matter, which has provided to the LPA and concludes that the main body of the site (where the development is proposed) comprises previously developed land.
- 6.51 The proposal therefore involves the reuse of previously developed land that has a long history of substantial built development and is inherently sustainable, encouraged in planning policy (including the Framework) and sequentially preferable to the development of greenfield land elsewhere including within the Green Belt in order to meet the housing land supply/delivery shortfall and future requirements.
- 6.52 Furthermore, the site has a history of planning permissions for development subsequent to its former use as a dye works, as set out in the table in section 4. These include planning permissions for residential development, including an outline planning permission allowed on appeal in 1989.
- 6.53 The appeal in question was determined on the basis that there were very special circumstances to overcome the presumption against inappropriate development in the Green Belt. The appellant argued that the site was a problem site: that there was local support for housing; that the site had been wholly developed since the last century and was largely redundant industrial land that makes no positive contribution to Green Belt objectives.
- 6.54 The Inspector concluded that the site was of an untidy commercial nature; that it was unlikely to revert to a green site and that the then present use was affecting neighbouring amenity. On that basis the Inspector determined that residential development was acceptable.

- 6.55 With reference to the Inspector's key conclusions summarised above, it is asserted that the same applies today i.e. that the site has not and is unlikely to revert to a green site and that the site's current condition and appearance has an adverse impact on residential amenity and the local environment.

Remediation of Contaminated Land

- 6.56 In addition to the hardstandings, foundations and retaining walls that remain from the previous use of the site as a colour/dye works, significant areas of contaminated land remain (as the LPA is already aware). There are significant areas of land that are visibly contaminated as plainly evident on site.
- 6.57 This re-submission application is accompanied by a Phase 1 Geo-environmental Assessment that has been prepared in response to reason for refusal three, which stated that insufficient information is submitted with the application relating to risk assessment in accordance with the risk management framework provided in CLR11. Mindful of this reason for refusal, the now submitted Geo-environmental Assessment was prepared in liaison with the Council Environmental Health Officer (EHO) who agreed the scope/methodology of the assessment. Once the assessment was complete it was issued to the EHO for his consideration and he concluded (in an email dated 27th August 2014) that:
- The new report is a vast improvement on previous reports;
 - The report demonstrates a much improved understanding of the site risks and possible obstacles to development and tentative measures to overcome these obstacles;
 - He is satisfied that, subject to an agreed and more detailed ground investigation, appropriate remediation measures can be developed to protect future end-users of the site from a human health perspective; and
 - Such requirements could/will be imposed as a condition(s) as part of any future planning consent.
- 6.58 Following the previous refusal and the preparation of the Phase 1 Geo-environmental Assessment we now have a better and fuller understanding of what contamination is on the site and we have enough understanding to demonstrate that residential development is achievable, subject to further investigations which could be secured by condition.
- 6.59 Contamination is present at this site and presents a risk to future occupiers of the site and could potentially pose a risk to surrounding residents. As such remediation is considered necessary to render the site suitable for residential end use. The proximity of Biddulph Brook is also an important consideration in this respect.

- 6.60 It is evident that any redevelopment of this site would require detailed and extensive remediation; however both the applicant and the LPA now agree that the site is capable of being remediated and further detailed ground investigations could be secured by condition to full satisfy paragraphs 121 and 122 of the Framework.
- 6.61 The Framework states (paragraph 109) that the planning system should contribute to and enhance the natural and local environment by, amongst other things, “*remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate*”. It is considered that it, when weighing all considerations set out in this planning statement/planning application in the balance, this is an appropriate opportunity via the planning system to enhance the natural and local environment by way of remediating this derelict and heavily contaminated land.

Community Support

- 6.62 It is clear that the application site has been neglected for several years and is in a dilapidated appearance, which is an important consideration given its location alongside Congleton Road at the northern end of/gateway to Biddulph, close to a number of existing houses.
- 6.63 It became clear through pre-application engagement with the local community (which took place prior to the submission of the original application) – including the public consultation event held in March 2013 – that the site is considered to be an eyesore by the local community, who are concerned about the current state of the land and consider this to be a problem site mindful of its appearance and heavily contaminated state. Pre-application engagement also confirmed that the proposal to bring the site back into positive and beneficial use by way of the proposed residential development has the full support of the local community.
- 6.64 Furthermore, as confirmed in the Statement of Community Engagement, further community engagement has taken place since the determination of the original planning application including attendance at two meetings of Biddulph Town Council (in December 2013 and August 2014) and further engagement with a local resident who lives directly opposite the site (and has in turn liaised with her neighbours).
- 6.65 This further engagement has confirmed that Biddulph Town Council and immediate local residents view the application site as a problem site, remain fully supportive of its proposed redevelopment for residential purposes and are supportive of the revised housing scheme. Both meetings with the Town Council confirmed that there is unanimous support within the Town Council for these proposals on this specific site given the site’s long history of development, its planning history, and more recent history as an eyesore and contaminated problem site in the local area.

- 6.66 It is considered unusual for a new build residential proposal in the Green Belt to have the full support of the local community, and that this reflects the extent to which the land has become an eyesore and problem site that needs to be addressed by way of its beneficial redevelopment.
- 6.67 The proposed development would tidy the site up and bring it back into beneficial use in a manner that would be entirely appropriate and in-keeping with the local area, as demonstrated within the Design and Access Statement and Urban Design Appraisal.
- 6.68 Furthermore, the Inspector's appeal decision for a previous outline planning permission for the site's redevelopment for residential purposes (LPA ref: 88/01181/OLD) confirms that the status of the land as a problem site and support for its redevelopment amongst the local community were key considerations that the Inspector took into account when allowing the appeal.

Contribution to Housing Land Supply (including Affordable Housing)

- 6.69 Paragraph 47 of the Framework confirms that LPA's must be able to demonstrate a five year supply of housing land at any given time, in addition to this they must demonstrate a 5% buffer to ensure choice and competition in the market for land (a 20% buffer should be applied where LPA's have persistently under delivered). Paragraph 49 of the Framework goes on to state that where LPA's cannot demonstrate a five year supply of housing land, relevant policies for the supply of housing should not be considered up-to-date.
- 6.70 The LPA acknowledge that they do not have a five year supply of housing land, as such and as per paragraph 49 of the Framework it is asserted that relevant policies on housing land are out of date. Paragraph 14 of the Framework is therefore triggered which states that for decision taking this means:
- Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted (including land designated as Green Belt)

- 6.71 The proposed development of 19no. homes would make a valuable contribution towards the shortfall in housing land supply, both in the Biddulph area and district wide. Furthermore the applicant is committed to the delivery of the proposed homes in the event that planning permission is granted and as such the application site is considered to be a genuine deliverable housing site.
- 6.72 The LPA produced a document in March 2014 confirming that the current 5 year supply equates to 2.17 years including a 20% buffer. In this latest document the LPA adopt the Sedgfield approach to calculating five year housing land supply:

5 Year Land Supply Assessment

A.	Completions from April 2006 to 31st March 2014	=	1284
B.	Under Construction as at 31 st March 2014	=	600 gross
C.	Sites with Planning Permission as at 31 st March 2014	=	710 gross
D.	Losses as at 31 st March 2014	=	45
E.	Total Supply [B + C – D]	=	1265 net
F.	Housing Requirement (2006-2026)*	=	6000
G.	Annual Requirement [F/20]	=	300
H.	Target Completions (April 2006 to 31 st March 2014) [Gx8]	=	2400
I.	Current shortfall [H-A]	=	1116
J.	5 year requirement with shortfall [(Gx5)+I]	=	2616
K.	Annual 5 year requirement with shortfall [J/5]	=	523
L.	20% buffer moved forward [(Gx5)x20%]	=	300
M.	Annual Requirement with shortfall and 20% buffer [(J+L)/5]	=	583
N.	No. of years supply [E/M]	=	2.17 years

Note - * Core Strategy requirement as adopted 26th March 2014

- 6.73 In light of the above assessment, the LPA can only demonstrate a 2.17 year supply of deliverable housing land with a 20% buffer. In this context it is considered that the contribution of the proposed development towards the shortfall is a significant factor to take into account in the determination of this planning application.

The Emerging Development Plan

- 6.74 The Core Strategy Development Plan Document was adopted in March 2014, however the development boundaries and Green Belt boundaries contained within the Staffordshire Moorlands Local Plan are still in force until such time as they are reviewed as part of the Site Allocations work which is ongoing.
- 6.75 The adopted Core Strategy sets out at Policy SS5B that Biddulph will accommodate 1,200 dwellings during the plan period. The policy goes to note that sites for new housing development will be identified and phased through the Site Allocations DPD within the following broad locations and in the following priority order depending on the need for sites to be brought forward:
- i. Within the urban area
 - ii. Extension to the urban area to the west of the Bypass (Area 4)
 - iii. Small urban extensions in the Green Belt which will be identified as part of a comprehensive review of the Green Belt boundary around Biddulph through the Site Allocations DPD and the review of the Core Strategy.
- 6.76 It is evident therefore, and confirmed in the Core Strategy, that it is necessary for the LPA to release a number of Green Belt sites around Biddulph in order to meet the housing need of the district. The supporting text to policy SS5B further clarifies that around 200 dwellings will need to be provided on sites in the Green Belt around Biddulph in order to meet the housing need.
- 6.77 Reason for refusal 2 in connection with the original scheme made reference to Class B sites as identified in the SHLAA and the site at Forge Works not being, in their opinion, preferable to these sites. However, it is asserted that this site is preferential to other Class B sites mindful of its previously developed status, long history of development/being part of the urban fabric of the area (dating back to the 19th Century as established earlier in this statement) and the range of planning benefits that the development of this site would bring about, as set out in detail in this planning statement.
- 6.78 It is considered that the status of this site and the associated planning benefits are unique to this site. Furthermore, this site is available, suitable, achievable and deliverable now.
- 6.79 Therefore it is stated that the deliverable planning benefits of this site are preferential to other Class B sites, furthermore the release of this previously developed site in the Green Belt would relieve pressure to release greenfield Green Belt sites to be allocated for development during the plan period.

Opportunity for Biodiversity Gain

- 6.80 As part of the original planning application an ecology survey was undertaken, this found that parts of the site are currently used by badgers; in addition a number of birds were also identified. An area at the north end of the site partly falls within an area at risk of flooding and therefore development is not proposed in this area, whilst the north east section of the site is proposed to remain undeveloped and be retained/protected to create a nature reserve given the trees within this part of the site and ecological species found on site.
- 6.81 It is proposed that access to this area is restricted to prevent access by residents in order to enable the area to be naturally taken over with vegetation and local species.
- 6.82 It is considered that this would benefit the local environment providing a dedicated area for natural habitat, ensuring that local ecology is protected and able to thrive. It is proposed that this area would be restricted from access by pedestrians; however it would be possible to see into the wildlife area. It is considered that this would provide a pleasant setting for the proposed homes and be an asset for the local community.
- 6.83 This re-submission application is accompanied by a supplementary letter from Solum Environmental in response to reason for refusal five of the previous scheme. Following the refusal of the previous scheme the following changes were recommended to the masterplan:
- No development of any kind (including drainage course) within the ecological buffer zone.
 - A second (much narrower) buffer zone without any development along the site's eastern boundary. This meant shifting the rear of residential gardens west a little to the foot of the existing bank slope, allowing a clear badger travelling route, fenced off from gardens.
 - A new area (highlighted in red on Plan 6 above) of enhanced badger foraging to be planted with fruit trees and shrubs; and
 - An additional wildlife corridor in the north-western portion of the ecological area, following the route of the stream it meets Biddulph Brook.
- 6.84 The supplementary letter confirms that all of these recommendations have been implemented. Moreover, Solum Environmental confirm they are satisfied that the revised development proposals fully accommodate badgers at this site and that the favourable conservation status of badgers will not be harmed by the proposed re-development.

- 6.85 The letter goes on to state that provided all ecological recommendations from ecological reports are followed in full, the proposed re-development would be likely to result in a net gain in biodiversity at this site overall.

4. Very Special Circumstances

- 6.86 As already stated, the Framework confirms that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. It then goes on to state that “very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.
- 6.87 It is asserted that the assessment above demonstrates that there are a series of considerations that, when put together and weighed in the balance, outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm so as to amount to very special circumstances to justify the development. The sum total of these circumstances falls heavily in favour of developing this site for residential purposes, and case law demonstrates that a basket of considerations that are very special and specific to the proposal can amount to very special circumstances. The principles have been previously considered and set out by the Court of Appeal in *Wychavon DC v SoS* [2008] EWAC Civ 692 a copy of which is contained in Appendix 5.
- 6.88 By way of summary, it is asserted that the proposal would have an acceptable effect upon the openness of the Green Belt and the purposes of including land in the Green Belt; would have a positive impact on the character and appearance of the area and visual amenities of the Green Belt; would represent a sustainable form of development; and that there are a number of other key considerations weighing in favour of the development, including the following:
- The proposal involves the reuse of previously developed land that has a history of substantial built development and previous planning permissions for redevelopment for residential purposes;
 - The site is heavily contaminated and the proposal would bring about its remediation to the benefit of the local environment, public safety and the local area in general;
 - The site has been neglected for several years and become an eyesore/problem site and the proposal to bring it back into positive and beneficial use has the strong support of the local community;
 - The proposal comprises a sustainable form of development that would deliver a valuable number of open market homes at a time when the LPA has a significant

and demonstrable shortfall in housing land supply (and therefore the relevant development plan policies on the supply/distribution of housing are out of date);

- The proposed development would contribute towards meeting the objectives of the development plan associated with the future growth of Biddulph, with the added benefits of relieving the pressure to urbanise greenfield land in the Green Belt to address the housing requirements of the development plan and comprising a sequentially preferable option to the development of greenfield land in the Green Belt; and
- The proposal would deliver biodiversity gain, including by way of the creation of a wildlife reserve.

6.89 Overall it is considered that the proposal comprises sustainable development that has been carefully and thoughtfully designed to minimise its impact on the Green Belt and landscape and it is asserted that the limited harm of the proposal to the Green Belt is outweighed by its considerable merits.

6.90 In conclusion it is asserted that the circumstances put forward within this document (and accompanying assessments/evidence contained within other supporting documentation accompanying the planning application) combine to form very special circumstances that justify the granting of planning permission.

5. Impact on matters of acknowledged importance

Trees

6.91 An arboricultural statement has also been prepared and submitted as part of this resubmission application. This has concluded that although some trees are required to be removed as part of the development (including as a result of the required land contamination remediation work) the impact of this would only be seen in the short-term, and this should be viewed in the context of the proposed ecological and landscape mitigation works and balanced with the wider social, environmental and economic benefits of the scheme as a whole.

6.92 In addition, although some development is proposed within the root protection areas of retained boundary trees, due to the long-standing presence of hardstanding and contaminated made ground in these areas, the impact on the trees is likely to be of a minor and insignificant nature.

6.93 Reason for refusal 7 of the previous scheme related to the loss of trees, this resubmission seeks to address these concerns and the arboricultural statement sets out a number of amendments to the scheme that seek to allay the tree officers concerns.

6.94 These amendments include (inter alia):

The southernmost dwelling has been omitted to provide for the retention of the protected 'high value' A category group G6; the layout in the north east corner of the site has been amended to ensure retention of the protected woodland A1 up to the existing retaining structures; and re-alignment of the new roadway has created additional space for new boundary landscaping fronting Congleton Road.

6.95 The arboricultural statement concludes that the proposed removal of further 'moderate' and 'high value' trees to accommodate the development should be weighed against the wider social, environmental and economic benefits of the scheme as a whole.

Highways

6.96 The accompanying Transport Statement demonstrates that the existing access would be retained; however it would be upgraded to provide 5.5m wide carriageway width, 6m radii and 2m wide footways on both sides of the access road. The proposed site access provides levels of visibility in accordance with the design speed of the road and can accommodate the movements of a large refuse vehicle.

6.97 The proposed development would also provide a kerb build out and area of hard standing on the western side of the A527 Congleton Road. This would provide bus passengers with a dedicated area of hard standing for waiting and boarding / alighting instead of the use of the grassed verge which occurs at present.

6.98 The Transport Statement concludes that there is no highway-related reason to withhold planning permission for the scheme and the proposed development is therefore commended for approval (from a highway perspective). This was confirmed during the course of the previous scheme, whereby the Highway Authority raised no objection.

Drainage/Flood Risk

6.99 A Flood Risk Assessment (FRA) has been carried out at the site. This concludes that no residential dwellings are proposed within the Q100 flood limit (Zone 3). The proposed development as shown in Figure 16 of the Flood Risk Assessment would require level remodelling to suit the proposed layout; this would include the removal of exiting concrete hardstanding and banks. The area of remodelling would be within Flood Zone 1 and

could be accomplished without increasing risk of flooding to the proposed development of neighbouring properties.

- 6.100 The FRA assesses the impact of the proposed development against the existing situation, and in fact confirms that the existing impermeable area comprises 7452m² whereas the proposed impermeable area would comprise 4539m². The proposed development would result in a reduction in impermeable area of 39%.
- 6.101 The proposed development would therefore present betterment in terms of reduced surface water runoff from the site. The FRA also demonstrates that it is feasible to manage the proposed developments surface water runoff.
- 6.102 Although the Environment Agency (EA) did not raise an objection in connection with the previous scheme in terms of flood risk, reason for refusal 6 does relate to concerns raised by the EA regarding the construction of new buildings within 8.0m of the top of the bank of the Biddulph Brook therefore restricting access to carry out essential maintenance work.
- 6.103 Since the refusal of the previous scheme an onsite meeting has been held with the EA and subsequent changes made to the proposed layout including that no development would take place along the watercourse side of the access road. Appendix 6 contains a letter from the EA which confirms that they were satisfied with an earlier revision of the proposed layout (copy at Appendix 7) and therefore would remove their original objection. Although the now submitted layout has been revised further, the extent and position of developed areas has not changed and therefore it is expected that the final scheme would continue to be acceptable to the EA.

Ecology

- 6.104 As discussed above a number of bird species, in addition to badgers have been identified at the site. The proposed development includes the creation of a wildlife area to the north of the site, it is considered that this offers enhancement to local biodiversity as set out in further detail above.
- 6.105 This re-submission application is accompanied by a supplementary letter from Solum Environmental in response to reason for refusal five of the previous scheme. Following the refusal of the previous scheme the following changes were recommended to the masterplan:
- No development of any kind (including drainage course) within the ecological buffer zone.

- A second (much narrower) buffer zone without any development along the site's eastern boundary. This meant shifting the rear of residential gardens west a little to the foot of the existing bank slope, allowing a clear badger travelling route, fenced off from gardens.
- A new area (highlighted in red on Plan 6 in the letter) of enhanced badger foraging to be planted with fruit trees and shrubs; and
- An additional wildlife corridor in the north-western portion of the ecological area, following the route of the stream it meets Biddulph Brook.

6.106 The supplementary letter confirms that all of these recommendations have been implemented. Moreover, Solum Environmental confirm they are satisfied that the revised development proposals fully accommodate badgers at this site and that the favourable conservation status of badgers will not be harmed by the proposed re-development.

6.107 The letter goes on to state that provided all ecological recommendations from ecological reports are followed in full, the proposed re-development would be likely to result in a net gain in biodiversity at this site overall.

Contamination

6.108 As discussed previously, this re-submission application is accompanied by a Phase 1 Geo-environmental Assessment that has been prepared in response to reason for refusal three, which stated that insufficient information is submitted with the application relating to risk assessment in accordance with the risk management framework provided in CLR11. Mindful of this reason for refusal, the now submitted Geo-environmental Assessment was prepared in liaison with the Council Environmental Health Officer (EHO) who agreed the scope/methodology of the assessment. Once the assessment was complete it was issued to the EHO for his consideration and he concluded (in an email dated 27th August 2014) that:

- The new report is a vast improvement on previous reports;
- The report demonstrates a much improved understanding of the site risks and possible obstacles to development and tentative measures to overcome these obstacles;
- He is satisfied that, subject to an agreed and more detailed ground investigation, appropriate remediation measures can be developed to protect future end-users of the site from a human health perspective; and
- Such requirements could/will be imposed as a condition(s) as part of any future planning consent.

7. CONCLUSION

- 7.1 This planning statement has been prepared to set out the case in support of a resubmitted planning application by Renew Land Developments Ltd for full planning permission for the redevelopment of a former dye works - the Former Forge Colour Works, Congleton Road, Biddulph – for residential purposes. The proposed development comprises the erection of 19no. dwellings comprising 6no. 3 bedroom, 11no. 4 bedroom and 2no. 5 bedroom open market homes.
- 7.2 This application comprises a resubmission of the refused application, reference 13/00500/FUL_MJ, for the erection of 26no. dwellings which was refused by delegated powers on the 20th September 2013.
- 7.3 This resubmission seeks to address the previous reasons for refusal and the applicant and project team have worked tirelessly since the refusal to address the concerns and issues raised, including associated liaison with the statutory consultees directly to address technical issues associated with the original refusal.
- 7.4 In response to the technical reasons for refusal the relevant statutory consultees have been contacted, and the preparation of this resubmission has been informed by direct liaison with these statutory consultees in order to ensure that their previous concerns are allayed by this resubmission.
- 7.5 In addition to the above this application is accompanied by a detailed Viability Study which is informed by an assessment of the abnormal costs associated with the development of this site for housing.
- 7.6 It is therefore asserted that reasons for refusal 3, 5, 6 and 7 have been addressed in this resubmission application.
- 7.7 Reason for refusal 2 refers to housing in the countryside to be limited to affordable housing or that essential to meet an identified local need. The aforementioned viability study demonstrates that the scheme would not be viable to provide a high proportion of affordable housing due to the abnormal costs involved with the remediation of this site.
- 7.8 It is proposed as part of this application to enhance viability and maximise the benefits/contributions that the scheme can deliver. It is proposed therefore that this scheme is for 100% open market homes, but that the developer contribution required in respect of education is paid in full and that a financial contribution to off-site affordable housing in lieu of an onsite provision is provided. The viability report establishes the amount of off-site affordable housing contributions that the scheme can make in this regard, whilst pre-application discussions have confirmed that this revised scheme for 19 dwellings is not required to make a financial contribution towards public open space/play

provision. A Draft Heads of Terms for a Section 106 Planning Obligation accompanies the planning application.

- 7.9 In accordance with good practice, the submission of this planning application follows detailed pre-application discussions with the LPA and key statutory consultees regarding both the principle and detail of the proposed development. The application has also been informed by pre-application engagement with the local community, including through a public consultation event held in March 2013 (prior to the original planning application being submitted) and further engagement with local residents and Biddulph Town Council between the determination of the original application and this resubmission application.
- 7.10 The application site is situated on the northern edge of Biddulph and is located in the Green Belt, where the erection of new buildings for residential purposes comprises inappropriate development. The Framework confirms that exceptions to this include *“the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”*.
- 7.11 The Framework also confirms that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. It then goes on to state that *“very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”*.
- 7.12 The site comprises previously developed land that was last used for industrial purposes (a dye works, with a history of substantial built development within the site) and despite the site and adjoining land being washed over by Green Belt there is existing built development (predominantly housing) to the north, west and south east of the site.
- 7.13 It has been demonstrated that that the proposal would have a limited impact on the openness of the Green Belt and the purposes of including land in the Green Belt; and a positive impact on the character and appearance of the area and visual amenities of the Green Belt; would represent a sustainable form of development; and that there are a number of other key considerations weighing in favour of the development.

7.14 By way of summary the case for very special circumstances comprises a combination of the following key factors:

- The proposal involves the reuse of previously developed land that has a history of substantial built development and previous planning permissions for redevelopment for residential purposes;
- The site is heavily contaminated and the proposal would bring about its remediation to the benefit of the local environment, public safety and the local area in general;
- The site has been neglected for several years and become an eyesore/problem site and the proposal to bring it back into positive and beneficial use has the strong support of the local community;
- The proposal comprises a sustainable form of development that would deliver a valuable number of open market and affordable homes at a time when the LPA has a significant and demonstrable shortfall in housing land supply (and therefore the relevant development plan policies on the supply/distribution of housing are out of date) and has a poor record of delivery of affordable homes over recent years;
- The proposed development would contribute towards meeting the objectives of the emerging development plan associated with the future growth of Biddulph, with the added benefits of relieving the pressure to urbanise greenfield land in the Green Belt to address the housing requirements of the emerging development plan and comprising a sequentially preferable option to the development of greenfield land in the Green Belt; and
- The proposal would deliver biodiversity gain, including by way of the creation of a wildlife reserve.

7.15 In light of the above it is asserted that the granting of planning permission for these residential proposals is justified on the basis that, when weighing all considerations in the planning balance, there is a compelling case for very special circumstances.

7.16 The planning application resubmission also demonstrates that the proposed development would have an acceptable impact on matters of acknowledged importance, including trees, highways, drainage/flood risk, ecology, and contamination.

7.17 Overall it is considered that the proposal comprises sustainable development that has been carefully and thoughtfully designed to minimise its impact on the Green Belt and landscape and it is asserted that the limited harm of the proposal to the Green Belt is outweighed by its considerable merits.

- 7.18 National planning policy within the Framework makes it clear that it is up to the applicant to present very special circumstances that would outweigh any harm caused by inappropriateness and any other harm; it is a balancing exercise. The applicant and project team have worked hard to demonstrate that those circumstances do exist, and that they are indeed very special. On that basis it is respectfully requested that planning permission is granted.

Knights

September 2014