

LAND OFF MARKET DRAYTON ROAD, LOGGERHEADS
STOKE AND STAFFORDSHIRE FIRE AND RESCUE AUTHORITY (SSFRA). 11/00475/FUL

The Application is for outline planning permission for the erection of a community fire station (one which includes a community room) to accommodate one fire appliance on a site measuring 0.3ha which currently forms part of a smallholding. All matters of detail are reserved for subsequent approval, although the supporting information indicates that the approximate size of the fire station building would be between 20-26m in length, 20-26m in width and with a height of between 3.5 - 8m.

The site is in the open countryside, outside the village envelope of Loggerheads, in an Area of Landscape Restoration as designated on the Local Development Framework Proposals Map. It is also adjacent to the A53 which is part of the Strategic Highway Network and of the Regional Primary Route Network as designated in the Structure Plan and Regional Spatial Strategy respectively. A Listed milepost is located within the highway close to the western corner of the site, in addition the site lies within 500m of the Burnt Wood Site of Special Scientific Interest (SSSI).

Loggerheads is identified in the Core Spatial Strategy as one of the Rural Service Centres.

A public right of way passes to the south west of the site.

The statutory 8-week determination period expired on 11 November 2011.

RECOMMENDATION

Refuse on the grounds that the site, having regard to the particular constraints on the development including the provision of an acoustic screen of 3.5 metres on two boundaries, cannot provide sufficient and appropriate area for landscaping of what will be a prominent development, befitting its location on the edge of this village and complying with guidance contained within the Urban Design Guidance Supplementary Planning Document

Reason for Recommendation

Whilst the principle of a fire station in this open countryside location is accepted and consideration of a range of issues has indicated that appropriate measures can be taken to prevent material harm, the site is of an insufficient size as to accommodate in a satisfactory manner this development without causing harm to the appearance of the locality

Policies and Proposals in the Approved Development Plan Relevant to This Decision:-

West Midlands Regional Spatial Strategy 2008 (WMRSS)

- Policy RR1: Rural Renaissance
- Policy RR4: Rural Services
- Policy QE1: Conserving and Enhancing the Environment
- Policy QE6: The Conservation, Enhancement and Restoration of the Region's Landscape.
- Policy T9: The Management and Development of National and Regional Transport Networks

Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 (SSSP)

- Policy D1: Sustainable forms of Development
- Policy D2: The Design and Environmental Quality of Development
- Policy D4: Managing Change in Rural areas
- Policy D6: Conserving Agricultural Land
- Policy T12: Strategic Highway Network
- Policy NC1: Protection of the Countryside: General Considerations
- Policy NC2: Landscape Protection and Restoration
- Policy NC18: Listed Buildings

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

- Strategic Aim 11: To focus development within the communities of Loggerheads, Madeley and Audley Parish to support their function as Rural Service Centres which meet the requirements of local people
- Strategic Aim 12: To renew the fabric of urban and rural areas to promote the best of safe and sustainable urban and rural living
- Strategic Aim 15: To protect and improve the countryside and the diversity of wildlife and habitats throughout the plan area.
- Policy ASP6: Rural Area Spatial Policy
- Policy CSP1: Design Quality
- Policy CSP2: Historic Environment
- Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan 2011 (NLP)

- Policy T16: Development – General Parking Requirements
- Policy N17: Landscape Character – General Considerations
- Policy N21: Areas of Landscape Restoration.
- Policy B5: Control of Development affecting the Setting of a Listed Building

Other Material Considerations include:

National Planning Policy

- PPS1: Delivering Sustainable Development (2005)
- PPS5: Planning and the Historic Environment (2010)
- PPS7: Sustainable Development in Rural Areas (as amended 2009)
- PPS9: Biodiversity and Geological Conservation (2004)
- PPG13: Transport (2011)
- PPS22: Planning and Pollution Control (2004)
- PPG24: Planning and Noise (1994)

Manual for Streets 2 (2010)

The Secretary of State's announcement of his intention to abolish RSS.

Planning for Landscape Change Supplementary Planning Guidance

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document

Draft Planning Policy

Whilst it (the draft NPPF) is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the Government's "direction of travel" in planning policy. Therefore the draft NPPF is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker's planning judgement in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.

Relevant Planning History

There is no planning history on the application site which is of relevance to the consideration of this application. In 2010 outline planning permission was granted for a new community fire station (09/00719/OUT) on the site of the existing one serving this area – at Ashley.

Views of Consultees

The **Environmental Health Division**, following receipt and consideration of the Acoustic Survey and Noise Impact Assessment and having themselves undertaken a noise survey in the rear garden of an adjoining property, advise that even with the introduction of a 2m high acoustic screen along the boundary, as

recommended in the Assessment, the development would still be considered to have a major adverse impact. Accordingly they recommend that further mitigation works are required in the interests of residential amenity and they indicate that it is necessary to erect a 3.5m acoustic screen to the eastern and southern boundaries which will result in a moderate adverse impact on the adjoining properties in Kestrel Drive when assessed using the "Guidelines for Noise Impact Assessment". Given that the training activity is scheduled for 2 hours per week, they consider that the noise associated with this activity would not be likely to materially affect residential amenity with the appropriate acoustic treatment to the boundary. Given that details of design and layout are yet to be finalised they request that a suitable condition is imposed on the planning permission to ensure that the noise level in the garden of 2 and 4 Kestrel Drive is achieved. This will allow the developer the flexibility to decide on the measures to be taken to ensure that this level is achieved.

In view of this they raise no objections to this development subject to conditions relating to the following :-

- Controls over hours of works of construction.
- Prior approval of a construction method statement, and implementation of the approved methods during construction.
- Prior approval of recyclable materials and refuse, storage and disposal arrangements.
- Prior approval of external lighting, and implementation of the approved lighting scheme.
- No external speaker system, alarm bells and sirens to be installed without prior approval.
- Cumulative noise levels of the plant not to exceed that set out in the Acoustic Report.
- Prior approval and implementation of measures to ensure that noise levels do not exceed 51 dB $L_{Aeq, 90 \text{ minute}}$ in any area of the gardens of 2 and 4 Kestrel Drive.
- Report of unexpected contamination.
- Controls over the importation of materials onto the site.

The **Landscape Development Section** raises no objection to the application subject to conditions relating the following:-

- Landscaping scheme
- Tree Protection Plan
- Detailed tree felling/pruning specification.
- Protective fencing
- Tree replacement

The **Highway Authority** has no objections subject to conditions relating to the following:-

- Construction of a temporary access prior to commencement of site construction works.
- Prior approval of details of 4.5m by 120m visibility splays. The visibility splays to be provided prior to commencement of construction and thereafter kept free from obstructions above 600mm above the adjacent carriageway level.
- Prior approval of details of the surfacing materials and surface water drainage.
- Prior approval of a Construction Method Statement.
- Provision of 2m wide footway linking from the development site to Kestrel Drive.
- Development not to be brought into use until the parking, servicing and turning areas are provided.
- Provision of secure weatherproof cycle parking prior to first occupation.

The **Environment Agency** advise that as the site lies within Flood Zone 1 (low risk of flooding) and is under 1ha the proposal falls outside their scope as a statutory consultee.

Natural England indicates that the site is in close proximity to Burnt Wood SSSI. However given the nature and scale of this proposal it raises no objections to the proposal.

Loggerheads Parish Council indicates that as the 'Acoustic Survey and Noise Impact Assessment' was not provided until 27 October they are unable to furnish an objective and complete response. Given the sensitivity of the application the LPA should not have validated the application in the absence of this information and the application should not have been considered valid prior to the submission of this information. They are also mindful of the fact that the Fire Service itself has not as yet fulfilled its own programme of consultation with local residents. The Parish Council wish to consider and reflect upon the views of the residents and until such a time as the residents have been properly consulted and reported they

consider that they are unable to make a fair and reasonable assessment of the proposals and comment with any authority on the application.

Following further correspondence the Parish Council has indicated that they now intend to submit a full response to the application on or about 9 November. Depending upon when this is received this will be reported and considered either by means of an Advance Supplementary Report or by a report to the Committee meeting itself

The views of the **Conservation Advisory Working Party** have been sought and will be reported.

Representations

79 letters of representation have been received raising the following concerns:-

- The re-siting of the station within 1 mile of the existing station will make negligible difference to crew turn out times.
- The 2008 Parish survey indicates that local residents like living in the rural location of Loggerheads which will be adversely affected by this development.
- The traffic survey was undertaken in August which is not a typical month as it is during the school holiday. Some times the Market Drayton road is congested and this will affect fire engines leaving the site in an emergency.
- The survey shows that vehicles speed up to 10mph over the speed limit and there are therefore highway safety concerns with the siting of this development. A number of traffic accidents have been witnessed.
- The A53 is a busy and congested road and the traffic generated will cause further difficulties.
- The submission omits the east bound visibility splay.
- Traffic light controlled crossings and speed cameras are required. A footpath should be provided along the frontage to the public footpath.
- It does not seem appropriate to select a site on the extreme western edge of the area the fire station is to serve, particularly when much of the day they will have to emerge into heavy traffic and force a route eastwards. Volunteer firemen will have similar problems getting to the site.
- The siting of the fire station could put people at risk due to increased response times.
- The station will not create employment as stated.
- The Fire and Rescue Authority indicate that public meetings have been held and there is general support for the proposal. Those residents closest to the site were not notified of such a meeting. Concerns are also raised about the adequacy of the publicity undertaken by the Local Planning Authority.
- The size and scale of the building is not commensurate with buildings in the vicinity as stated, bungalows adjoin this site. It will have a visually overbearing impact out of keeping with the area.
- The site is much higher than adjacent dwellings and a two storey building will equate to a 3 or 4 storey building when viewed from the ground level of adjacent properties. There will be direct line of sight into private bedrooms and there will be a resultant loss of privacy
- The Council have resisted applications to convert bungalows to houses and construct houses in an area of bungalows. To permit the fire station, which will in effect be equivalent to a 2 storey house, would be contrary to such a policy.
- The site has been earmarked for residential development and whilst the Council may overturn previously determined land use in favour of the emergency services it must have due regard to the planning process and the concerns of neighbours.
- The development of this greenfield site will have an unacceptable environmental impact which should be accepted when there are suitable alternative sites available. The traffic generated by the development will result in an increase in light, noise and dust.
- The loss of historic hedgerow will have a catastrophic impact on wildlife and birds. No ecological or biodiversity survey is provided.
- The proposal will result in problems due to surface water runoff and pollution of the water table could occur due to activities on the site.
- The development and the proposed landscaping will not enhance the area, which is a very rural and beautiful site.
- The development would set a precedent for industrial development in the area.

- There has been serious public financial mismanagement of the funding of the development. It would make more financial sense to provide a larger station at Market Drayton rather than to have multiple smaller units.
- The applicant should be encouraged to redevelop their existing site particularly as outline planning permission has been granted for such a development.
- The old Loggerheads Service Station should not be ruled out on the basis of land costs, build costs should be taken into account and these may be cheaper on this site given that utilities are already available.
- The development of the Loggerheads Service Station would give the site some character and would remove several derelict and dilapidated old buildings. To improve the village the development of this site should be given the highest priority rather than the development of a greenfield site.
- There are implications in the submission that the Council have given firm assurances that planning permission will be granted and if planning permission is granted they could face a judicial review.
- There are rumours that the existing fire station in Ashley is to be used by the Council for new office accommodation.
- The Council could face legal action under the Human Rights Act as this would ignore an adjoining residents genuine mental and physical condition and the affect the proposal will have on his well being (an objection has been received from the person referred to and is reported below).
- If there is to be a community facility on site then provision for 20 people is inadequate. In addition provision for the parking of 4 cars is inadequate.

In addition to the objections above, a further letter of objection has been received which raise specific concerns about the impact of the proposal on the health of a resident that adjoins the site due to his particular personal circumstances. The adjoining resident's concerns are detailed below:-

- In 1987 the neighbour suffered a very traumatic experience when his father shot him in the back with a shotgun before then turning the gun on both his mother and then himself.
- The incident has left him in a wheelchair and he has suffered from severe post traumatic stress syndrome. He is still under several health care professionals including psychiatrists, psychologists and neurologists to help him cope with stress and the high muscle tone it gives him.
- He has to have 24 hour care and often suffers from night terrors. Loud unexpected noises at any time, but especially at night can send him into severe spasms.
- In 2005 he moved to Kestrel Drive in Loggerheads because of its rural location and the relative peace and quiet. He lives in one of the bungalows immediately adjacent to the site.
- If these plans were to go ahead he considers that it would make his life a living hell.
- The noises during construction would be bad enough but afterwards with training, shouting, car doors slamming, sirens, smoke bombs, lights, etc, then he will be in a constant state of panic and distress. The staff car park will be immediately beyond his bedroom window only 3 metres from the garden fence.
- If an emergency call out happened during the night then the load door slamming, etc will trigger a very serious reaction.
- When he was shot he also suffered from a punctured lung and so smoke also seriously affects his breathing. When training he would assume the firemen will be using smoke bombs and if these are of the sulphur type then the smell will immediately take him back to the gunshot incident.
- Letters from his consultants offering supporting evidence can be provided if necessary.
- Whilst he appreciates that one person's personal trauma may not be enough to sway plans for the continuation of the project, he would hopes that his needs would be considered with empathy.

Applicant/Agent's Submission

The application is supported by the following documents:-

- **A Design and Access Statement** the main points of which are summarised below:-
 - The proposal is part of the SSFRA programme of replacing and upgrading its existing stock of stations and will be funded under the Private Finance Initiative (PFI) process.
 - The existing 'retained' station at Ashley (i.e. not permanently staffed) is not suitable for redevelopment because both the reaction times for crew turnout and the accessibility from the station are below current standards from this location.

- The 2008 Parish survey mentions that the local residents value the fire and rescue service currently provided from the Ashley site and there is a need for more community facilities.
 - A well designed new building set in an attractive landscape could make a significant improvement to the visual environment by creating a high quality gateway to Loggerheads.
 - The station will contain a community room which will be made available to local community groups. It is not intended that the new community room would be in competition with other providers of such space, and consultation would be held to agree which uses would be most appropriate. This is a potential major benefit to the local community in providing a new community room for their free use.
 - The present emergency call-out response times, although good, are not up to current standards partly because of the more limited availability of potential crew in Ashley. The new station by virtue of its location within an area of greater population, and its adjacency to a main road, would enable these improved response times to be achieved.
 - The likely regular service usage of the building would be one training drill night session per week, most likely on a Wednesday from 1900 to 2100. During this time the external lights would be on within the drill yard area. The pump and other portable equipment could be in use at this time, and this would be audible, but the noise level would not be high. On an emergency call, the lights internally and externally will come on for approximately six minutes whilst the crew responds and turns out with the vehicle.
 - The building will be about 650 square metres in floor area, with parking for about 4 visitors cars, 2 disabled visitors, 2 minibuses, and up to 12 staff cars for use during call-outs and training. There will be a compound to hold 2 road traffic accident cars, the two storey training house and a drill yard. The total number of staff will be 20 with community provision for 20 people.
 - The landscaping will comprise a replacement hedge to Market Drayton Road, and landscaping around the site. The landscaping will comprise a hedgerow of approximately 2m height with trees integrated within it.
 - The listed milestone on the roadside will not be disturbed.
 - The SSFRA demands high standards of design and materials will be chosen that relate to the surroundings and in this instance are most likely to be predominantly brick.
- **A Site Access Statement**, the summary are summarised below:-
 - As agreed with the County Council, a connecting length of footway will be provided to the east of the site which would provide pedestrian access from the proposed development to the local shopping facilities, as well as the existing bus stops located on either side of the A53.
 - Due to the unconstrained alignment of the A53 it was agreed with the County Council that a speed survey should be carried out in August to verify actual vehicle speeds and that the visibility splays should be based on actual vehicle speeds.
 - Based upon current highway standards and the results of the speed survey the visibility splays should measure 4.5m set-back distance by 120m lateral distance which will be achieved by setting back the hedgerow to the west of the access to provide clear visibility.
 - The site will be accessed by a single fire appliance analysis demonstrates that the movement of the returning fire appliance could be safely accommodated within the site's extents.
 - **A Flood Risk Statement** which concludes that the site is located in Flood Zone 1 (Low Probability of Flooding) and therefore the proposal is in accordance with PPS25 given the low risk of flooding. During detailed design stage, consideration will be given to a sustainable approach to surface water management and provision of appropriate measures on site to manage the surface water runoff from the site.
 - **A Sequential Test** which comments upon other sites that have been considered for the proposed development. The matters that have been taken into consideration are the availability of the site and its suitability including consideration of the SSFRA' operation and technical standards. The summary and conclusions indicates that such developments have key operational criteria which are paramount in their location and that the operational requirements at Loggerheads also need to be met within the timescale for development of a new Community Fire Station via the PFI process to be operational by 2013.

- **Notes** to explain what is involved in the **training routines**, the main points of which are summarised below:-
 - At Ashley fire station the drill takes place every Wednesday evening for a maximum of 2 hours between 1900 and 2100 hours.
 - It starts with a 15 minute briefing, inspection and routines session, followed by a drill session utilising the external training area/training facilities, with a 15 minute debrief/clear up session.
 - There may also be a need for alternative drill periods.
 - The activities within the drill session can include practical and theoretical training, briefings or station visits, eLearning, maintenance of competence or routine maintenance, including off site drills on occasions.
 - The drill activities fall within 4 main criteria, breathing apparatus training; core skills training; hazardous material training; and risk training and would utilise water spray, ladder routines and would generate general noise from drill instruction by the Officer in charge as well as the pump noise.

- **An Acoustic Survey and Noise Impact Assessment** the conclusions of which are summarised below:-
 - Activities associated with the proposed Fire Station will include training exercises and occasional emergency call out operations, noise from which could have the potential to affect the existing noise sensitive properties nearby.
 - An environmental noise survey was undertaken at the site which was considered to give a reasonable representation of the local acoustic environment.
 - Noise measurements of typical training activities and associated activities were also undertaken at a nearby similar fire station.
 - A review of various relevant standards and reference documents was undertaken to establish suitable assessment criteria for the site. In addition, external plant noise emission limits have been proposed based on the requirements of the Council.
 - Given the relatively high levels of HGV usage on the surrounding roads, it was considered that noise impact of the occasional fire appliance turning onto Market Drayton Road would be negligible.
 - For training activities a noise impact assessment was undertaken of the worst case scenario – a weekly 90 minute outdoor training session. Based on the results of the assessment, it was concluded that the introduction of a 2m high imperforate acoustic barrier reduces the noise impact of the weekly 90 minute outdoor training session to achieve no more than a moderate impact. A detailed acoustic specification has been given for the acoustic screen.

All of these documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk

Key Issues

The application is for outline planning permission for a community fire station. All matters of detail are reserved for subsequent approval.

The key issues in the determination of this application are considered to be as follows:-

- The principle of development of this site.
- Impact on the residential amenities of adjoining residents.
- Impact on the landscape and streetscape
- Highway safety
- Impact on a listed building
- Human rights.

Principle of the development

CSS Strategic Aim 12 is to renew the fabric of rural areas to promote the best of safe (and sustainable) living. Loggerheads is identified in the CSS as one of the 3 Rural Services Centres within the Borough although Strategic Aim 11 refers to focussing development *within* the community (to support its function as such a Service Centre which meet the requirements of local people). The CSS's Vision for Rural areas includes that focussed growth combined with investment in a safe and sustainable transport network will support the

provision of and access to essential local services. A fire station is an undoubtedly an “essential” service for a community.

The application site is within the open countryside beyond the defined village envelope of Loggerheads. The application site is not allocated for any form of development and as such the proposal needs to be considered against rural policy.

Policy D4 of the Structure Plan indicates that the essential character and economic and social fabric of rural areas should be maintained and improved by, amongst other things, encouraging development that underpins and improves services, does not have undesirable traffic impacts and by generally seeking to protect the countryside for its own sake. This policy is in line with national planning policy set out in PPS7. However if it can be established that there is a need for this development on this site then development of the site can be justified.

The applicant indicates that the existing fire station which is located outside of the village of Ashley is outdated and is no longer considered a suitable location for an emergency service. This appears primarily due to its location, on a minor rural road, and the impact that has on accessibility and reaction times. It is clear that the provision of an effective emergency fire service is in the interests of the wider community and a site which has better access onto the strategic highway network would ensure that reaction times improve. However before it can be concluded that the site proposed is acceptable, in principle, for this development it is necessary to consider whether there are any other sites that are not in an open countryside location that are suitable for this development.

The applicant, the Stoke and Staffordshire Fire and Rescue Authority (SSFRA) therefore have considered a number of sites as possible redevelopment sites in the submitted Sequential Test document. A map illustrating these sites will be available for members to view at the Committee and these are addressed below:-

- Site 1:** **The existing site at Church Road, Ashley** There can be no planning objections to the principle of the proposed development on this site given that such a use has been established and has existed on the site for a number of years. In fact outline planning permission has already been granted for the principle of a community fire station on this site. In other respects this site cannot be considered to be sequentially preferable given that it is also in an open countryside location and it must be acknowledged that vehicular access and egress from the site is affected by its location on a minor rural road.
- Site 2:** **Tagedale Quarry, Muckleston Road (B5026)** The applicant has ruled this site out on the basis that it will not be available within the required timescales. Notwithstanding this it is acknowledged that this site is in the open countryside and therefore cannot be considered to be a sequentially preferable site.
- Sites 3 & 4:** **Pinewood Road, Ashley Heath.** The applicant considers that there are more suitable sites from an operational and community perspective. The sites are also on a minor country road and within the open countryside and therefore cannot be considered to be a sequentially preferable site.
- Site 5:** **Former Loggerheads Service Station, at junction of A53 and B5026** This is the only site that has been identified within the village envelope and not within the open countryside and requires closest consideration. The applicant considers that the slightly irregular shape and its proximity to the double mini roundabout junction create design and technical issues to overcome. Whilst these points are reasonable, there is no evidence that such issues could not be overcome. The applicant also indicates that the site owner is pursuing the potential redevelopment of the site for mixed retail and residential purposes and has therefore valued the site at a cost which they consider to be prohibitive. To conclude that a site is available, and therefore sequentially preferable, there must be confidence that there are no insurmountable legal or ownership problems and that there is evidence that the owner is willing to make the site available for the development. There is no such evidence in this case and therefore it could not be confidently concluded that this is a sequentially preferable site. This conclusion is subject to a requested, but not fulfilled, sight of all of the correspondence between the parties
- Site 6:** **The application site** In the absence of a sequentially preferable site it is considered that it must be concluded that this site, which has direct access onto the A53 which is part of the Strategic Highway network, is the best site for this development.

Whilst the proposal does involve the development of this greenfield site in the open countryside, and therefore does not protect it, it would provide an improved emergency service and therefore on balance it is considered that the benefits of the development outweigh the policy objections in this location. Notwithstanding this conclusion it is still necessary to consider the impact of the development in other regards.

Impact on the residential amenities of adjoining residents.

On the opposite side of Market Drayton Road, and to the side of the site on Kestrel Drive there are a number of dwellings, the occupants of which will be affected by the development.

It is considered that subject to careful controls over the levels of the site and the location of the building, particularly the two storey element, and windows the development would not result in an unacceptable loss of privacy or would be unduly visually overbearing. In addition appropriate conditions could be imposed on any planning permission to agree details of the lighting.

Of greater concern is the potential impact of the development due to noise nuisance. During the application process a noise impact assessment has been requested and received. This identifies that there is the potential for neighbours to experience unacceptable noise disturbance only during the training sessions that are to take place at the site for two hours a week however this could be suitably addressed by the erection of a 2m high acoustic screen to the eastern and southern sides of the yard.

Following further noise measurements undertaken by the Environmental Health Division they have concluded that a 2m high acoustic screen is insufficient and that a 3.5m high acoustic screen is necessary to ensure that the garden areas of the affected properties are useable during the training sessions.

The applicant has provided an indicative plan showing a 3.5m high acoustic fence 3m from the eastern boundary of the site and 5m from the southern boundary of the site with landscaping between the fence and the boundary (which on the eastern boundary is the rear boundary of properties on Kestrel Drive).

It is therefore considered that noise arising from activities on the site, primarily in relation to the training events that occur weekly for approximately 2 hours, can be suitably mitigated and that this could be secured by condition. However it is necessary to assess the visual impact of such mitigation measures and this will be addressed below.

Impact on the landscape and streetscape.

The site is within the open countryside beyond the village envelope of Loggerheads. It forms part of a smallholding, contains no buildings or other features that could be described as visually harmful to the character of the area.

The application site is within an Areas of Landscape Restoration and therefore consideration of nlp policy N21 is required. This policy indicates that the Council will support, subject to other plan policies, proposals that will help to restore the character and improve the quality of the landscape. Within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

An impact of the proposed development would be the permanent removal of approximately 46m of hedgerow on the site frontage. In addition a 145m length of hedge would be removed to form the access's visibility, and replanted behind the visibility splay. The hedge is an attractive feature within this rural setting however the overall permanent loss along the site frontage is relatively minimal and the replanting of the hedge at the rear of the visibility splay and the consequent widening of the highway verge would have a limited visual impact on the area.

As indicated above this is an outline application with no details submitted for approval at this stage. However, as required with outline applications the applicant has provided the scale parameters of the development. The information provided indicates that at its largest the main building could be 26m by 26m with a maximum height of 8m (the indication from the applicant is that it will be part single storey and part two storey). This is larger in footprint than all the dwellings around it, and at its highest, taller than them also. The height difference will be particularly noticeable when compared to the single storey dwellings on Kestrel Drive. This is not a residential development, however, and it is not considered necessary or appropriate to limit the scale of the main building so that it is comparable with these dwellings. Subject to the appearance of the buildings

being carefully controlled it is not considered that the buildings will have an adverse impact on the wider landscape that would justify refusal of planning permission.

In addition to the buildings within the site it is necessary to consider the visual impact of the acoustic screen on the eastern and southern boundary that is necessary to suitably mitigate the noise. It has been concluded that it is necessary to provide a 3.5m high acoustic screen to ensure that the noise levels within the rear gardens on Kestrel Drive can be achieved. Such a screen could have a significant and adverse visual impact however there is some flexibility in how this is achieved given the outline nature of the application. The screen could for example be a combination of a landscaped mound and a fence,

Notwithstanding that the screen would not need to be any closer to the road than the main building (indicated on the illustrative drawing as 15 metres back) there is no doubt that if a 3.5 m fence was provided, in this open rural setting which will be open in certain views both from the road, and from the public footpath to the rear, it would be an intrusive feature. Your officer's view is that a combination of mounding and fencing and landscaping is required. Mounding can however be no steeper than 1 in 3 (anything steeper than that becomes unmaintainable) and even to provide a mound of 1 m (thereby reducing the fence to 2.5m) would require a buffer zone of the order of 6 metres. Although the application is in outline only and therefore the details indicated are for illustrative purposes only it would appear that there are significant operational constraints dictating the layout of parking, drill yard and buildings at the rear of the fire station building. The indicative layout indicates that a 5 metre buffer would be provided at the rear so a relatively small adjustment in the layout in that respect could achieve what is required. The submission indicates a 3 m buffer separating the developed area from the rear boundary of the gardens of Kestrel Drive (a boundary with a hedgerow and trees upon it) but given the height of screen a 6 m buffer would be appropriate along this boundary. This could not be achieved without significantly impinging upon the area of the site that could then be developed and almost certainly materially eroding the currently proposed 5 metre buffer on the western side of the site – which in itself would have been insufficient to include appropriate mounding.

The building by reason of both its height and setting would be prominent in views approaching Loggerheads from the Market Drayton direction – seen as it will be in a context of primarily single storey development. It is on the edge of the village. In this context, and bearing in mind the guidance within the Urban Design SPD (which applies equally despite its title to the rural areas) it is seen as critical that a generous landscaped buffer is provided on the western boundary – as well as achieving a high quality design befitting such a location. Whilst the latter is a matter that is for “reserved matters stage”, your Officer is not satisfied that the former will be able to be achieved – given the constraints – particularly the requirement now identified for 3.5 m acoustic screen. In short the site is too narrow by a significant magnitude to accommodate the development in a manner which achieves an appropriate context for this development.

The development would therefore both erode the character or quality of the landscape and fall short of the requirements of the Urban Design Guidance SPD to such an extent as to justify refusal on such grounds.

Highway safety

The proposal involves the introduction of an access onto Market Drayton Road. Whilst visibility is good due to the alignment of the road, the straightness of the road has resulted in speeds that exceed the 30 mph speed limit that is in force. In view of this a speed survey has been undertaken and the visibility splay proposed is considered appropriate for the speed of vehicles using Market Drayton Road.

Notwithstanding the concerns expressed in representations it is considered that the road has the capacity to accommodate the limited number of vehicular movements that will be generated by the development and that the additional vehicles will not materially worsen the periods of the day when there is congestion.

Whilst all matters of detail are reserved for subsequent approval it can be concluded, on the basis of the information provided within the application, that the site can accommodate sufficient parking spaces to address the needs of this development.

The Highway Authority has indicated that it is necessary to provide a 2m wide footpath link from Kestrel Drive to the site. It is considered that this request is reasonable and would improve pedestrian safety. This can be secured by condition.

Impact on a listed building

There is a listed milestone that is located in the highway verge close to the western corner of the site. The milestone is currently just in front of the hedge, however as result of the provision of the required visibility splay the hedge will be relocated further away from the milestone. This will have the effect of making the milestone more visibly prominent however it is not considered that this will be harmful to its setting and as such it is considered that the proposal is in accordance with relevant policy.

Human Rights

As reported in the representations section above, the Council has received an objection to the proposal on the basis of the personal circumstances of a resident whose home partially adjoins the site. The resident has brought to the Council's attention the significant health issues, including post traumatic stress disorder, which he suffers. Whilst the resident does not refer to human rights in his letter of representation, a further representation has been received raising the issue of his human rights indicating that legal action under the Human Rights Act could follow planning permission being granted as this would ignore an adjoining resident's genuine mental and physical condition and the affect the proposal will have on his wellbeing.

The planning system is in place to protect public interests and not to protect the interests of one person against the activities of another. It has been established, however, through planning decisions and case law, and referred to in Government advice contained in PPS1, that exceptionally the personal concerns of an occupier which are of a recognised component of the welfare of the local community may be material to the considerations of a planning application.

The Human Rights Act 1998 incorporates the provisions of the European Convention on Human Rights into UK law. Of particular relevance within the Human Rights Act to this case is Article 8, the right to respect for private and family life. This right is not absolute and is subject to limitations therefore it is lawful for the Council to grant planning permission for development which would interfere with human rights if these are outweighed by other interests and considerations. There are limited cases where the Human Rights Act has successfully impinged upon planning decisions as it has generally been found that the normal planning balancing exercise is sufficient to satisfy its requirements.

Elsewhere in the key Issues section of this report the likely impacts of the proposal are addressed and weighed in the balance to establish whether the development will affect the levels of amenity of residents and reduce their living conditions to a level below that which is considered generally acceptable. It is acknowledged, however, that the level of impact which is generally considered to be acceptable to the wider public would have a much more significant affect on the resident referred to, due to his particular personal circumstances. However for this to outweigh the competing interests of the community who would benefit from an improved fire station with easier access onto the Strategic Highway Network it would be necessary to conclude that the impact of the proposal on this private individual would be substantial. In light of the fact that this is not a station that would be in use at all time; the limited nature of the training that would occur at the site and that this is at regular times; and the measures that could be incorporated into the development that would reduce the impact of the proposal it is not considered that it could be reasonably concluded that the circumstances of the individual in question justify the refusal of planning permission

Other matters

A number of matters have been raised in representations that it is considered should be addressed.

Firstly it has been suggested that the application should not have been considered to be valid until the Acoustic Survey and Noise Assessment was received (which was 27 October). It is the case, however, that when the application was received it met with the validation requirements set out in legislation (specifically Article 10 of the Town and Country Planning (Development Management Procedure) (England) Order 2010). As such there is no basis upon which to consider that the application was invalid prior to the submission of this supporting document.

Concern has been raised about the adequacy of the applicant's consultation however it should be noted that this is not the responsibility of the Council nor is this directly relevant to the planning application given that there are no legal requirements for the applicant to undertake such consultation as part of the planning

application process. It should also be noted that this Council has carried out publicity in accordance with the requirements set out in planning legislation.

Questions have been raised about the public funding of this development and whether this constitutes value for money. This is not a material planning consideration, however, and therefore should not be taken into consideration in the determination of the application.

It has been suggested that application should be supported by a Biodiversity Survey however it is considered that given the nature of the site, which is agricultural land a request for such a survey could not be justified and is not recommended in good practice guidance on this matter.

Background Papers

Planning files referred to

Planning Documents referred to

Date Report Prepared

2 November 2011