

**LAND EAST OF CONEYGREAVE FARM AND SOUTH OF NEWCASTLE ROAD, WHITMORE
HIGH SPEED TWO (HS2) LIMITED** **17/00908/COU**

The application is for temporary planning permission for the change of use of land from agricultural use to use as a compound, measuring 17m by 120m to facilitate off-site ground investigation works from 1st January 2018 to 31st December 2018. The compound would be fenced, would include various portacabins and containers, and including 25 parking spaces plus a turning area

The site is located within the Green Belt and within an Area of Landscape Restoration as defined within the Local Development Framework.

The statutory 8 week determination period for this application expires on 8th January.

RECOMMENDATION

PERMIT subject to the following conditions;

1. Prior to setting up of the compound provision of visibility splays, by defined cutting back of hedgerows on either side of the access
2. Prior submission, approval and implementation of a Construction Vehicle Management Plan incorporating where relevant the People, Vehicle and Plant Management Plan
3. Prior to first use of the site compound the access between the edge of the carriageway and the existing gate shall be surfaced in a bound matter
4. Existing field gate to only open away from highway during the duration of the works
5. Submission for approval prior to the setting up of the compound of details of any tree works required to gain access from the A53 to the compound and of tree protection / stand-off works to prevent damage of the trees along the access track
6. Reinstatement of site to existing condition
7. External lighting controls as per submission
8. Standoff of 1.5 metres between centre line of hedgerow along eastern side of compound

Reason for recommendation

The development would be visually prominent in the wider landscape, but it is for a temporary period and appropriate restoration can be achieved. By the use of appropriate conditions, tree works can be kept to an acceptable level. Highway safety should not be compromised provided appropriate steps are taken, all of which can be secured by conditions. Whilst the proposal is for inappropriate development in the Green Belt it is considered that there are very special circumstances in this case that justify approval being granted, namely that the works are closely associated with a major infrastructure project where it is in the public interest that the ground investigation works are undertaken as efficiently and quickly as possible.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with this application

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application seeks planning permission for a temporary change of use of land to a storage compound/. The proposal includes an area of compacted stone including the access track and compound footprint, a lay-down area, security hut, 5 storage cabins, toilets and effluent tanks

(portable cabin), Generator and batteries for running, bulk fuel store, 5 portable office cabins, 2 canteens, a refrigerator unit, logging cabin, logging cabin, and waste skips. The compound would be surrounded by a 2.4 m high security fence with double access secure gates, and there would be a turning area as well. All structures on the site would be of a height of no more than 3 m and the majority would be white coloured. Lighting may be required during the hours of working and if required at other times, say for security, will be subject to certain conditions. Other details of the proposal are contained within the submission.

The application site is located within the Green Belt as defined within the Local Development Framework. The key issues to consider as part of the development are as follows:-

- Is the development inappropriate development within the Green Belt?
- Is the impact of the development upon the character and appearance of the wider area acceptable?
- What measures need to be taken to protect highway safety?
- What measures need to be taken to protect trees and hedgerows that may be impacted by this development?
- Should it be concluded that the development is inappropriate in Green Belt terms, do the required very special circumstances exist?

Is the development considered appropriate development in the Green Belt?

Paragraph 87 of the National Planning Policy Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Since the introduction of the NPPF in March 2012, only “due weight” should now be given to relevant policies of existing plans according to their degree of consistency with the NPPF; the closer the policies in the plan to the policies in the framework, the greater the weight that may be given.

NLP Policy S3 indicates that whilst there is a presumption against any form of development within the Green Belt development for other uses of land that preserve the openness of the Green Belt may be located in the Green Belt so long as such development does not disrupt viable farm holdings. Any buildings must be limited to those essential to the use and must be sited so as to minimise their impact on the openness of the Green Belt.

It cannot be argued that the development preserves the openness of the Green Belt. The land involved forms part of an actively worked farm of the Whitmore Estate, it is presumed that an arrangement has been made with the Estate for the temporary use of the land, and that long term agricultural interests will be protected by the arrangement. The development does involve some structures and given the location, well away from any other form of buildings they could not be said to be sited to minimise their impact on the openness of the Green Belt. The wider landscape implications of the development are discussed further below.

Paragraph 90 of the National Planning Policy Framework states that certain types of development are not inappropriate, providing that they maintain openness of the Green Belt. These include engineering operations, but only provided they preserve the openness of the Green Belt and do not conflict with the purposes of the Green Belt – neither of which the development would. Changes of use of land are not listed as appropriate development.

In light of the above, the development must be considered as inappropriate development within the Green Belt and should not be approved except in very special circumstances. This will be addressed below.

Is the impact of the development upon the character and appearance of the wider area acceptable?

The proposed compound would lie some distance back from the A53, and thus not particularly visually prominent from the A53 and the access is taken via an existing tree lined agricultural track, using an existing access point onto the A53. However in the wider landscape this is an elevated and very open location, with views of the site obtainable particularly from the south across the valley. The

site of the compound is not part of a field but rather an area of hardstanding that is used for the open storage of forage crops, straw and compost. The compound would be parallel to an existing hedgerow. There is little doubt that the compound would in the wider landscape be both a prominent and intrusive feature. The landscape whilst not the subject of any national landscape designation is one that is part of Area of Landscape Restoration where the Council will, according to NLP Policy N21, subject to compliance with other plan policies such as Green Belt, support proposals that will help to restore the character and quality of the landscape, and that within such an area it will be necessary to demonstrate that development will not further erode the character or quality of the landscape. The proposal is for a temporary compound for up to one year (HS2 advise that in reality it is more likely to be 3-4 months but a one year consent is sought) and it is accepted that the site should be able to be restored to its current condition upon removal of the compound. The formation of an access surface in a bound material (to reduce the likelihood of mud from the access track being brought onto the highway) would however be retained so there would be a long term impact from that, albeit it is visually well contained, and the retention of those works will help reduce the likelihood of mud from agricultural activities subsequently being brought onto the highway by vehicles. As members may be aware there is also other legislation that controls such matters, separate from planning controls.

What measures need to be taken to protect highway safety?

The access to the proposal is directly off the A53 via an existing access tree-lined access track. HS2 expect, once the site is operational, up to 12 trips during the AM peak (7-9am) and up to 12 trips in the PM peak (5-7pm). The principal vehicle types will be cars, vans and 4x4s that may be towing a mobile drilling rig. These towing vehicles have a maximum length of 14.5m combined. Occasionally during the operation of the compound there will be visits by skip lorries and / or 4-axle flat-bed lorries to change skips and deliver equipment and supplies.

The access is at a point in the road where the road takes a slight bend, and this has some impact on forward visibility of vehicles moving along the highway. This section of the A53 is subject to the national speed limit (60mph). The Highway Authority have no objections to the application but they do ask the Local Planning Authority to attach certain conditions including the provision of 200m by 2.4 metres visibility splays. HS2 whilst emphasising that they are aware that the safety of all highway users is an important consideration which they take very seriously, they have asked that this condition be not imposed indicating that they are concerned that it will require them to undertake works that do not lie within their control and that it will also delay the setting up and use of the compound. They refer to previous discussions with the Highway Authority at which no reference was made to this requirement and they emphasise that they will be proceeding in accordance with a People, Vehicle and Plant Management Plan (PVPMP) (which has been submitted as part of the planning application) which includes a number of actions including the provision of Caution Slow Vehicles turning ahead signs at either end of the A53 at this stretch. They consider that the existing visibility splays in conjunction with the submitted PVPMP will be sufficient to address the highway concerns raised, but if one is required they ask that a significantly reduced visibility splay be imposed. There have been further discussions with the Highway Authority who have emphasised the importance of achieving satisfactory visibility onto the highway at this point. A site meeting with the Highway Authority has confirmed the relatively limited nature of the hedgerow cutting back works that would be required to achieve satisfactory visibility (impacting on 10 metres of hedgerow on either side). A condition as listed above in the recommendation section above is required in your Officers opinion in order to provide an appropriate and safe access to the development.

What measures need to be taken to protect trees and hedgerows that may be impacted by this development?

The meeting referred to above has confirmed that no trees along the A53 (there being a number of considerable amenity value) will be impacted by the required visibility splays. There is the potential that the hedge cutting back works may have some long term impact, possibly up to 4 hedgerow bushes will be lost, but only immediately adjacent to the access point. The Highway Authority consider that such works could in theory be undertaken by them, or they could permit others to do them, given that the highway will extend up to the hedgerows in question, so there should be no issue as to whether the applicant has the required control to be able to comply with such a condition. No replanting is therefore sought. With respect to the trees on site, HS2 have emphasised the

importance of early Ground Investigation work in this location (which will be expanded upon in the Very Special Circumstances section below) and they are concerned that if further information is required prior to the determination of the application then the risk to the project will be significantly increased. There is at present uncertainty about how the import and export of the site cabins in particular may impact upon the two lines of trees that lead up to the compound site, but it is considered that by the use of an appropriately worded condition, as listed in the recommendation section this can be addressed.

Do the required very special circumstances exist to justify inappropriate development?

The NPPF states in paragraph 88 that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, and 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 circumstances. Inappropriate development by definition is harmful to the interests of the Green Belt.

The compound is associated with ground investigation works along the safeguarded route of HS2 Phase 2a. A plan accompanies the application indicating where the 20 or so boreholes are intended to be. The rigs and samples will need to be brought back to the compound so there is a direct functional connection between the ground investigation works and the compound. No specific information has been provided of how this site was chosen, and in particular of any alternatives that have been looked at, although HS2 do say that alternative locations have been considered, but given the ease of access, the existing use of the site as a temporary compound facility, and land access restrictions, the site they are proposing here meets all of their access requirements, and is in a location that minimises disruption to the local community. Members will note that the Environmental Health Department raise no objections to the application.

The West Coast Mainline forms the boundary of the Green Belt at this point and the HS2 safeguarded route coming from the south passes through the Green Belt, within the Stafford Borough and then the Borough, and then through the open countryside beyond the Green Belt in a northerly direction. Most of the boreholes referred to are clustered in the Whitmore Heath area that lies immediately to the north of the compound site.

HS2's submission is the compound is essential to support the delivery of a national infrastructure project that has cross party support and is anticipated to be authorised by an Act of Parliament in 2019 and they say that the proposal should be viewed as constituting sustainable development.

Your Officer would advise giving weight in this planning decision to the assumed consent by Parliament to the Hybrid Bill.

The ground investigation works of the geology through which tunnels, cuttings, bridges and embankments in the HS2 Phase 2a scheme as now submitted to Parliament within the Hybrid Bill is very much in the public interest and in this connection it is to be noted that the Secretary of State has asked HS2 to investigate a longer deeper tunnel option between Whitmore and Madeley. All parties are seeking the information that the Ground Investigations will provide and the urgency of the matter is such that, bearing in mind that what is proposed is a temporary compound only, the required very special circumstances are considered to exist in this case.

APPENDIX

Policies and Proposals in the approved Development Plan relevant to this decision:-

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

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy S3: Development in the Green Belt
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character – general considerations
Policy N21: Area of landscape Restoration
Policy T16: Development – General Parking Requirement

Other material considerations include:

National Planning Policy Framework (NPPF) (2012)

Planning Practice Guidance (PPG) (2014)

Relevant Planning History

17/00661/PLD – application for a lawful development certificate for proposed temporary use of land for a compound associated with site investigation works for a temporary period - withdrawn

Views of Consultees

Highway Authority: No objections subject to conditions relating to the following:

1. A construction management plan to be submitted and approved including provision for parking of vehicles & measures to remove any mud or debris carried onto the road
2. Prior surfacing of access up to the field gate in a bound material
3. Prior provision of 2.4m x 200 m visibility splays in both directions along the A53
4. Field gate to only open inwards

Landscape Development Section: indicate that before they can comment they would wish to see a tree survey, an arboricultural impact assessment and retained trees and their Root protection Areas shown on the proposed layout. They would also want an assessment of the impact on hedgerows of any requirement for visibility splays, and finally reinstatement proposals

Environmental Health Division: no objections

Whitmore Parish Council: no objections, but ask that the provision of some form of wash, grid or similar should be provided to prevent mud finding its way onto the A53

Representations received

None

Applicant/agent's submission

Application forms and plans have been submitted which are available for inspection at the Guildhall and via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/00908/COU>

In addition to the submitted application material HS2 have provided a response to the comments received from the Highway Authority and the Landscape Development section

Background Papers

Planning File
Development Plan

Date report prepared

20th December 2017