

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

5th July 2018

Application No:	SMD/2018/0522	
Location	Land Adjacent to 2 Hillside Avenue, Endon	
Proposal	Proposed detached dwelling to land adjacent to 2 Hillside Avenue, Endon	
Applicant	Mr M Lawler	
Agent	Forefront Development Consulting Ltd	
Parish/ward	Endon	Date registered 10.08.2018
If you have a question about this report please contact: Lisa Howard tel: 01538 395400 ex 4923 lisa.howard@staffsmoorlands.gov.uk		

REFERRAL

The application is brought to the Planning Applications Committee in the interests of consistency.

1. SUMMARY OF RECOMMENDATION

APPROVE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 This application relates to no.2 Hillside Avenue, a detached circa 1960's dwellinghouse located on the north-eastern side of the highway. The application site forms the first of a row of detached dwellings of the same design and character. Detached bungalows are located opposite the site to the south-west. Hillside Avenue has retained an open, spacious character that is a common feature of 1960's housing development.

3. DESCRIPTION OF THE PROPOSAL

3.1 This application seeks Full Planning approval for the sub-division of 2 no. hillside Avenue and for the construction of a detached bungalow. The bungalow is to be located adjacent to the north eastern site boundary, in a similar position to that illustrated on the indicative site layout plan considered under planning application reference SMD/2017/0061.

3.2 The bungalow is to be rectangular in shape and accommodation is to comprise of a kitchen, lounge, utility room, bathroom, w.c. and 3 no. bedrooms (one being en-suite). The principal elevation is orientated to front onto Hillside Avenue and is to comprise the main access door and windows

that serve bedroom and lounge accommodation. The north west elevation is to comprise of an external chimney stack and double doors that are to serve a kitchen. The north east elevation is to comprise of an access door leading into a utility room and 3no. windows (two are to serve shower rooms and one is to serve a bedroom). No windows or doors are proposed within the south east elevation.

3.3 A dual pitched roof is proposed which is to measure 5.4m to the ridge line and 2.4m to eaves level. The ridge line is to step down to 5m on the south eastern section of the bungalow which is also stepped back from the principal elevation by 0.8m.

3.4 External building materials are to comprise of Staffordshire blue clay tiles to the roof, red/brown multi clay bricks to the walls and anthracite UPVC windows and doors.

3.5 Vehicular access is proposed to be taken off Hillside Avenue and is shown to be located within the southern corner of the plot, adjacent to the shared boundary with Ashbridge Hosue.

4. RELEVANT PLANNING HISTORY

SMD/2017/0061	Outline planning permission with all matters reserved (except access and layout) for proposed bungalow and new vehicular access	APPROVED
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5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises of:

- Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998).
- Core Strategy Development Plan Document (adopted March 2014)

Staffordshire Moorlands Local Plan (1998)

5.2 Development boundaries within the 1998 Adopted Local Plan are still in force until such time as they are reviewed and adopted through the site allocations process. Following consultation last year a Preferred Options Site Allocation DPD is to be consulted on in late Spring 2016.

Adopted Staffordshire Moorlands Core Strategy DPD (26th March 2014)

5.3 The following Core Strategy policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS6a Larger Villages Area Strategy
- SD1 Sustainable Use of Resources
- SD4 Pollution and Flood Risk
- H1 New Housing Development
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- C1 Creating Sustainable Communities
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport

National Planning Policy NPPF

- Section 5 Delivering a sufficient supply of homes
- Section 12 Achieving well-designed places
- Section 15 Conserving and enhancing the natural environment

Supplementary Planning Guidance

- National Planning Policy Guidance
- Space about dwellings (September 1998 – Appendix 3 Local Plan)
- Design SPG

Emerging Staffordshire Moorlands Local Plan

National Policy Guidance

5.4 Paragraph 48 of the newly adopted NPPF states that:

“...decision-takers may also give weight to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Local Plan process

5.5 The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was “sound”. Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public

consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

5.6 In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public will now be held this Autumn in order to determine whether the Local Plan is sound and legally compliant. Subject to the findings of the appointed inspector, the Local Plan is expected to be adopted in the Spring of 2019. At his point, it will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

5.7 In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the Council has submitted it to the SoS for examination
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question. The Officer Comments section of this report identifies the level of outstanding objections to each policy and recommends the amount of weight to be given to them at this stage in the process
- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

Emerging Policies

5.8 The following policies are considered to be relevant to this application:

- SS1 Development principles
- 1a Presumption in favour of sustainable development
- S2 Settlement hierarchy
- SS4 Strategic housing and employment land
- SS8 Larger villages area strategy
- SD5 Flood risk
- DC1 Design considerations
- DC3 Landscape and settlement setting
- NE2 Trees, woodland and hedgerows
- T1 Development and sustainable transport

6. CONSULTATIONS CARRIED OUT

Site Notice expiry date: 22nd October 2018
Immediate neighbours have been notified by letter.

6.1 Letters of objection have been received from neighbouring residents to the north east and south east of the application site. The salient points raised in objection include:

- Loss of privacy;
- Overbearing impact
- Exacerbate existing drainage issues owing to natural spring.

Staffordshire County Council Highways

6.2 No objection subject to conditions relating to the creation of the access prior to the site being brought into use; the provision of parking and turning areas in accordance with the approved plans being provided prior to the site being brought into use and retained thereafter; the submission of details of a surface water drainage interceptor prior to the site being brought into use; the surfacing of the driveway in a bound material prior to the development being brought into use; and the relocation of the existing telecommunications box.

Tree Officer

6.3 The layout is very similar to that shown on the previously approved application SMD/2017/0061. The proposed dwelling now has a larger footprint and extends closer to the tree, but remains outside the Root Protection Area (RPA). The proposed new vehicular access onto Hillside Avenue has a slightly wider splay where it meets the pavement, but again remains outside the RPA. In the circumstances a tree report is not required.

Staffordshire County Council Minerals and Waste

6.4 The County Council as the Mineral and Waste Planning Authority has no comments on this application as the site is:

- Not within or near to any permitted waste management facility; and
- Exempt from the requirements of Policy 3 Mineral Safeguarding in the Minerals Local Plan for Staffordshire 2015 2030.

Severn Trent Water

6.5 No objection as the proposal has minimal impact on the public sewerage system. The proposals do not require a drainage condition to be applied.

Alliance Environmental Services Ltd

6.6 The waste collection service has no objection or issues concerning this application.

7. OFFICER COMMENT AND PLANNING BALANCE

Principle of Development

7.1 As with all applications, the LPA is required to determine this application in accordance with the Development Plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations.

7.2 Paragraph 8 of the National Planning Policy Framework (NPPF) identifies three dimensions to sustainable development as economic, social and environmental.

7.3 The presumption in favour of sustainable development is reflected in Core Strategy policy SS1, where the Council expects all new development to make a positive contribution towards the sustainability of the Staffordshire Moorlands. Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' in line with the National Planning Policy (herein referred to as the NPPF) where: (1) planning applications that accord with policies within the Core Strategy will be approved without delay and (2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:-

- I. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or,
- II. Specific policies in within the NPPF indicate that development should be restricted.

7.3 The Core Principles of the NPPF are set out at paragraph 17 which, amongst other things, seek to proactively drive and support sustainable economic development to deliver homes, businesses, industrial units, infrastructure and thriving local places that the country needs. High quality design should be sought and a good standard of amenity shall be expected for all existing and future occupants of land and buildings. Section 5 of the NPPF relates to the delivery of a wide choice of high quality homes.

7.4 The application site is located within the Endon Village Development Boundary with reasonable access to local amenities and public transport links. Endon is identified as a 'Larger Village', where in accordance with policy SS6a, the Council seeks to sensitively retain and enhance its role as a rural service centre, providing for the bulk of the local housing and employment needs appropriate to the settlement.

7.5 Within the identified Development Boundaries of the towns and village, Core Strategy policy H1 permits residential development on unidentified (windfall sites) up to an indicative maximum scheme size of 9 dwellings.

7.6 Furthermore, on 15th June 2017, Planning Applications Committee resolved to approve Outline planning with all matters reserved except for

access and layout for the construction of a detached bungalow and new vehicular access.

7.7 There is no objection in principle. Issues to consider include design, character and appearance, residential amenity, trees, highway safety, drainage.

Character, Appearance & Heritage

7.7 In accordance with policy DC1 and paragraph 127 of the NPPF, development should be designed to respect the site and its surroundings having regard to matters of scale, density, layout, siting and landscaping. Development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement should be resisted.

7.8 The application site is located within an area that is predominantly residential in character. Hillside Avenue comprises circa 1960's two storey, dormer and single storey dwellings. No.2 Hillside Avenue is a dormer bungalow and a row of single storey bungalows are found opposite the application site to the south west. Ashbridge House bounds the application site to the south east and comprises of a two storey dwelling house and Highlands is located to the north east and comprises of a circa 1950's bungalow. Properties benefit from landscaped gardens to the front and rear and on-site parking provision. The streetscene character is varied.

7.9 The scheme proposed seeks approval for the construction of modest single storey bungalow with an acceptable material palette that reflects the vernacular of the area. The bungalow is to be positioned towards the rear of the site and its presence would be largely mitigated by no.2 Hillside Avenue, Ashbridge House and a mature Oak tree. It is not considered that the proposal would result in an incongruous form of development and as such accords with policy DC1 and the design objectives set out in the NPPF.

Amenity

7.10 Core Strategy policy DC1 seeks to ensure that all new development is designed to protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, outlook, privacy and soft landscaping. NPPF paragraph 127 f) states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users.

7.11 Objection has been raised on the grounds of overbearing impact and loss of privacy.

7.12 The bungalow is to be located within the former side garden of no2 Hillside Avenue and is to be sited 3.4m to the south east of an existing double garage that remains to serve no2 Hillside Avenue. Windows located within the north west elevation are positioned such that no overlooking would be

incurred. The bungalow is not of a scale that would appear unduly overbearing or intrusive to this neighbouring property.

7.13 Ashbridge House and Highlands bound the application site to the north east and south east. Both front Church Lane. Ashbridge House is a two storey detached dwellinghouse with a detached double garage. Highlands comprises of a detached bungalow. The rear amenity spaces of these neighbouring properties bound the south eastern (side) boundary of the application site.

7.14 Land falls away steeply from the application site to Church Lane and as such the application site occupies an elevated position relative to Ashbridge House and Highlands.

7.15 The proposed bungalow is positioned to run perpendicular to Church Lane and orientated to front onto Hillside Avenue. The nearest point of the proposed bungalow would be positioned 11m to the north of the rear elevation of Ashbridge House and 12m to the west of Highfield. No windows are to be located within the south east facing elevation of the bungalow and those located within the front and rear elevations would be set on an oblique angle relative to these neighbouring properties. As such there would be no direct loss of privacy or overshadowing, given that a separation distance of 12-13m is usually considered to be sufficient between a flank elevation and principal windows even in situations where these are directly opposing.

7.17 The proposed bungalow would not be positioned directly to the rear of Ashbridge house and Highfield and due to it's positioning to the north and west of these neighbouring properties, the development would not result in any direct loss of sunlight.

7.18 Concern has been raised in respect of car headlights. The site boundary is served by a timber fence measuring 1.8m in height and, in parts, is further served with additional soft landscaping. Taking account of the boundary treatment it is not considered that the movements associated with a single dwelling would result in significant injury in this respect.

7.19 The rear elevation of the proposed bungalow would, for the most part, front the boundary shared with Endon Hall Primary School, which is also served by a timber fence.

7.20 Taking account of 1. the single storey nature of the proposed development; 2. the orientation of the proposed bungalow; 3. its positioning relative to Ashbridge House and Highfield; 4. the positioning of fenestration; and, 5 existing boundary treatment, it is not considered that the development would likely result in significant injury by virtue of overbearing impact, loss of sunlight or loss of privacy. Taking account of the topography of the site relative to Ashbridge House and Highfield, It is considered appropriate to apply a condition in order to limit future development on the site through the removal of permitted development rights for future extension to include Classes A and B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Access / highways

7.21 Core Strategy policy DC1 seeks to provide for safe and satisfactory access. Staffordshire County Council Highways raise no objection to this application subject to a series of recommended conditions relating to the provision of parking, the management of surface water drainage and the relocation of telecommunications equipment.

Trees

7.22 There is a mature Oak tree situated to the south-east of the existing dwellinghouse that is protected as T46 under Tree Preservation Order No.LR.5. No objection has been raised by the Councils tree specialist.

Other Matters

7.23 Concerns have been raised in respect of drainage. The site is not located within an identified flood risk area. A condition in respect of foul and surface water drainage is considered necessary and relevant to the proposed development.

Conclusion & Planning Balance

7.24 Planning applications must be determined with the Development Plan unless material considerations indicate otherwise.

7.25 Careful consideration has been given to the objections and concerns raised.

7.26 The layout of the proposed development is similar to that previously approved under planning reference SMD/2017/0061. The Agent has responded positively to Member concerns previously raised and proposed a single storey bungalow. It is considered that the scheme is of an acceptable design and scale and would not result in significant harm to streetscene character, the residential amenity of nearby properties or highway safety. Furthermore, no objection has been raised by the Councils Arboricultural Officer.

7.28 This application is considered to accord with the relevant policies of the Staffordshire Moorlands Core Strategy and National Planning Policy Framework.

1. RECOMMENDATION

A. That planning permission be APPROVED subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall be carried out in accordance with drawings numbered 18-142-01, 18-142-02 and 18-142-03.

3. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed.

Reason:- To comply with NPPF paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

4. The development hereby permitted shall not be brought into use until the parking and turning area has been provided in accordance with the approved plans. The parking and turning area shall thereafter be retained unobstructed as parking and turning area for the life of the development.

Reason:- To comply with NPPF paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

5. The development hereby permitted shall not be brought into use until details of the surface water drainage interceptor, sited immediately to the rear of the highway boundary and connected to a surface water outfall or drained to SUDS principles, has been submitted to and approved in writing by the Local Planning Authority. The drainage interceptor shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

Reason:- To prevent the flow of water off the site due to the slope of the drive.

6. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for a minimum distance of 5m back from the site boundary.

Reason:- To comply with NPPF paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

7. Before the proposed development is brought into use, the existing telecommunications box in the footway shall be relocated or strengthened as required by the statutory undertaker.

Reason:- To ensure a usable access.

8. Before the commencement of development (including any site clearance, stripping, site establishment or formation of new access) temporary protective fencing and advisory notices for the protection of the existing trees to be retained shall be erected in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations, and shall be retained in position for the duration of the period that development takes place.

Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires.

Reason:- To ensure the health and future wellbeing of the protected Oak is maintained throughout the course of the development hereby approved.

9. The new access hereby approved shall be constructed only by means of vertical excavation at the outer edge of the Root Protection Area of the protected mature Oak tree at the side of the existing dwelling, sufficient only to allow construction of a new retaining wall at the position shown and hereby approved, and shall on no account include any further excavation within the Root Protection Area.

Reason:- To ensure the health and future wellbeing of the protected Oak is maintained throughout the course of the development hereby approved.

10. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason:- To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

11. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times:

08:00 – 18:00 hours (Monday to Friday)

08:00 – 13:00 hours (Saturday)

No working is permitted on Sundays and Bank Holidays

In this instance noisy activity is defined as any activity (for instance, not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

12. During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.

Reason: To protect the amenities of the area.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as may

subsequently be amended or re-enacted) no extensions, alterations or buildings within the site curtilage normally permitted by Classes A to E of Part 1 Schedule 2 to that Order shall be carried out unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason:- To satisfactorily protect the residential amenities of nearby occupiers. To comply with policy DC1 of the Staffordshire Moorlands Core Strategy and the National Planning Policy Framework.

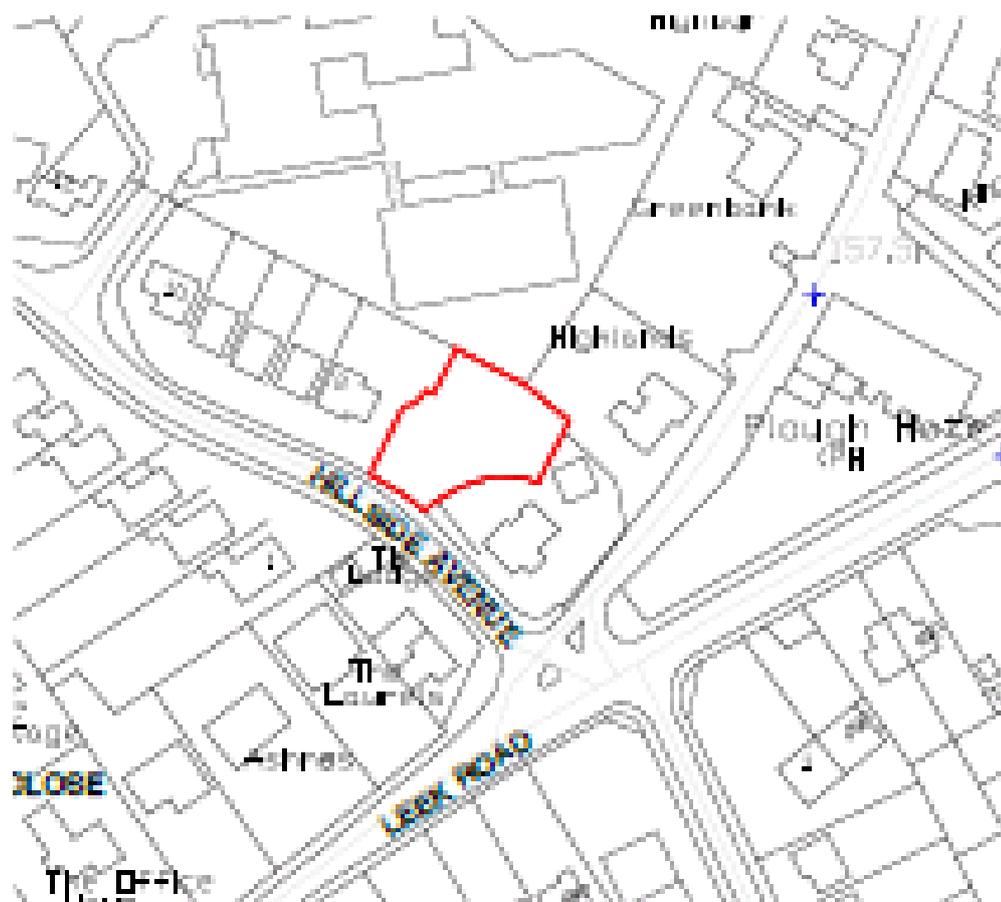
14. No development shall take place before a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of hard and soft landscape works, existing and proposed levels, earthworks and surfacing materials. The scheme as approved shall be carried out in the first planting season following completion of the bungalow. Any trees, shrubs or plants that die within a period of five years from the completion of the development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced in the first available planting season with others of a similar size and species.

Reason:- To protect the amenities of the area. To comply with policy DC1 of the Staffordshire Moorlands Core Strategy and National Planning Policy Framework.

15. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:- To ensure the finished appearance of the development respects the character and visual amenities of the area, in accordance with policy DC1 of the Staffordshire Moorlands Core Strategy and National Planning Policy Framework.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal), prior to the decision being issued the 'Operations Manager-Development Services' has delegated authority to do so in consultation with the Chairman of the Development Control Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



PROPOSED LOCATION PLAN - 1:1250