

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

24 January 2019

Application No:	SMD/2018/0711		
Location	Highfield, Leek		
Proposal	Proposed outline planning permission with all matters reserved (Except access) for the erection of dwellings.		
Applicant	C/O Agent		
Agent	Sammons Architectural		
Parish/ward	Kingsley	Date registered	12 th November 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 as this application seeks to address the reason for refusal of planning reference SMD/2017/0635 which was determined at Planning Applications Committee on 10th May 2018.

SUMMARY OF RECOMMENDATION

REFUSE

1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

1.1 This application relates to a rectangular piece of land positioned to north east of Macclesfield Road, north west of Leek Cricket Club. The existing site is relatively flat in nature and is occupied by a detached dwellinghouse that is located in the south western portion of the plot with the remainder of the site being used for grazing. Lowfield and Highfield serve to separate the plot from the main Macclesfield Road. A private driveway that serves Home Farm and a number of residential properties to the north-east of the site bounds the site immediately to the north, with open agricultural land beyond.

1.2 Details of the application submission can be viewed <http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet>

2. DESCRIPTION OF THE PROPOSAL

2.1 This application seeks outline approval for the construction of dwellings with all matters reserved (except for access). The description of development does not specify a number of dwellings, although the indicative layout and supporting documents all refer to 2 dwellings. The application has been supported with an indicative site layout, a visual impact assessment, Planning Statement and Heritage Impact Assessment. For the purposes of this assessment the application has been considered on the basis of 2 dwellings and in the event of approval a condition limiting the permission to 2 dwellings should be imposed.

2.2 This application essentially seeks to address the reasons for refusal of planning reference SMD/2017/0635 which are detailed as follows:

- 1. The application site is divorced from the settlement boundary and presents a poor relationship to the built-up area of Leek. Development of this site is likely to present an uncharacteristic urban form of development that would appear divorced from the town and incongruous in this location. As such this application is considered contrary to Staffordshire Moorlands Core Strategy Policies DC1, DC3 and R1 and Section 7 of the National Planning Policy Framework.*
- 2. The development would result in significant impact on trees arising from the proposed access arrangements, involving the felling and removal of trees in three locations within continuous canopy tree belts, protected as Groups and Woodlands under a Tree Preservation Order reflecting their significant contribution to the character and landscape structure of the former Highfield House and the visual amenity of the area generally. In this regard the application is contrary to Policy DC1 of the Staffordshire Moorlands Core Strategy, the provisions of the NPPF and Section 2.2.6 of the Council's Tree Strategy.*

3. RELEVANT PLANNING HISTORY

SMD/1978/0937 78/05854/OLDDC	Residential development	Refused
SMD/2017/0635	Proposed outline planning permission with all matters reserved (except access) for erection of dwellings	Refused, Appeal submitted and yet to be determined

4. PLANNING POLICIES RELEVANT TO THE DECISION

4.1 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)

4.2 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)

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

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS5a Leek Area Strategy
- SS6c Other Rural Areas Area Strategy
- SD1 Sustainable Use of Resources
- SD3 Carbon-saving Measures in Development
- SD4 Pollution and Flood Risk
- H1 New Housing Development
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- C1 Creating Sustainable Communities
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures

National Planning Policy NPPF

- Section 5 Delivering a wide choice of high quality homes
- Section 12 Achieving well-designed places
- Section 15 Conserving and enhancing the natural environment
- Section 16 Conserving and enhancing the historic environment

National Planning Policy Guidance

- Space about dwellings

Emerging Staffordshire Moorlands Local Plan

National Policy Guidance

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

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.

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.

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

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

- SS1 Development Principles
- 1a Presumption in Favour of Sustainable Development
- SS2 Settlement Hierarchy
- SS10 Other Rural Areas Strategy
- H1 New Housing Development
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures

5. CONSULTATIONS CARRIED OUT

5.1 A Site Notice was displayed and neighbours notified by letter. The last date for comments expires 22nd January 2019. Comments received in response to date can be summarised as follows:

- Harm to landscape character;
- Damage to TPO trees and hedgerows;
- Unneighbourly impact on amenity owing to loss of light, loss of privacy, shadowing, increased light and noise;
- Highfield is not included in the site allocations submitted to the Inspector as part of the Staffordshire Moorlands Local Plan;
- Visually intrusive and would not relate well to the town;
- Unsustainable location;
- Highway safety;
- Impact on wildlife.

Leek Town Council:

5.2 No comments received.

SCC Minerals and Waste Planning

5.3 No comments received.

Severn Trent Water

5.4 No objections subject to condition to secure an acceptable drainage scheme.

Arboricultural Officer

5.5 Awaiting comments.

Staffordshire County Council Highways

5.6 Awaiting comments.

Staffordshire Police

5.7 No comments received.

Waste Minimisation & Recycling

5.8 AES waste collection service are unable to comment of this planning application as there are no details concerning access to the development.

6. OFFICER COMMENT AND PLANNING BALANCE

Policy Context

6.1 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.

6.2 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.

6.3 The Core Principles of the NPPF are set out at paragraph 8 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 is 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.

6.4 The application site is located outside of a defined settlement boundary, within open countryside. Policy SS6c relates to 'other rural areas' and outlines that within such areas development will only be supported where it meets an

essential local need, supports the rural diversification and sustainability of the rural area, promotes sustainable tourism or enhances the countryside.

6.5 The development in principle is therefore considered contrary to the Development Plan. However, government policy set out in the NPPF aims to significantly boost the supply of housing and at para 73 requires the Local Planning Authority to identify and annually update a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. The Council currently does not have a five year supply of deliverable housing sites. Para 11 footnote 7 of the NPPF confirms that in such circumstances, relevant policies for the supply of housing cannot be considered to be up to date. Restricting the growth of towns and villages by the imposition of development boundaries in order to protect the wider countryside is, by definition, a means of restricting the supply of housing and these policies are therefore out of date.

6.6 Whilst this remains to be the case, the local planning authority must therefore consider any future application for the development proposed in line with para 11 of the Framework. Whilst the site is located outside of the development boundary, it is not located in the Green Belt. There appear to be no other NPPF policies that indicate that development should be restricted in this location. As such, the planning balance is triggered and this application should be considered against the balance of harm and whether or not any adverse impacts of granting approval would significantly and demonstrably outweigh the benefits arising from the development when assessed against the policies of the NPPF as a whole.

Character, Appearance & Heritage

6.7 In accordance with policies DC1, DC2, DC3 and R1, 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. The Council will seek to support development which respects and enhances local landscape character.

6.8 This application seeks to address the reasons for refusal of planning reference SMD/2017/0635, which sought outline approval for up to 14no. units with all matters reserved (except access). The current application also seeks outline approval with all matters reserved (except access), but for the construction of up to 2no. units. An updated Planning, Design and Access Statement and Heritage Impact Assessment have been provided. A Visual Impact Assessment and indicative site layout plan have also been submitted.

6.9 One of the main characteristics of the site location is the sense of rural isolation that the estate buildings have from the main road, shrouded by mature planting and specimen trees. Though it is acknowledged that the site is located within reasonable walking distance of the Built-up Area of Leek, it remains to be the case that the site is divorced from the settlement. Development on this site has the potential to introduce an urban built form of

development that would appear incongruous and uncharacteristic within this location. The proposal would not relate well to the existing urban form of the town and does not form a natural extension to it and therefore fails to comply with Policy DC1 as it would detract from the rural character and appearance of this site.

6.10 The Applicants Agent disputes this statement and draws our attention to the following:

“It is important to note that the application site lies a mere 120m from the edge of the town development boundary as specified within the Staffordshire Moorlands Local Plan. In fact it is only the width of the cricket pitch which “divorces” it from the town. Secondly the deposit Local Plan which is currently being examined by the Planning Inspectorate proposes an extension to the settlement boundary in this location to accommodate housing allocation (LE102) along Macclesfield Road, which would extend the level of built development from Bridge End to the Cricket Club perimeter. Thirdly there is an extant consent to build 11 units on the site of the former Reservoir which would also extend built development towards the application site. The existence of an extant permission is a significant and material consideration which should be afforded significant weight. The development of this elevated and prominent site would also extend built development towards the application site thereby reducing the distance between the urban edge of the town and application site. Finally the application site sits within a small cluster of dwellings on the site side of Macclesfield Road with residential dwellings to the north, east and west. Planning permission for new residential housing has recently been permitted within the immediate locality with 2 dwellings to the side of The Coach House and 4 new dwellings within the former walled garden of Highfield House. Both of these locations have much more open aspects and are more divorced from the built development of the town than the application site”. This statement goes onto comment that “Rather than appear as an incongruous and uncharacteristic form of development the current scheme which proposes the erection of two dwellings within the grounds of Highfield would appear as a logical continuation of the built fabric and would be set against the backdrop of the adjacent dwellings rather than appear as a sporadic and unwarranted intrusion into the open countryside.”

6.11 Officers disagree with the Agents statement and remain firmly of the view that the application site is divorced from the settlement boundary. The Reservoir site referenced in the Planning, Design and Access Statement falls within the Built-up Area Boundary of Leek. The site is a brownfield site and is not comparable to the proposal under consideration. Furthermore, the other sites referred to by the applicant are visually divorced from the application site due to intervening features such as the cricket pitch and trees.

6.12 Proposed Housing Allocation site reference LE102 directly adjoins the Built-up Area Boundary to the south of the Cricket ground. Again the site is not comparable to the application site. Furthermore the Local Plan has not yet been adopted and as such this is afforded limited weight.

6.13 The submitted Heritage Statement provides a detailed understanding of the history of Highfield and acknowledges that the cluster of development to the north east of the application site would have historically served as trade access for workers accommodation. This is set back from the site frontage and is very much secondary to the main site itself. Housing development in this location has been considered in the context of the respective sites and holds a very different, less prominent or potentially visually intrusive setting than that of the application site. Officers therefore do not agree that the impact of development within the former walled garden to the rear of the former Highfield House and Home Farm would have the same or greater landscape character impact than the development proposed.

6.14 Para 7.6 of the submitted Heritage Impact Assessment highlights the need for the character of the new housing to follow the grain and character of large houses within garden settings. Large gardens and landscaping continue the garden character and remove any sense of urbanization, to provide a spacious arrangement that is not constrained by the shrubbery screen to the south. However, para 7.5 stresses the importance of dense shrub planting in order to screen the proposed dwellings and reduce the visual impact from Macclesfield Road. The level of screening required to warrant acceptable development on this site supports the Councils view that this site is not an appropriate site for the development proposed.

6.15 This application seeks Outline approval and as such limited details have been provided. An indicative layout provided with the application which demonstrates that two units could be accommodated on the site with appropriate planting. However, it remains to be the case that the application site presents a poor relationship to the built-up area of Leek and that the development of this site is likely to present an uncharacteristic urban form of development that would appear divorced from the town and incongruous in this location. As such this application fails to accord with Staffordshire Moorlands Core Strategy policies DC1, DC3 and R1, and Section 12 of the National Planning Policy Framework.

Trees

6.12 The Councils Arboricultural Officer has been consulted on this proposal. Comments have not been provided to date and will be presented to the Planning Applications Committee via the update sheet.

Highways

6.16 Core Strategy policy DC1 aims to ensure that new development is provided with safe and satisfactory access. Access to the site is to be achieved from the historic driveway to Highfield Hall. Staffordshire County Council Highways Authority has been consulted on this application. Comments have not been provided to date and will be presented to the Planning Applications Committee via the update sheet.

7. CONCLUSION

7.1 The application site has an open sylvan character that reflects the historic Highfield Hall Estate. Though located within reasonable proximity to the built settlement of Leek it remains divorced from it and comprises a rural character that relates very little to the urban landscape of the town. It is considered that development of this site is likely to present an uncharacteristic urban form of development that would sit at odds with the prevailing character of the area.

7.2 It is for the reasons stated above that this application is considered contrary to Core Strategy policies DC1, DC3 and R1 and the adverse effects would significantly and demonstrably outweigh the benefits arising from the provision of housing at a time when the Council cannot demonstrate a 5 year supply of housing.

7.3 Comments are yet to be received from Staffordshire County Council Highways or from the Council's Arboricultural Officer. Highway safety and the impact on trees within the site that are covered by a Tree Preservation Order are fundamental to the determination of this application. An assessment of these matters will be provided as an update prior to the Planning Applications Meeting.

7.4 Notwithstanding a detailed assessment of highway safety and impact on TPO trees, a recommendation of refusal is given.

8. RECOMMENDATION

A. That planning permission be refused for the following reason:-

1. The application site is divorced from the settlement boundary and presents a poor relationship to the built-up area of Leek. Development of this site is likely to present an uncharacteristic urban form of development that would appear divorced from the town and incongruous in this location. As such this application is considered contrary to Staffordshire Moorlands Core Strategy policies DC1, DC3 and R1, and Section 12 of the 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 Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.

