

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

14 February 2019

Application No:	SMD/2018/0742	
Location	Town Yard Industrial Estate, Station Street, Leek	
Proposal	Proposed demolition of existing boundary wall including fence, replacing existing entrance gate with new mesh type gate, construction of new boundary wall and fixing new single wired mesh fence on top of boundary wall and replacing existing fence with new single wired mesh fence.	
Applicant	Mr S Proffitt, Staffordshire Moorlands District Council	
Agent	Mr Arti Gamani, T.A.D Architects, Smithywood House, Sheffield, S8 0NU	
Parish/ward	Leek/Leek South	Date registered 22/11/2018
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REFERRAL/CONTEXT

The application has been submitted to Committee for consideration as the applicant is SMDC and the land to which the application relates is owned by SMDC.

1. SUMMARY OF RECOMMENDATION

Approve with conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site to which the application relates is an Industrial site accommodating a number of relatively small industrial units.

2.2 The application site is located within the development boundary of Leek and a mineral safeguarding area (bedrock sand), as defined in the Core Strategy. There is a mix of commercial and residential properties surrounding the site

3 DESCRIPTION OF THE PROPOSAL/CONTEXT

3.1 The application seeks full planning permission for *“Proposed demolition of existing boundary wall including fence, replacing existing entrance gate with new mesh type gate, construction of new boundary wall and fixing new single wired mesh fence on top of the boundary wall and replacing existing fence with new single wired mesh fence.”*

3.2 The application and all details associated with it can be found on the Council's website at:

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=127196>

4 RELEVANT PLANNING HISTORY

4.1 None directly relevant.

5 PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises:

- Staffordshire Moorlands Local Plan (Adopted 1998)
- The Staffordshire Moorlands Local Development NPPF Core Strategy (Adopted March 2014)
- The Minerals Local Plan (Adopted December 1999) Saved Policies 2007
- Staffordshire & Stoke-on-Trent Joint Waste Core Strategy (Adopted March 2013)

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. Public consultation on specific site allocations has now commenced.

Adopted Staffordshire Moorlands Local Development Framework (LDF) (26th March 2014)

5.3 The Staffordshire Moorlands Local Development Framework (LDF) is a District wide development plan which replaces the Staffordshire Moorlands Local Plan to provide a framework for delivering development up to 2026. The Core Strategy is the key LDF document. It is a strategic District wide plan which influences how and where the Staffordshire Moorlands will develop in the future. It sets out what the Council would like to achieve in each of the main towns and the rural areas outside of the Peak District National Park. The Core Strategy provides the framework for future LDF documents which will then identify specific sites for development in the District (Site Allocations Development Plan Document) and provides detailed guidance to supplement the policies (Supplementary Planning Guidance).

5.4 The following Core Strategy (CS) policies and Supplementary Planning Documents are relevant to the determination of the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS2 Future provision of development
- SS3 Distribution of development
- SS5 Towns
- SS5a Leek Area Strategy

SD1 Sustainable use of Resources
DC1 Design Considerations
C1 Creating Sustainable Communities
NE1 Biodiversity and Geological Resources
T1 Development and Sustainable Transport

National Planning Policy Framework – July 2018

National Planning Practice Guidance

Emerging Staffordshire Moorlands Local Plan

National Policy Guidance

5.5 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

5.6 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.

5.7 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 was held in October 2018. Additional information is to be submitted to the Inspector after which Modifications will be required; the Proposed Main Modifications will be subject to public consultation. The timescale for the adoption of the Local Plan currently remains as Spring 2019. At this point it will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

5.8 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 will be noted where appropriate.

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as examination in public has been undertaken.
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question. The level of outstanding objections to each policy indicates the amount of weight to be given to each of the policies at this stage in the process.
- The degree of consistency of policies with the NPPF – At this stage, the Council considers the submitted version of the Local Plan to be sound and policies are deemed to be consistent with the NPPF. As noted above, additional information is to be submitted along with Modifications.

Emerging Policies

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

- SS1 Development Principles
- SS1a Presumption in favour of sustainable development
- SS2 Settlement Hierarchy
- SS3 Future Provision and Distribution of Development
- SS5 Leek Area Strategy
- SD1 Sustainable Use of Resources
- DC1 Design Considerations
- C1 Creating Sustainable Communities
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport

6 CONSULTATIONS, PUBLICITY & REPRESENTATIONS

Site notice	Expiry date for comments: 02.01.2019
Press notice	Expiry date for comments: N/A
Neighbours	Expiry date for comments: 25.12.2018

Neighbour/public comments

6.1 None received.

Consultee responses

Leek Town Council

6.2 No comments received.

SMDC Highway Authority

6.3 There are no objections on Highway grounds; the proposal appears to be straight replacement of boundary treatment.

7 POLICY, MATERIAL CONSIDERATIONS AND PLANNING BALANCE

Policy Context

7.1 The Local Planning Authority is required to determine planning applications in accordance with the development plan, unless there are material circumstances which indicate otherwise. The Council's Development Plan is formed of the Core Strategy (CS) Development Plan Document (adopted March 2014) and the Saved Local Plan Proposals Map/Settlement Boundaries (adopted 1998), which remains in force until the Council's Local Plan is adopted.

7.2 Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' as contained within the National Planning Policy Framework (the Framework) where: (1) planning applications that accord with policies within the Core Strategy will be approved without delay and (2) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, the Council will grant planning permission unless:-

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. (Para 11 NPPF July 2018).

7.3 The policies contained in the Framework are supplemented by the National Planning Practice Guidance (NPPG), which is also a material consideration in the determination of this application.

Principle of Proposed Development

7.4 Policy SS1 of the CS requires development to contribute positively to the social, economic and environmental aspects of Staffordshire Moorlands.

7.5 Policy SS1a of the CS states that planning applications that accord with the CS will be approved without delay, unless material considerations indicate otherwise.

7.6 As noted above, the site is located within the development boundary of Leek Town. Within the context of Development Plan policies the principle of the proposed development is acceptable.

Highway safety and sustainable transport

7.7 Policy T1 of the CS seeks to support development which reduces the reliance on the private car for travel journeys and reduces the need to travel generally. Development should be close to and not detrimentally impact upon the highway network; sites should be located to enable a range of sustainable travel modes to be used. Section 9 of the Framework seeks to promote sustainable transport.

7.8 The proposed works do not alter any access points or parking arrangements. The Highway Authority raises no objections. As such the proposed development is considered not to raise any highway safety issues and the proposal complies with Local Plan policy T1 and section 9 of the NPPF.

Design, impact on the street-scene and the character & appearance of the area

7.9 Policy SS1 of the CS seeks, inter alia, to ensure development contributes positively to the environment, maintains the distinctive character of the Staffordshire Moorlands District and the individual towns & villages and their settings. Policy DC1 of the CS requires, inter alia, all development to be well designed, reinforce local distinctiveness, positively contribute to or compliment the special character and heritage of the area and be of high quality respecting the site and its surroundings, including scale, layout, character and appearance.

7.10 Para 124 of the Framework states that good design is a key aspect of sustainable development.

7.11 The proposed development is described as “...*demolition of existing boundary wall including fence, replacing existing entrance gate with new mesh type gate, construction of new boundary wall and fixing new single wired mesh fence on top of the boundary wall and replacing existing fence with new single wired mesh fence.*”

7.12 In summary, the proposal consists of replacing and enhancing existing boundary treatments (including gates).

7.13 As is evident on site, there are currently boundary treatments consisting of dwarf walls with railings on top, brick pillars, higher sections of walls, hedges and gates.

7.14 The proposed development replaces the boundary wall with a very similar wall (with the brick pillars of a consistent size and existing higher wall sections removed), installing railings with mesh fencing above the dwarf walls, replacing some existing railings with mesh fencing and replacing the entrance gate with a mesh gate. The siting of the boundary treatments remains as existing and the heights all remain as existing. The materials are also similar – with bricks similar to the existing bricks and the wire mesh fencing to be a dark green colour.

7.15 It is considered that the proposed development will not be much different than the existing and therefore the impact on the street-scene and the character and appearance of the area will be minimal and acceptable. As such, the proposed development is considered to comply with the design tenets of Local Plan policy DC1 and section 12 of the Framework.

Impact on residential amenity

7.16 Policy DC1 of the CS seeks, amongst other things, to protect residential amenity. Bullet point ‘f’ of para. 127 of the Framework requires a good standard of amenity for all existing and future occupants of land and buildings to be achieved.

7.17 Given that the proposed alterations to the boundary treatments are very similar to the existing it is considered that the proposal would have very little impact on the amenities of neighbouring properties. As such it is considered that the proposal accords with the amenity tenets of policy DC1 of the Local Plan and para 127 of the Framework.

8 CONCLUSION / PLANNING BALANCE/SUSTAINABILITY

8.1 As outlined above, the application is to be determined in accordance with the Development Plan, unless there are material considerations that indicate otherwise. It has been concluded that the proposed development is acceptable in principle and in respect of design, impact on the street-scene/character of area, neighbour amenity and highway safety.

8.2 Consequently the proposed development would constitute a sustainable form of development that accords with CS policy SS1a (sustainability) and the concept of sustainability at the heart of the NPPF.

8 RECOMMENDATION - APPROVE

A. It is recommended that planning permission is granted subject to the conditions and informatives outlined below.

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 the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: EX-0001, EX-0002, EX-0003, EX-0004, GX-001, GX-002, GX-003.

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. The materials to be used for the development hereby permitted shall be as specified in the application i.e. masonry brick to match existing with reconstituted stone capping & coping stones. The colour of the fence and gates shall be dark green (RAL 6005).

Reason:- To ensure that the external appearance of the development is satisfactory.

Informatives

- i) **The LPA has worked with the applicant to secure a sustainable form of development. Para 38 pf the NPPF has been adhered to.**

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.

