

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

15th August 2019

Application No:	SMD/2019/0126	
Location	Land Adjacent to Rakeway Grange, Rakeway Road, Cheadle	
Proposal	Outline planning application with all matters reserved for residential development (except for access, appearance, layout and scale)	
Applicant	Mr & Mrs Bloor	
Agent	Rob Duncan	
Parish/ward	Cheadle	Date registered 21.03.2019
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 site is currently managed by four trustees. Former Councillor Ivor Lucas is related to one of the named trustees and was a serving Councillor at the time that the application was submitted. Furthermore the Committee considered the previous outline application on this site. Therefore in accordance with the Council's constitution and in the interests of transparency and consistency the application is to be considered by Committee.

SUMMARY OF RECOMMENDATION

APPROVE subject to conditions

1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

1.1 The application site lies just beyond the defined settlement boundary of Cheadle, within the countryside. It comprises a parcel of previously overgrown land that has since been cleared of most of its vegetation, aside from boundary hedgerows and a scattering of immature self set trees. The site extends to some 0.175 hectares in area and is enclosed along its northern boundary by Rakeway Road. Rakeway Grange Farm is located to the south of the site, with its associated means of access enclosing the eastern boundary. Rakeway Grange lies to the west of the site.

2. DESCRIPTION OF THE PROPOSAL

2.1 Outline approval is sought for the following matters at this stage:

- Layout
- Scale
- Appearance
- Means of Access

2.2 Matters of landscaping are reserved for subsequent approval.

2.3 The application, as submitted, proposed the erection of 4no. three bedroom semi-detached dwellings and 2 no. detached four bedroomed units. Following concerns regarding the scale and suburban character and appearance of the scheme amended plans have been secured. The proposal presented to the Planning Applications Committee comprises the construction of 6 no. three bedroomed units arranged in a linear pattern of development, orientated towards Rakeway Road. The revised scheme proposes 3no. semi-detached pairs, each comprising of a lounge, kitchen/dinner and w/c at ground floor; and three bedrooms (one being en-suite) and a family bathroom to the first floor. External building materials are stated to include red facing brickwork and grey roof tiles to match the character of the surrounding area to match the character of the area and grey roof tile,

2.4 Vehicular access to the site is to be taken off Rakeway Road, via a newly created access at the westernmost end of the site. Each dwelling will benefit from 2 no. off-street parking spaces. A bin dwell area to be used on waste collection days has been provided to the east of the access.

2.5 The application follows previous outline consent on the site, which was approved at Planning Applications Committee under application reference SMD/2016/0764. That permission remains extant, with a requirement for Reserved Matters details to be submitted before 10th May 2020.

3. RELEVANT PLANNING HISTORY

SMD/2016/0764	Outline planning permission (with all matters reserved) for residential development	Approved
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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
- SS6c Other Rural Areas Area Strategy
- SD1 Sustainable Use of Resources
- H1 New Housing Development
- H2 Affordable and Local Needs Housing
- DC1 Design Considerations
- 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

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 this 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
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- NE2 Trees, woodlands and Hedgerows
- T1 Development and Sustainable Transport

T2 Other Sustainable Transport Measures

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5. CONSULTATIONS CARRIED OUT

5.1 A Site Notice was displayed and neighbours notified by letter. The last date for comments expired: 26th May 2019. Comments received in response to date can be summarised as follows:

- Highway safety

Cheadle Town Council:

5.2 It was resolved that the Council has no objections to this application.

SCC Minerals and Waste Planning

5.3 No comment to make.

Severn Trent Water

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

Staffordshire County Council Highways

5.5 Comments dated 07 May 2019 raised objection on the grounds that: It is impracticable to construct an access in the position indicated on the submitted plan that would allow the requisite visibility splays to be provided within land under the applicant's ownership.

5.6 The Highway Authority commented that the access point should be served with a 2.4m x 120m visibility splay within land under the ownership of the applicant or within the highway.

5.7 Revised plans were submitted to the Highway Authority on 22 May 2019 (referenced AL(0)01D) The Highway Authority have withdrawn their objection subject to conditions relating to the following:

- Provision of the approved visibility splay prior to the development being first brought into use;
- Widening of the footway on the site frontage to a minimum of 1.8m;
- Retention of garaging for the parking of vehicles;
- Provision of turning and parking areas prior to the development first being brought into use;
- Bin storage on waste collection days to be approved by the LPA;
- Surfacing in a bound material to be agreed by the LPA;
- Details of surface water drainage to be agreed by the LPA.

5.8 *Officer response: Drawing reference AL(0)01F supersedes revised drawing AL(0)01D. Though AL(0)01F shows the same visibility splay as that approved by the Highway Authority, the revised scheme does illustrate an alternative parking layout and also provides details of a bin store. Further consultation has been made with the Highway Authority and comments are awaited.*

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 "tilted 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, 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 that 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 The application site is bound by Rakeway Grange Farm to the south and Rakeway Grange to the west. Development on the site would therefore be read within the context of a cluster of development on the edge of Cheadle Town Development Boundary. The site nevertheless has a rural character that should be acknowledged within the layout, scale, form and design of a future development on the site.

6.9 The Council's Design SPD states that 'the setting of any building should be carefully considered. Attention should be paid to its impact on views into, over and out of the site'. It goes on to state at paragraph 3.2 that 'in the countryside or on the edge of settlements, building should sit comfortably in the landscape'; and at paragraph 3.5 it states that 'new development, be it a single building or group, must respect the 'grain' of the settlement'.

6.10 Amended plans have been received that comprise three semi-detached pairs of dwellings positioned within a linear pattern of development orientated towards Rakeway Road. The dwellings are of an appropriate design and scale that adequately respects the landscape setting and character of the area. The units are to be set back from the highway boundary by circa 17m and off-street parking, where possible, has been removed from their frontages in order to allow for soft landscaping to better reflect the rural context of the site. The elevational detail of the properties has been considerably improved over the original submission and now presents 3 pairs of modest "cottage style" dwellings which are appropriate to a rural setting. The parking areas have been broken up and distributed around the site with areas of landscaping to avoid the creation of a car dominated frontage.

6.11 Vehicular access is to be provided towards the western side of the north site boundary. In order to achieve acceptable visibility the existing boundary hedge will need to be removed. However, the submitted scheme demonstrates that appropriate replacement hedge planting along the boundary can be successfully secured. Though landscaping has been reserved for later consideration, it is considered appropriate to secure this via condition.

Amenity

6.12 Core Strategy policy DC1 requires development to protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping. Similarly, paragraph NPPF 127f) seeks to achieve a high standard of amenity for existing and future users of the site.

6.13 Principal habitable room windows are to be located within the front and rear elevations of the dwellinghouses. The Council's Space About Dwellings SPD in respect of dwellings with three or more bedrooms a spacing distance between front facing principal windows should be at least 22m. This distance is also applicable to rear facing principal windows. The distance required between the principal window on the rear elevation of a dwelling and a flank wall of a neighbouring dwelling where the flank wall has no principal windows or has obscurely glazed or high level windows is at least 14m.

6.14 Buildings located to the rear of the site are associated with Rakeway Grange Farm and the proposed development allows for a separation distance of 13.05m at its closest point to a single storey flat roofed farm building located to the south of the site. The estimated height of which indicated on the submitted drawings is 3m. A separation distance of 17m would exist between

the proposed dwellings and a larger agriculturally building. This is sufficient to protect the proposed dwellings from any loss of amenity or light. A separation distance of 11.5m would exist between the side elevation of Plot 6 and the side elevation of Rakeway Grange farmhouse itself to the east. There are no other nearby properties and the separation distances specified are considered to be acceptable.

6.15 Each unit is served with private outdoor amenity space measuring in excess of 65 square metres in accordance with the Councils Space About Dwellings SPD. The layout of the scheme has been appropriately considered to ensure an acceptable standard of amenity can be achieved.

6.16 The DCLG Technical housing standards – *nationally described space standard* (March 2015), sets out the minimum gross internal floor areas expected for new dwellings. The proposed development accords with the space standards outlined.

Highways

6.17 Core Strategy policy DC1 aims to ensure that new development is provided with safe and satisfactory access.

6.18 Objection has been received from a local resident who raises concerns regarding the level of proposed off-road parking spaces and the likely need for vehicles to park on Rakeway Road. Further concern has been raised regarding the position of the access relative to a blind bend and the dangers arising from vehicles being parked on the highway. Staffordshire County Council Highway Authority have been consulted on this application. Following a recommendation of refusal from the Highway Authority owing to an insufficient visibility splay amended plans have been submitted to address the objection. The Highway Authority are satisfied with the amendments made achieve a sufficient visibility splay and have withdrawn their objection.

6.19 Further amendments have been received which remove 2no. four bedroom detached units replacing them with 2no. three bedroomed semi-detached dwellings. Each dwelling will be served by two off-street parking spaces which is considered to be sufficient given the number of bedrooms per unit and there is further space within the site which could be made available for visitor parking if required. Amendments have also been carried out to the off-street parking arrangement and in light of these changes the Highway Authority have been re-consulted. Further comments have not been received at the time of preparing this report and will be presented to Members via the update report.

Other Matters

6.20 Severn Trent Water raise no objection to the proposed development subject to the submission and approval of a drainage plan for the disposal of foul and surface water flows.

6.21 The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this application, specifically probable shallow coal mine workings.

6.22 This application has been supported with a Coal Mining Risk Assessment Report, dated 30th January 2017 and prepared by GRM Development Solutions Limited. Though comments have not been received from The Coal Authority, comments were received in response to planning reference SMD/2016/0764 where the same Coal Mining Risk Assessment Report was considered by the Coal Authority. The content and conclusions of the Coal Mining Risk Assessment Report were considered sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is safe and stable for the proposed development.

6.23 The site measures 0.87 hectares in size and therefore the affordable housing requirement outlined under policy H2 is triggered. In accordance with policy H2, development proposals of five dwellings (0.16 hectares) or more shall provide a target of 33% affordable housing from all sources, unless there are exceptional circumstances which dictate otherwise. However, the Planning Practice Guidance states that “there are specific circumstances where contributions for affordable housing and tariff style planning obligations (Section 106 planning obligations) should not be sought for small scale and self-build development. This follows the order of the Court of Appeal dated 13th May 2016, which give legal effect to the policy set out in the written statement...contributions should not be sought for developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000 square metres (gross internal areas)”.

6.24 The proposed development does not meet the thresholds stated and as such the proposed development does not trigger the requirement for affordable housing.

7. CONCLUSION

7.1 To conclude, whilst the application site is located outside of the development boundary, it is not located in the Green Belt. Therefore, in accordance with the NPPF there are no policies that indicate that development should be restricted in this location. In accordance with the National Planning Policy Framework, as the LPA cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing should be considered out of date. The site is positioned in a sustainable location and in accordance with the objectives of the NPPF and policy SS1a, planning permission must be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

7.2 The applicant has worked pro-actively with the LPA and successfully sought to overcome concerns relating to the design, form and access. This

application is considered to accord with the policies contained in the Staffordshire Moorlands Core Strategy and National Planning Policy Framework.

8. RECOMMENDATION

A. APPROVE subject to the following conditions:

1. a) In the case of any reserved matter, application for approval must be made not later than the expiration of three years, beginning with the date on which this permission is granted; and b) The development to which this permission relates must be begun not later than whichever is the later of the following dates:-

i) The expiration of five years from the date on which this permission is granted; or

ii) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:- To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The approval of the Local Planning Authority shall be obtained in writing with respect to the plans and particulars of the following reserved matters (hereinafter called "the reserved matters") before any development is commenced.

a)- The landscaping of the site

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning (Development Management Development Procedure) Order 2015 and no particulars have been supplied with respect to the matters reserved in this permission.

3. The development hereby permitted shall not be commenced until samples of types and colours of all roof tiles and facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

4. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved 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 and to reduce or exacerbate a flooding problem and to minimise the risk of pollution.

5. 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

6. 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.

7. Development shall not commence until a site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, in accordance with a scheme to be agreed in writing with the Local Planning Authority. Once completed, a written report of the findings and recommendations shall be submitted to and approved in writing by the Local Planning Authority.

If the risk assessment indicated that potential risks exist, development shall not commence, until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared, and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measure.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. No top soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material shall be submitted to and agreed in writing by the Local Planning Authority prior to the soils being imported on to site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be

carried out and validatory evidence submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. 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.

10. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the development, as hereby approved or as subsequently approved under a detailed reserved matters or full planning permission application, unless otherwise approved by the LPA. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (March to August inclusive), unless otherwise agreed by the LPA and in this case only following careful inspection by a competent person to establish that such trees, shrubs or hedgerow are not in active use by nesting birds.

Reason: In the interests of nature conservation having regard to policies SS6c, R1 and NE1 of the SMDC Core Strategy and Chapter 11 of the National Planning Policy Framework.

11. The development hereby approved shall be carried out in accordance with the following plans:

AL(0)06 Site plan as existing
AL(0)01 F Site layout and street scene
AL(0)04 E Scheme

Reason: For the avoidance of doubt.

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 Head of 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.

