

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

17th October 2019

Application No:	SMD/2019/0213	
Location	Land off Macclesfield Road, Leek	
Proposal	Approval of reserved matters following outline approval SMD/2013/1201	
Applicant	Grace Street Developments Ltd	
Agent	Sammons Architectural Ltd	
Parish/ward	Leek	Date registered 03/04/2019
If you have a question about this report please contact: Rachael Simpkin rachael.simpkin@staffsmoorlands.gov.uk		

REFERRAL

This is a major application and the Planning Applications Committee considered the related outline application and reserved matters submissions previously.

1. SUMMARY OF RECOMMENDATION

APPROVE subject to recommended planning conditions.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The 0.47 hectare greenfield application site is situated within a peripheral location to the northwest settlement of Leek town centre. It lies broadly to the south of Macclesfield Road, to the rear of Bridge End Garden Centre and the White Lion Public House with intervening land. It also borders the rear of nos. 3, 4, 5 Orchard Court (on lower ground) and football club associated carpark to its eastern boundary. Separated by land within the applicant's control, the blue edge would adjoin Bryn Helyg to its southern boundary, which is sited on higher ground. Continuing on rising ground, the site's western boundary directly adjoins grazing land within the town boundary. A non-designated public footpath runs along the eastern boundary of the site. Access to the application site is gained via a track from Macclesfield Road to the northeastern corner of the site. It runs between Leek Town Football Club, Bridge End Garden Centre and the White Lion Public House. This track also serves the carpark for the football club. The site lies within the designated Leek Town Boundary. The site access is also sited within Flood Zones 2 and 3.

3. DESCRIPTION OF THE PROPOSAL

3.1 A revised reserved matters consent for a scheme comprising of full details (excepting access) is sought for the erection of eleven, 2-storey dwellings with some split-level units, which would be arranged around a cul-de-sac type road. A mix of 3 and 4 bedroom properties are to be expressed as semi-detached and detached properties. Facing materials proposed are brick beneath a concrete tile and white uPVC joinery details. Each dwelling would benefit from mostly frontage off-street car parking spaces and private rear garden amenity space. Vehicular access, as approved, would be taken from the existing surfaced track leading up from the Macclesfield Road (A523) to form an internal access road with turning head to service individual driveway parking. The scheme follows the refusal of planning permission ref. SMD/2018/0706, which raised significant design and layout matters.

3.2 The extant outline approval ref. SMD/2013/1201 comprises details of access with layout, scale, appearance and landscaping reserved for future consideration. The related planning obligation secured a financial contribution of £13,827 towards local education facilities.

4. RELEVANT PLANNING HISTORY

NMA/2019/0015 - Amendment to red edge on location plan. Ref SMD/2013/1201. Pending.

SMD/2018/0706 - Approval of reserved matters following outline approval SMD/2013/1201. Refused February 2019.

SMD/2013/1201 – Erection of 11 Dwellings (Outline) with details of vehicular access. Approved with conditions December 2016 (expires 13th December 2019).

SMD/2002/1218 - Outline for erection of 5 detached dwellings and extension to football club car park. Refused. Dismissed at appeal owing to a lack of a Flood Risk Assessment to demonstrate that the safety of residents of the development would not be compromised in times of flood risk and loss of a greenfield site.

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.

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

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

- SS1 Development Principles
- SS2 Future Provision of Development
- SS3 Distribution of Development
- SS1a Presumption in Favour of Sustainable Development
- SS5 Towns
- SS5a Leek Area Strategy
- SD1 Sustainable Use of Resources
- SD3 Carbon-saving Measures in Development
- H1 New Housing Development
- DC1 Design Considerations
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport

Emerging Local Plan

5.4 The existing development plan document for the Staffordshire Moorlands does not include any allocations for housing and other types of land uses. The new Local Plan will include sites for developments and boundaries. It will be a single document that will take a fresh look at the development needs of the district for the next 14 years to 2031. As well as early public engagement, the Council have undertaken public consultations on the draft plan site allocation options during 2015, preferred options and boundaries in 2016 and preferred options in 2017. The comments received in response have been used to prepare, publish and consult upon the final Local Plan draft 'submission' version, which was examined by the Inspector during sessions held in October 2018.

5.5 A full schedule of main modifications to the Local Plan is expected to be subject to consultation this autumn. The schedule will consist of modifications that the Inspector has so far deemed necessary to make the Local Plan sound. Following the consultation, the Inspector is expected to consider the responses before issuing his final report. Depending on the recommendations in the report, the Council may then be in a position to adopt the Local Plan.

5.6 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 discussed above.
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question.
- 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

5.7 The following policies (including their weighting) are considered to be relevant to this application:

- SS1 Development Principles (Moderate)
- SS1 a Presumption in Favour of Sustainable Development (Significant)
- SS5 Leek Area Strategy (Limited)
- SD1 Sustainable Use of Resources (Limited)
- SD3 Carbon-saving Measures in Development (Moderate)
- H1 New Housing Development (Limited)
- DC1 Design Considerations (Moderate)
- NE1 Biodiversity and Geological Resources (Moderate)
- NE2 Trees, Woodlands and Hedgerows (Significant)
- T1 Development and Sustainable Transport (Moderate)
- T2 Other Sustainable Transport Measures (Moderate)

Supplementary Planning Document

Space about Dwellings (1996)

Supplementary Planning Guidance

Staffordshire Moorlands Design Guide (2018)

National Planning Policy Framework (NPPF) revised.

National Planning Policy Guidance

6. CONSULTATIONS CARRIED OUT

Site Notice Published	Expired
Press Notice Published	Expired
Neighbour Notification (revised)	Expiry date: 7 th October 2019

6.1 A total of four letters of objection have been received, which are detailed as follows:

Pedestrian Access to Kiln Lane

There is a concern within the application that the walkway is being widened to allow more 'traffic' to head up to Kiln Lane. This is not a safe suggestion as this enters the Lane at a very dangerous point on a single track unadopted road.

Kiln Lane has experienced considerable subsidence over recent times with developments taking place on the Macclesfield Road area and there are concerns further development and subsequent impacts of such will cause more issues.

As stated by Staffordshire Police ... "Although the site is tucked away, the presence of the currently informal (but to be formalised?) pedestrian link down the side of the site to Kiln Lane could provide offenders with the ready means to target the rear of the properties here."

My property is the existing property at the top of the lane and therefore the property most at risk of offender intrusion. The increase in pedestrian traffic will increase the risk which is aggravated by the fencing between the side of my land and the builder's land that borders the side of 3 Orchard Court.

The separation is presently a 3 foot high fence reducing to almost 2 feet high at the front of the property which also provides a further means of offender escape. Does the builder have any plans to improve security between his land and mine? Increase fence size between our land or to fence the side of the pathway from the top rear corner of my land and the top of the path leading to the gate on Kiln Lane.

Fencing to the South of the Site

From what we can see the property garden fencing to the South of the site (back of the gardens facing our property and our field) is suggested as being 'post and rails' We understand that this maybe in keeping with the rural feel of the location, but is not in keeping with other developments surrounding the site i.e. Orchard Court. Within our property boundaries are sheep and horses and we would request that the development has fencing that 'contains' the privacy and noise of the proposed properties in a way that will not concern our animals. Suffice to say, the fencing needs to ensure that the proposed properties have privacy from our property as well.

Amenity (Orchard Court)

The height of the gardens that 3 Orchard Court will overlook is of a sloping height which means they will directly look down into my garden and so would create an issue of privacy. We are extremely disappointed that these plans do not do anything to address point 2 of the Refusal of Reserved Matters of the previous application SMD/2018/0706 in terms of proximity and height and the negative impact to numbers 3-5 Orchard Court.

Plots 3 and 4 are still too close to 4 and 5 Orchard Court and the gable to plot 3 will dominate the view from these properties. Plot 3 will overlook numbers 4 and 5 Orchard Court and restrict the privacy and quiet enjoyment of these properties and their gardens. The gable to plot 3 now contains 2 windows, one of which is to a bedroom and these are directly opposite the main bedrooms to number 4 and 5 Orchard Court which is a invasion of privacy. Plot 3 will obstruct the sunlight which is enjoyed by number 4 and 5 Orchard Court at the most important part of the day late of afternoon to early evening. As number 4 Orchard Court is split level my patio is at first floor level and will overlook the gardens of the new development in particular plots 3 and 4.

Plots 3 and 4 are still too close to numbers 4 and 5 Orchard Court and the height of the ridge to these plots is still as dominant as before. Although the applicant states that the ridge height has been reduced the repositioning of these blocks appears to

have negated this reduction and the sections show that the ridge to Plot 3 appears to be above the ridge height of 5 Orchard Court.

The positioning of plots 3 and 4 will still obstruct sunlight and the quiet enjoyment of the gardens and properties of 4 and 5 Orchard Court. It should be noted that the gardens to 4 and 5 Orchard Court are much lower than the ridge height of these properties as they are themselves split level - and they will be overshadowed by the development. The applicant has stated that this will be limited to late afternoon, however this is the most important time of the day as the properties in Orchard Court were built for and are occupied by working families who seek to enjoy their gardens at that particular time of day i.e. when work and school is finished.

In addition I raised an objection that the gable to Plot 3 contained a window (to a hallway) which was directly opposite the main bedroom to 4 and 5 Orchard Court and therefore raised an issue of privacy. The revised application now contains 2 windows, one of which is higher and also into a bedroom which has increased the issue of privacy.

Character and Appearance

I also feel that as the development is two to three storeys in height and on a hillside it will dominate the view from Macclesfield Road and be detrimental to the appearance of Leek town as it is at an important entry point into the town which is portrayed as a market town and the development does not blend into the countryside.

Leek Town Council

Not unneighbourly. It is recommended the perimeter fence is more substantial, with regards to security.

SCC Local Highways Authority

Date: 08.10.19

NO OBJECTIONS subject to a condition.

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

Reasons

To comply with NPPF Paragraph 108; to comply with SMDC Core Strategy policy DC1 and T1 in the interests of highway safety.

Notes to Planning Officer

Plots 3, 4, 5 and 6 show 3 bedrooms but could technically have 4 bedrooms depending on the wishes of the occupants. On that basis plots 4 and 6 have only two spaces where 3 spaces could be required. However, as other plots do now have adequate parking, no objections are raised. The access road will remain private. Access matters were considered at outline stage under SMD/2013/1201.

SCC Lead Local Flood Authority (LLFA)

NO OBJECTIONS

To this reserved matters application in respect of: layout, scale, external appearance of the buildings and landscaping of the site.

SMDC Aboricultural Officer

Date: 08.10.19

NO OBJECTION subject to a condition. Noted that landscaping should not be approved as a reserved matter at this stage as a fully detailed/specified landscaping scheme has not been submitted.

I have the following comments in relation to the latest amended scheme for reserved matters approval, with proposed layout as now set out on "Planning Proposal Alternative Site Plan" Drg. No. 2019-2408-20 Rev H:

It is noted that a Non-Material Amendment application (NMA/2019/0015) is also submitted, seeking to amend the application red-edged site; the effect of this is to include an additional area of land at the south-west corner (previously part of associated blue-edged land) in order to accommodate the layout now proposed under SMD/2019/0213.

The NMA proposal would still allow for provision of a new mixed native species hedgerow along the western boundary (the interface between urban area and open field/countryside beyond). Although this would then bring dwellings (i.e. those at Plots 9 & 10) closer to the field, it is considered that in practice this would have little if any additional harmful impact on the character of the landscape nor any greater visual impact, as the combination of landform and several layers of intervening hedgerows screens the site from publicly available viewpoints beyond to the north-west/west/south-west.

Meanwhile the on-site effects of expanding the red-edge are to slightly free up the development density, allowing more potential soft landscaping areas to plot frontages which can usefully accommodate trees, structural shrub planting etc and generally give a slightly more spacious feel to the public realm area of the site itself. This would reduce the dominance of structures, hard-surfacing and parked vehicles compared to previous layout proposals for this site. Notwithstanding this, the proposed layout would also still make appropriate provision for the retention (and reinforcement) of the existing gappy/leggy hedgerow and included trees along the northern boundary.

I therefore have no objection to the current application as now set out on the amended layout Drg. No. plan 2019-2408-20 Rev H, and no also objection to the NMA application NMA/2019/0015, but would request that the following condition relating to temporary tree/hedge protection during construction be imposed in the event that reserved matters for layout is now approved:

1. The first action on commencement of development, prior to any further action (including any site clearance, site stripping or site establishment) shall be the erection of temporary tree protection barriers fencing and advisory notices for the protection of the existing trees and hedgerows to be retained, in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and this shall be retained in position for the duration of the period that development takes place, unless otherwise agreed by the LPA. 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 unless otherwise agreed by the LPA.

It is noted that again there are no details of proposed landscaping submitted, despite “landscaping” being included on the application form as a reserved matter for which the current application seeks approval. There is an indication of some landscaping provision on the layout plan, but this needs to be worked up into a comprehensive, fully specified scheme in order for it to be approved – and as previously discussed on site with the applicant and agent we would seek a few amendments/additions to the currently indicative landscaping and have suggestions/advice as follows:

- The new native species hedgerow indicated to the rear (west) boundaries of Plots 10 and 11 should be extended along the full length of the western boundary of the overall site (red-edged plus blue-edged), and incorporate some suitable native standard hedgerow trees, in order to strengthen the boundary between urban area and open countryside beyond.
- A fully detailed specification for this native hedgerow planting (including trees) should be submitted, also to be used for infilling/reinforcing the existing but leggy/gappy mature hedgeline to the northern boundary.
- Planting positions for new trees to plot frontages should be located a minimum of 5m from dwelling footprints, in order to allow sufficient space for natural growth/development without the need for premature felling, or heavy reduction of tree crowns. Even so, it is suggested that tree species are chosen for relatively compact mature size (small – medium), and perhaps tending towards those with more upright/fastigate form to reduce potential for lateral encroachment onto dwellings and also to complement the generally vertical housetypes. Where minimum 5m distance is not possible, large specimen shrubs could be considered instead of trees.
- Opportunity should be taken to introduce a further structural element to site landscaping through provision of blocks of shrubs to frontages, perhaps in underplanting beds beneath trees and/or as alternative to small areas which may be awkward/inefficient for grassing. Again, full specification of species/mixes, planting sizes and numbers/densities should be provided.
- The applicant’s attention should also be drawn to the landscape management plan required under condition 14 of the outline planning permission

SMD/2013/1201 (actually prior to commencement of development, rather than under reserved matters, but quite possibly most effectively/efficiently drawn up and submitted in conjunction with the required fully detailed landscaping scheme for the whole site.

SMDC Waste

Awaited.

Previously: AES waste collection service has no objections with space provided for bin storage, however, there may be a concern if the road is not adopted in the future. If it does remain unadopted then in order to enter the site to empty the waste bins, an indemnity would be required from the developer from any damage that the refuse vehicles may cause to the road.

Staffordshire Constabulary: Police Liaison Reduction Unit

Date: 30.04.19

The potential exists for this development tucked away on the outskirts of Leek to be a very secure one for its residents as long as suitable boundary treatments will be in place to deter intrusion and offending. However, it is somewhat unclear whether these will be in place. On a positive note, the site should generally be an extremely quiet one being very much out of the way with plenty of natural surveillance from the properties over the access road and central portion of the site. Parking will either be garaged or in-curtilage, which is ideal.

Although the site is tucked away, the presence of the currently informal (but to be formalised?) pedestrian link down the side of the site to Kiln Lane could provide offenders with the ready means to target the rear of the properties here, hence the need for suitable boundary treatments. A timber close boarded fence and retaining brick wall is proposed for the side boundary of plot 3 bordering the footpath, which seems appropriate. The height of these will need to offer a good barrier to intrusion as well as providing privacy for the householder. However, on the Site Plan, the rear garden boundaries of plots 3-9 are indicated as only comprising a post and rail fence. These rear garden boundaries would appear to be easily approachable from near the top of the footpath link from Kiln Lane, which could make them potentially more vulnerable. Consideration should be given to improving the intruder resistance of these rear garden boundaries to address this potential vulnerability. This could be done by opting for a combination of alternative fencing, adding a trellis topping and/or incorporating some defensive hedge planting.

In addition to ensuring rear and side garden boundaries are sufficiently intruder resistant, it will be important to ensure that unauthorised access to the private rear gardens from the front of the properties is prevented with well-positioned lockable gating installed. Alas, no side gates (1800mm high recommended) are shown on the Site Plan although reference is made to such within the text on the Site Plan. Such gates would be important not only for security, but also in terms of child safety and preventing pets from wandering. Gates should be positioned as close to the front of the building line as possible with potential external climbing aids avoided.

The proposals to enhance the northern hedgerow boundary is noted and welcomed to protect plots 1 and 11.

From the viewpoint of Staffordshire Police and undoubtedly for the long-term benefit of the future residents of the development, it would be highly desirable for the properties to meet the minimum physical security standards contained within the Secured by Design Homes 2019 document available online. This includes external doorsets, ground floor/accessible windows and garage doorsets which have been tested and importantly, have third party certification to recognised minimum manual attack-resistant standards. Incidentally, installing appropriately certified products would satisfy Building Regulation Approved Document Q (Security). Furthermore, the applicant/developer can find a raft of other useful guidance within the aforementioned document.

7. OFFICER COMMENT AND PLANNING BALANCE

Policy

7.1 The determination of a planning application should be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the Local Planning Authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the Adopted Staffordshire Moorlands Core Strategy 2014.

7.2 The NPPF (National Planning Policy Framework) as revised was issued in February 2019 and has subsequently been updated. The NPPF is a mandatory material consideration in decision making. The applicable contents of the NPPF will be referenced within the relevant sections of the officer report as detailed below.

7.3 As before achieving sustainable development sits at the heart of the NPPF as referred to within paragraphs 10 and 11. This requires the consideration of three overarching and mutually dependant objectives being: economic, social and environmental matters where they are to be applied to local circumstances of character, need and opportunity as follows:

- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering a well designed and safe built environment, with accessible services and open*

spaces that reflect current and future needs and support communities' health, social and cultural well being; and,

- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making the effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

7.4 CS (Core Strategy) Policy S1a establishes a presumption in favour of sustainable development as contained within NPPF. Paragraph 11 requires decision makers to apply a presumption in favour of sustainable development. This means that when considering development proposals which accord with the development plan they should be approved without delay or where the development plan is absent, silent or relevant policies are out of date, 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.

7.5 It is acknowledged that the Council cannot demonstrate a five year supply of deliverable housing land and as at 31st March 2018 the figure was 1.8 years. Case law has established that the application of the test in NPPF paragraph 11 is a 'tilted balance' which is predisposed in favour of granting planning permission unless NPPF policies protecting areas or assets of particular importance provide a clear reason for refusal (11di) or adverse scheme impacts are outweighed by scheme benefits (11ii).

7.6 The policies contained in the NPPF are supplemented by the National Planning Practice Guidance (NPPG), which is also a material consideration in the determination of planning applications. A list of key policies, guidance and other material considerations is provided in Section 5 above.

Principle of Development

7.7 The principle of 11 dwellings at the application site was accepted under the outline approval ref. SMD/2013/1201, which was granted planning permission on the 14th December 2016 whereby the need for additional housing in the district was considered to be acceptable at the outline stage. The approved outline scheme established a proposed development of 11 houses within the red edged application site and also secured matters of access including the internal road arrangement. Whilst the southern and western periphery of the site formed the 'blue land' reserved for landscape enhancement / management as was secured by the outline consent.

7.8 The proposed NMA (Non-Material Amendment) ref. NMA/2019/0015 'Amendment to the red edged location plan' ref. SMD/2013/1201' is currently pending. It seeks to amend the application red edged site to include an additional

area of land at the south-west corner (previously part of associated blue-edged land) in order to accommodate the revised layout now proposed whilst increasing the blue edged land provision to the south of the site to result in a revised red edged site area of 0.47ha to preserve the quantum of buffer planting previously achieved.

7.9 The site occupies a more elevated position and houses on it would be seen from some vantage points in the town of Leek. At the outline stage, it was acknowledged that the site would be viewed from a distance. However, this would be seen in the context of the overall built environment on the edge of Leek with the main views of the site being gained on the approach to Leek via A523 Macclesfield Road. In addition, the site would be further screened by the existing developments to the fore, namely Leek Town Football Club, Bridge End Garden Centre, the White Lion Public House and by the bank of trees to the north of the site. In these circumstances, it was concluded that townscape character would not be adversely affected by inappropriate built development. The reservation of the peripheral 'blue' land via a planning condition would allow the provision of sensitive landscape planting to further soften this visual impact.

7.10 The proposed amendments to the site edged red are found to be acceptable with particular regard to the comments of the Council's Arboricultural Officer as set out above. In these circumstances it is concluded that the changes to the site edged red would be non-material in nature for this matter to be granted approval under section 96A of the Town and Country Planning Act 1990. Other than the changes referred to here any other conditions attached to approval ref. HPK/2013/01201 would continue to apply as detailed in Appendix 1 of the report and would include a planning obligation providing for the payment of contributions towards the provision of education facilities.

7.11 The detailed application scheme for 11 dwelling units seeks consent for all reserved matters (excepting access) and comprises details of: layout, scale, appearance and landscaping as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 in the context of the outline planning permission. As property mix and type were not specified at the outline stage such matters therefore cannot be subsequently secured at the reserved matters stage. At this more detailed stage of the process, the Council can however exercise further control to ensure that a high quality of design, including a high standard of amenity for existing and future users would be achieved to be consistent with CS (Core Strategy) Policies H1 and DC1 in particular and with the objectives of the NPPF. These matters will be judged under each reserved matters heading as follows.

Layout

"Layout" means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

7.12 The indicative layout at the outline stage showed how the site could accommodate the number of dwellings sought. Noting the access point, road layout and pedestrian footway were scheme aspects which were agreed at this initial stage

and have been carried through into the detailed design. In broad accordance with the outline illustrative plan, the dwelling plots would be arranged around a cul-de-sac type road. In respect of the revisions, these are principally orientated to the south of the internal spine road to result in a linear row of four pairs of semi-detached dwellings separated by driveways. This is a positive aspect of the scheme, which has introduced a sense of spaciousness into the site. Parking has been placed to the sides of dwellings where possible and where frontage parking is unavoidable, it has been broken up with reasonable areas of landscaping to avoid car dominated frontages. A further detached dwelling would punctuate the vista to the northwest of the turning point. Frontage development consisting of a staggered semi-detached pair would frame the scheme and provide for a suitable built gateway into the site. Generally active frontage and natural surveillance are maintained throughout the sites which are further positive aspects of the scheme. In these respects, the proposed layout would achieve compliance with CS Policies H1 and DC1 in particular and with the objectives of the NPPF.

7.13 Neighbour concern has been raised principally in relation to scheme plots 3 and 4 in respect of both property positioning and orientation. At its closest point there would be a distance of 13.5 metres between the rear of no.4 Orchard Court and the east gable of plot 3 to broadly accord with Core Strategy Appendix 3 'Space about Dwellings' amenity guidelines. This stipulates a 14.0m interfacing distance 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. In these circumstances, the standard of amenity for existing and future users would be achieved to be consistent with CS Policies H1 and DC1 and the NPPF.

7.14 The Local Highways Officer confirms that access matters were considered at the outline stage under ref. SMD/2013/1201 and the access road would remain private i.e. not adopted by SCC. He notes that dwelling plots 4 and 6 have only two car parking spaces whereby 3 spaces could be required given the potential of these dwellings to provide a 4th bedroom. In consideration of this, given that the other plots have achieved adequate parking no highway safety objections are raised by SCC. Furthermore, the application site is a considerable distance from the public highway. With no objection raised from the Highways Officer in these regards, the scheme is considered to comply with CS Policy T1 and the relevant sections of the NPPF.

Scale

"Scale" except in the term 'identified scale', means height, width and length of each building proposed within the development in relation to its surroundings.

7.15 The applicant has now submitted a limited range of two-storey pitched roof house types that would be incorporated into the development with ridge heights varying between 8.9m – 10.0m owing to the provision of bedroom accommodation within the attic. Whilst there are some reservations concerning their overall height, such units would still portray a traditional building form. On balance, such matters are acceptable from both a scale and massing perspective to accord with CS Policies H1 and DC1 and the NPPF.

Appearance

“Appearance” means the aspect of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture”.

7.16 The house type designs are broadly traditional in appearance, with pitched roof forms, arched window openings and chimneys, which would be appropriate in the context of this peripheral site and would assimilate with the wider traditional development of Leek. In terms of materials, the pallet would comprise of a red brick beneath a grey concrete roof tile. A more appropriate and traditional roof tile, however, should be provided as the application site occupies a more elevated position and houses on it would be seen from some vantage points in the town of Leek. High quality facing materials, including hard surfaces, window details and chimneys could all be appropriately be secured by conditions. In these regards, the scheme would achieve compliance with CS Policies H1 and DC1 in particular and with the objectives of the NPPF concerning appearance matters.

Landscaping

“Landscaping” in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes-

- a) screening by fences, walls or other means;*
- b) the planting of trees, hedges, shrubs or grass;*
- c) the formation of banks, terraces or other earthworks;*
- d) the layout out or provision of garden, courts, squares, water features or public art; and*
- e) the provision of other amenity features.*

7.17 The applicant has been requested to provide a detailed landscaping scheme as per the comments of the Council’s Aboricultural Officer whilst considering those comments made by Staffordshire Police in relation to appropriate boundary treatments and is expected shortly. These matters, however, are not insurmountable and an update will be provided on the Late Representations Report. The scheme would be obligated to provide for an appropriate landscape/habitat enhancement scheme for the ‘blue land’ area as a condition precedent matter.

8.0 CONCLUSION & PLANNING BALANCE

8.1 The scheme for a total of 11 dwellings would clearly contribute to housing delivery with associated economic and social benefits as was recognised by the Planning Inspector at the outline planning application stage.

8.2 Previous concerns regarding the scheme’s layout and design within the context of its edge of settlement location have been overcome to be considered as sustainable development within the context of the NPPF.

8.3 Accordingly, the scheme would comply with the development plan as a whole and also demonstrates compliance with the NPPF. Accordingly Members are recommended to approve the scheme without further delay and subject to recommended conditions as is detailed below.

8. RECOMMENDATION

A. APPROVE subject to planning conditions as follows:

Approved Plans

**1. The development hereby permitted shall only be carried out in accordance with the following approved plans: to be specified.
Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.**

Materials

**2. No development shall commence until the facing materials to be used in the construction of external walls and roofs of the dwellings and garages has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason:- In the interests of visual amenity.**

Appearance Details

**3. No development shall commence until details, including finish of all eaves, verges, windows (including head and sill details), doors (including garage) and hard surfacing within the development 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:- In the interests of visual amenity**

**4. All external doors (including garage) and windows shall be set back from the face of the building by a minimum of 70mm (new build).
Reason:- In the interests of visual amenity.**

**5. No development shall commence until a scheme of the boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The boundary scheme shall be implemented in accordance with the approved scheme prior to the first occupation of the dwelling to which they relate and shall be maintained for those purposes at all times thereafter.
Reason:- In the interests of visual amenity**

Removal of Permitted Development

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification):-

a) No development as specified in Part 1 Class(es) A, B, C, D and E other than those expressly authorised by this permission, shall be carried out on any plot without express planning permission first being obtained from the Local Planning Authority.

b) No development as specified in Part 1 Class F other than those expressly authorised by this permission, shall be carried out on any plot without the express planning permission first being obtained from the Local Planning Authority, and,

c) No development as specified in Part 2 Class A other than those expressly authorised by this permission, shall be carried out on any plot without the express planning permission first being obtained from the Local Planning Authority.

Reason:- In the interests of visual amenity and Green Belt planning policy.

Highways

7. The dwellings hereby approved shall not be occupied until the access to the site has been completed. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.

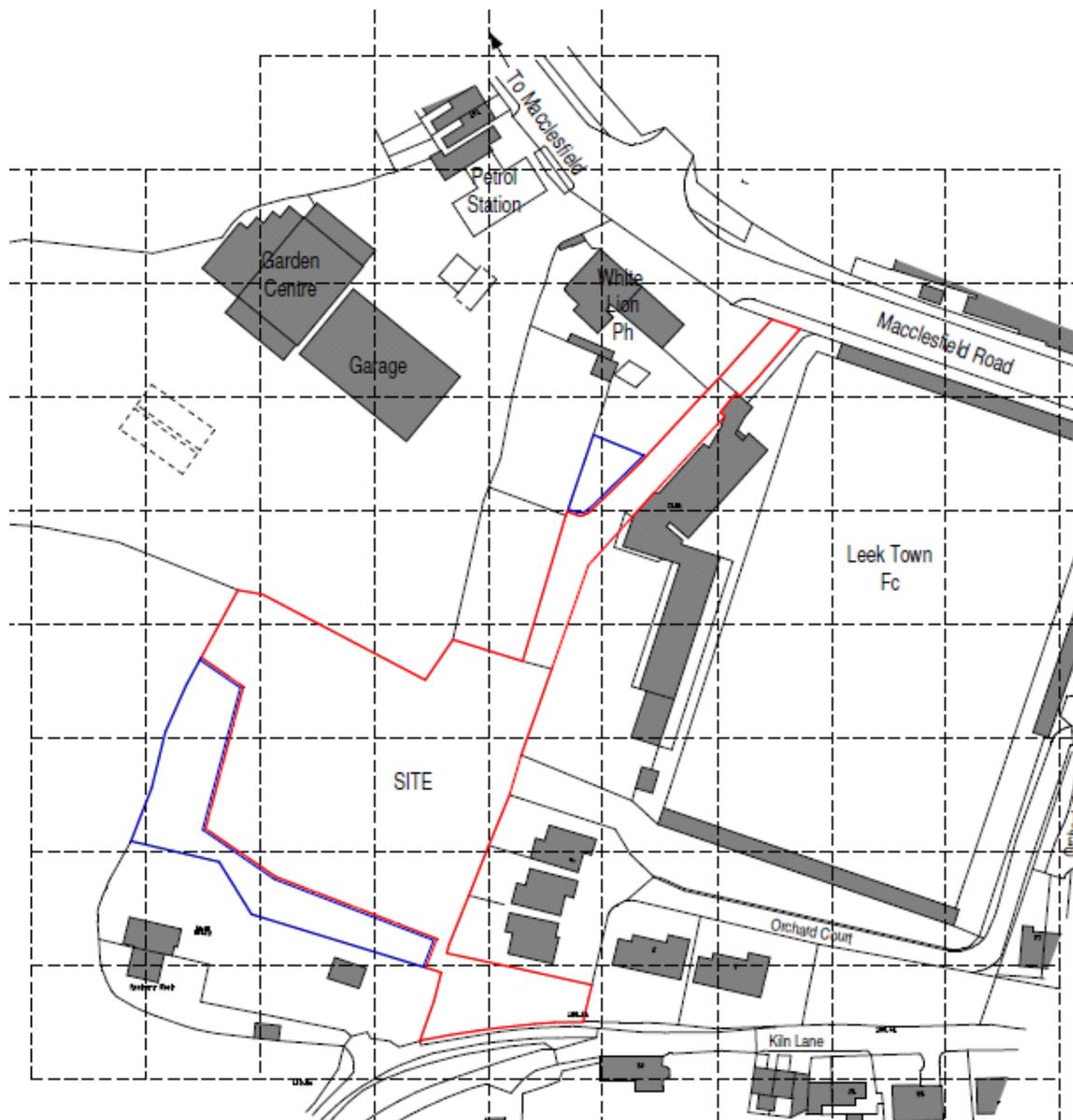
Reason:- In the interests of highway safety.

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.

Informative(s)

1. The Council has sought (negotiated) a sustainable form of development which complies with the provisions of the NPPF.

Location Plan (as revised)



Proposed Scheme ref. SMD/2019/0213: Site Layout Plan



Refused Scheme ref. SMD/2018/0706: Site Layout Plan



APPENDIX 1

Outline Scheme (ref. SMD/2013/1201 Conditions

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. 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 layout of the building(s)
 - b) The scale of the building(s)
 - c) The external appearance of the building(s)
 - d) The landscaping of the site.
4. The access hereby approved shall be carried out in complete accordance with the submitted amended plans and specifications as follows:-
 - a) Location Plan 2011-1806-23
 - b) Scheme 4 Site Layout Plan 2011-1806-Sp4 – Access matters onlyTo ensure that the access is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.
5. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage using sustainable drainage methods (SUDS) 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 brought into first use.
6. The development shall not be commenced until details have been submitted to and approved in writing by the Local Planning Authority indicating all road construction, street lighting, drainage including longitudinal sections and a satisfactory means of draining roads to an acceptable outfall to SUDS principles which shall thereafter be constructed in accordance with the approved drawings.
7. Any garages shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the written consent of the Local Planning Authority.
8. Before the proposed development is brought into use, but after substantial completion of the works, the concrete dished channel across the access on the channel of A523 Macclesfield Road shall be replaced in accordance with the details to be first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

9. The pedestrian link from the east of the site linking the vehicular access with Kiln Lane shall be retained and shall form part of the reserved matters application.

10. The development shall be carried out strictly in accordance with the approved Flood Risk

Assessment (FRA) produced by JMP Consultants document reference MID3265 R001 final issue No.2 dated 10 August 2012 and the following mitigation measures detailed within the FRA:

a) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

b) The mitigation measures shall be fully implemented prior to the first occupation of any of

the dwelling houses and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

c) All finished floor levels of the proposed houses shall be 150mm above adjacent external ground levels and 600mm above the 1 in 100 year +20% flood level.

11. Details pursuant to reserved matters condition 3 (landscaping) above shall include:-

a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;

b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site;

e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

12. No development hereby permitted shall take place until a Construction and Environmental Method Statement for that phase of the site has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

I. The method and duration of any pile driving operations (expected starting date and completion date);

II. The hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 07:00 to 19:00 hours Mondays to Fridays, and 08:00 to 16:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;

III. Pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;

IV. The arrangements for prior notification to the occupiers of potentially affected properties; V. The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;

VI. A scheme to minimise dust emissions arising from construction activities on the site.

The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;

VII. Details of wheel washing facilities. All construction vehicles shall have their wheels cleaned before leaving the site;

VIII. A scheme for recycling/disposal of waste resulting from the construction works;

IX. The parking of vehicles of site operatives and visitors;

X. The loading and unloading of plant and materials;

XI. The storage of plant and materials used in constructing the development;

XII. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

XIII. Installation and maintenance of wheel washing facilities, and,

XIV. Details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works.

XV. All works within a phase of development shall be carried out in accordance with the approved details.

13. The development hereby permitted shall not be commenced until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s), have been submitted and approved in writing by the Local Planning Authority. There shall be no variation in these levels without the written approval of the Local Planning Authority.

14. No development hereby permitted shall be commenced until a Landscape Management Plan, including long term design objectives, management responsibilities, maintenance schedules for the land edged blue as shown on the Location Plan ref. 2011-1806-23 has been submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be implemented prior to the occupation of any dwelling development of the first phase and land to which the plan relates shall subsequently be maintained in accordance with the approved details.

15. Any scrub vegetation cutting or clearance, shrub or tree pruning or clearance required at the site shall take place only in the calendar period 1st September to 1st March or outside these dates only if it is established by a qualified ecologist immediately prior to the work that no protected bird nesting is taking place. If bird nesting is found a works exclusion area shall be set up to prevent development work from disturbing the nesting and this shall be maintained until the nest is no longer in use.