

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**12 March 2020**

<b>Application No:</b>	SMD/2019/0573	
<b>Location</b>	Priory Hotel, Abbots Road, Leek, ST13 6EZ	
<b>Proposal</b>	2no. Proposed new dwellings with associated access and amenity space	
<b>Applicant</b>	Mr Jatta	
<b>Agent</b>	Mr Jonathan Hargreaves, EPOCH Architecture Ltd	
<b>Parish/ward</b>	Leek	<b>Date registered</b> 17.09.2019
<b>If you have a question about this report please contact:</b> Lisa Howard tel: 01538 395400 ex 4923 lisa.howard@staffsmoorlands.gov.uk		

**REFERRAL**

This application follows Outline planning application SMD/2016/0706 which was determined at Planning Applications Committee. SMD/2016/0706 sought consent for the construction of 2no. detached dwellings. The application was refused and subsequently allowed on Appeal. This application is to be determined at Planning Applications Committee in the interests of consistency,

**SUMMARY OF RECOMMENDATION**

<b>APPROVE subject to conditions</b>
--------------------------------------

**1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

1.1 The application site comprises part of the car park to The Priory public house, which is a large property of traditional construction. The existing car park is relatively large in size and has a wide frontage onto Abbots Road. The development site occupies the north western corner of the car park which is bound Beresford Place to the north, allotment gardens to the east and Abbots Road to the west.

1.2 The immediate area is predominantly residential in character and comprises properties of varying age, type and architectural design. For the purposes of this assessment, the site falls within the Leek Town Development Boundary.

## 2. DESCRIPTION OF THE PROPOSAL

2.1 Planning approval is sought for the construction of 2no. two storey detached dwellinghouses with associated off-street parking and outdoor amenity space.

2.2 Accommodation is to comprise of a central hallway that is to serve a separate lounge located to the front of the units, w.c. and an open plan kitchen, living and dining room. 2no. bedrooms (1no. being en-suite) and a family bathroom is to be located at first floor. 2no. further bedrooms (both en-suite) are located within the roof space at second floor level.

2.3 The external appearance of the scheme has been amended during the course of the application to achieve a scheme that better responds to the site context.

2.4 Externally, a shared access is proposed with off-street parking for 6no. vehicles in total (3no. parking spaces per unit). Private amenity space is to be located to the rear.

## 3. RELEVANT PLANNING HISTORY

SMD/2016/0706	Outline planning application with some matters reserved (except access) for construction of 2no. houses	Refused, 15.03.2017  Appeal Allowed, 20.12.2017
---------------	---	---

## 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 (26<sup>th</sup> March 2014)

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

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS5 Towns
- SS5a Leek Area Strategy
- DC1 Design Considerations
- T1 Development and Sustainable Transport

#### National Planning Policy NPPF

- Section 12 Achieving well-designed places
- Section 13 Protecting Green Belt Land

#### National Planning Policy Guidance

- Space about dwellings
- Design SPD

#### 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

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 is ongoing in order to determine whether the Local Plan is sound and legally compliant. Hearing sessions were conducted in October 2018 and the Inspector issued his initial post-hearing advice in January 2019 which set out some actions for the Council and a range of modifications that would be necessary to make the plan sound. The full schedule of modifications was agreed by the Council and the subject of public consultation between 18th September 2019 and 31st October 2019. The schedule consisted of modifications that the Inspector has deemed necessary to make the Local Plan sound. Following the consultation, the Inspector concluded that further hearing sessions were necessary to consider; proposals for safeguarded land at Gillow Heath in Biddulph, housing land supply, Local Green Spaces in Cheddleton (Ox Pasture), Biddulph (Dorset Drive and implications for the

emerging neighbourhood plan) and Blythe Bridge. They were held on 4th and 5th February.

On 27th February, the Inspector issued his post hearing advice. Key recommendations in the letter include:

- The proposed safeguarded land at Gillow Health, Biddulph should be removed. Neither should the site be allocated for housing as requested by the landowners as the case for exceptional circumstances has not been met. The land will remain Green Belt as per the Local Plan Submission Version agreed by the Council in June 2018
- No further housing allocations in Biddulph are required
- No further amendments to the housing trajectory are required aside from pushing back the predicted commencement of the Wharf Road, Biddulph site (excluding BDNEW) until 2022/23.
- Monitoring of housing supply will determine if a full or partial Local Plan review is required within 5 years
- Land at Ox Pasture (Cheddleton) and Dorset Drive (Biddulph) should revert back to the Local Green Space designations as per the Local Plan Submission Version as agreed by the Council in June 2018.
- Other modifications were considered during the recent hearings sessions are necessary to make the plan sound, including; updating neighbourhood area housing requirements (Policy SS4) to reflect the latest monitoring data, updating the employment land area for the Tunstall Road allocation to reflect the masterplan and other adjustments to the wording of Policy SS4 and Policy DC2.

No further representations will be sought by the Inspector. As such, the Local Plan policies as proposed to be modified in September 2019 along with the Inspector recommended revisions (February 2020) provide a strong indication of the final policies likely to be adopted in the Local Plan. The Inspector's final report is expected within 2 months and will reflect the post hearing advice. The Council will be able to consider the adoption of the Local Plan at this point. As such, the plan is at a very advanced stage of preparation with some of the key outstanding objections now having been resolved following the February 2020 hearing sessions.

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 considered below:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the main modifications have been subject to consultation
- The extent to which there are unresolved objections to relevant policies this varies depending on the policy in question – the Inspector wishes to explore outstanding objections on a limited number of issues at the February hearing sessions further before drawing conclusions.
- The degree of consistency of the relevant policies in the emerging plan to this Framework – policies have been modified to address soundness issues identified by the Inspector to date. It is the Council's view that the policies (as

modified) are consistent with national policy. The Inspector has yet to draw final conclusions, particularly on the matters subject to further hearing sessions.

Given the above, the majority of policies (as modified) can be given substantial weight.

### 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
- SS5 Leek Area Strategy
- DC1 Design Considerations
- H1 New Housing Development
- T1 Development and Sustainable Transport

## **5. CONSULTATIONS CARRIED OUT**

5.1 A Site Notice was displayed and neighbours notified by letter. The last date for comments expired 7<sup>th</sup> November 2019. 4no. representations have been received which raise objection to the application. The planning grounds for objection are summarised as follows:

- Highway safety due to existing on-street parking pressures along Abbots Road, increased number of vehicles, the proposed access arrangements and the proximity of the access to a busy junction;
- The proximity of the proposed dwellings to the existing public house may lead to future complaints of noise and disturbance;
- The concern is that the complaints of the new neighbours will impact on the day to day running of the public house;
- Loss of privacy due to side facing windows;
- The proposed dwellings appear tall in the plans which may lead to issues related to overshadowing and loss of light.

### **Leek Town Council:**

5.2 Application recommended for refusal on the grounds of access safety and car parking concerns.

### **Staffordshire County Council Highway Authority:**

5.3 Awaiting comments.

### **Environmental Health:**

5.4 No objection subject to conditions.

## 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 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 within the Leek Town Development Boundary. Leek, Biddulph and Cheadle are the largest settlements in the District and in accordance with policy SS5 these settlements will accommodate the bulk of the District's housing, employment and retail needs. Policy SS5a seeks to support the role of Leek as the principal service centre and market town. This is to be achieved, amongst other things, through increasing the range of available and affordable housing types. Furthermore, encouragement is given to the development of previously developed sites (brownfield land).

6.5 Policy H1 states that all new development will be assessed according to the extent to which it provides for high quality, sustainable housing and to which it meets identified local housing market needs. Outline planning consent for the construction of two dwellings with all matters reserved except for access was allowed on Appeal under planning reference SMD/2016/0706 as such the principle of residential development on this site is established and this application does not represent an opportunity to revisit it..

## Character and Appearance

6.6 In accordance with policies DC1, development should be designed to a high quality to respect the site and its surroundings having regard to matters of scale, density, layout, siting and landscaping. New development should promote a positive sense of place and identity.

6.7 In accordance with the Council's Design SPD and National Design Guide, new development should respect the 'grain' of settlements and the architectural style of new developments should be guided through an assessment and understanding of the character and context of the area. Where possible new buildings should pick upon the proportions of neighbouring buildings and should respect the scale of those surrounding it.

6.8 The character and appearance of the surrounding development is mixed, including interwar semi-detached housing, the mock-tudor of the Priory pub, older red brick and stone terraces opposite and more modern development alongside. Despite this there is a consistent theme of pitched roofs, red brick and tile. The proposal involves a contemporary approach and the design and scale of the proposed development has evolved during the course of the application to achieve a scheme that is now considered to respond positively to the scale and proportions of properties along Abbots Road. Architectural detailing has been introduced to better assimilate the proposed development with Beresford Place to the north. Though some reservations are had in respect of the proposed use of 'light grey brick' to the two storey projecting bay, this can be addressed via an appropriately worded condition and therefore does not warrant a recommendation of refusal.

## Amenity

6.9 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. Representations received have raised concern regarding the position of two windows located within the side elevation and the potential loss of amenity these may cause. Concern has also been raised regarding the height of the proposed units and the potential impact in respect of overshadowing and loss of light.

6.10 Beresford Place bounds the application site to the north. Beresford Place comprises a two storey, modern apartment complex housing 17no. one bedroom flats. The vehicular access to Beresford Place and the associated residents carpark separates the application site and the main apartment building. 2no. tall narrow windows are located on the southern elevation of the nearest units. A review of the approved floor plan for Beresford Place confirms that these windows serve as a secondary windows to an open plan kitchen and living space to ground and first floor apartments. The proposed dwellings would be positioned to the south east of these windows. Windows located within the side elevation of the proposed dwellings are to serve non-

habitable accommodation. A distance of 26m would exist between the proposed dwellings and the southern elevation of Beresford Place.

6.11 A distance of 21m will exist between the south east elevation of no.47 Abbots Road and the north west elevation of the proposed dwellings. A distance in excess of 14m will also exist between the south facing elevation of the proposed dwelling and the north facing elevation of The Priory PH. The resulting spacing distances accord with those recommended by the Council's Space About Dwellings SPD.

6.12 Each unit is served with private outdoor amenity space measuring in excess of 65 square metres in accordance with the Council's Space About Dwellings SPD. The layout of the scheme has been appropriately considered to ensure an acceptable standard of amenity can be achieved in terms of overbearing impact, privacy and daylight / sunlight.

6.13 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.

6.14 Objection has been raised on the grounds of the proximity of the proposed dwellings to an operational public house and the potential for complaints of noise and disturbance from future occupiers as a result of this proximity.

6.15 The Council's Environmental Health Officer has been consulted on the proposed development and has provided the following comment:

*The proposed site is adjacent to a public house and road. There is no record of complaint against the public house in the previous 7 years to this application. The proposed dwelling is approximately 16m from the pub, there are existing properties adjacent to the pub which are similar distance to the pub. Noise from amplified music, the car park, plant and machinery and outside drinking areas can cause complaint and compromise the operations of the public house. The properties are also adjacent to a minor road bus route which at peak times in the day can cause noise. The design of the properties should be designed to achieve the levels set out in BS8233:2014, ProPG: Professional Guidance New Residential Development. Additionally the property design should ensure that music noise levels inside the property do not exceed 47db and 41dB (Leq) in the 63Hz and 125Hz octave bands respectively.*

6.16 In the light of these comments, and having regard to the fact that the principle of residential development on this site has been established at Appeal, it is not considered that a refusal on noise grounds with regard to the impact on the amenity of future occupiers could be sustained.

6.17 In respect of contamination, the site is a former car park and had some previous structures on it including a well. Therefore, may be subject to some historical contamination (hydrocarbons etc) / made ground. However, it is unlikely that any possible contamination discovered would be significant enough to compromise development. If planning permission is granted a contamination investigation should be undertaken to ensure these risks are investigated.

6.18 The proposed development is close to existing properties so care needs to be taken during the construction phase to ensure that these activities do not cause unreasonably disruption to the neighbour's enjoyment of their properties.

6.19 The Environmental Health Section have no objection subject to conditions in respect of construction and demolition works, contamination, soil importation, sound insulation and lighting.

### Highways

6.20 Core Strategy policy DC1 aims to ensure that new development is provided with safe and satisfactory access. The proposed development seeks 2no. four bedroom dwellings which are to be served by a shared access and turning area. 3no. off-street parking spaces are proposed to serve each dwelling.

6.21 Objection has been raised on the grounds of highway safety. The points raised at public consultation reference concerns regarding the existing levels of on-street congestion on Abbots Road, the proximity of the proposed development to a busy junction and the inadequacy of the proposed parking layout and turning space. Again, as noted above the principle of residential development on this site has been established. With regard to the detail of the access and parking arrangements, SCC Highway Authority has been consulted on the proposed development. Comments are awaited and will be provided in an update to Members.

### Other Matters

6.22 The site measures 0.0468 hectares in size and therefore the affordable housing requirement outlined under policy H2 is not triggered.

## **7. CONCLUSION**

7.1 In conclusion, the application site is located in a sustainable location, falling within the Leek Town Development Boundary. The principle of constructing 2no. dwelling houses on the site has been established by the Planning Inspectorate following the successful appeal against the refusal of planning reference SMD/2016/0706. There have been no material changes in planning policy or in the site circumstances since the date of the appeal decision to warrant the Council reaching a different conclusion at this stage.

7.2 Consideration has been given to the objections and concerns raised in respect of noise and disturbance. Environmental Health have been consulted on the application and their comments have been outlined within this report. Environmental Health have raised no objection to the development subject to appropriately worded conditions to secure an acceptable standard of sound proofing, contamination investigation and protection of residential amenity during construction. All conditions recommended by the Environmental Health Section are considered to comply with the tests outlined at paragraph of the NPPF.

7.3 Objections and concerns raised in respect of highway safety have been noted. Staffordshire County Council Highway Authority have been consulted on this application. Comments are awaited and will be outlined in the update report presented to Members before the committee meeting.

7.4 The proposed dwellings are considered to be of an acceptable design that responds positively to the streetscene context in accordance with SMDC Core Strategy policy DC1, the Council's Design SPD and National Planning Policy Framework. An acceptable standard of amenity is to be maintained in accordance with SMDC Core Strategy DC1, the Council's Space About Dwellings SPD and National Planning Policy Framework.

7.5 In conclusion, a recommendation of approval is provided subject to comments from Staffordshire County Council Highways.

## **8. RECOMMENDATION**

### **A. APPROVE subject to the following conditions:**

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

**Reason:- To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.**

### **Materials**

- 2. No development shall take place above foundation level until samples of types and colours of all roof tiles, facing materials and hard surfaces 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.**

### **Landscaping**

- 3. No development shall take place above foundation level until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include details of**

hard and soft landscaping, a scheme planting and details of boundary treatment. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard [4428 : 1989]. The works shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason:- To ensure appropriate landscape design in the interests of the visual amenity of the area. To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

#### **Environmental Health**

4. No phase of the development hereby permitted shall take place until a Demolition and Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-
  - I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
  - II. the arrangements for prior notification to the occupiers of potentially affected properties;
  - III. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
  - IV. 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;
  - V. a scheme for recycling/disposal of waste resulting from the construction works;
  - VI. the parking of vehicles of site operatives and visitors;
  - VII. the loading and unloading of plant and materials;
  - VIII. the storage of plant and materials used in constructing the development;

- IX. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- X. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works;**
- XI. during construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.**

**All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.**

**Reason:- To protect the amenities of the area.**

- 5. Development shall not commence until a site specific scheme for protecting the proposed residential units from noise, has been submitted to, and approved in writing by the Local Planning Authority.**

**The submitted scheme shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and ProPG: Professional Guidance, Residential Development and Entertainment noise. It should be designed to achieve noise levels of less than 30 dB LAeq in bedrooms 23:00 to 07:00, less than 40 dBLAeq in living areas (07:00 to 23:00) and less than 50dBLAeq (07:00 to 23:00) in outside living areas. The scheme should ensure music noise levels inside the property do not exceed 47db Leq in the 63Hz octave band and 41dB Leq in the 125Hz octave band.**

**A report shall be produced containing all raw data and showing how calculations have been made. A copy of such report shall be submitted to the Local Planning Authority for its approval.**

**Reason:- To protect occupiers from noise and safeguard their residential amenities.**

- 6. No 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 should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should 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 to by the Local Planning Authority.

Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

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 with the Local Planning Authority. Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority.

If the site risk assessment indicates 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 is subject to the approval 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 measures.

Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

### **Approved Plans**

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

P182 - 201A Proposed Site Plan  
P182 - 202A Proposed Floor Plan  
P182 - 203B Proposed Elevations  
P182 - 204B Proposed Streetscene  
P182 - 205B Proposed Block Plan

Reason: For the avoidance of doubt.

**Permitted Development Rights**

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as may subsequently be amended or re-enacted) no extensions, alterations or buildings within the site curtilage normally permitted by Classes A to E of Part 1 Schedule 2 to that Order shall be carried out unless a further planning permission has first been granted on application to the Local Planning Authority.

**10. Reason: In the interests of amenity**

**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.**



Location Plan