

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

23rd July 2020

Application No:	SMD/2020/0156	
Location	44 School Lane, Caverswall	
Proposal	Demolition of existing garage and construction of new single storey rear extension	
Applicant	Mrs Lynne Osbourne	
Agent	PP Architectural Ltd	
Parish/ward	Caverswall / Caverswall	Date registered 23 rd March 2020
If you have a question about this report please contact: Arne Swithenbank tel: 01538 395578 or e-mail arne.swithenbank@staffsmoorlands.gov.uk		

REFERRAL

The application is a Full Householder and is referred to Committee at the request of Cllr Roberts in order for committee to consider the scale and a previous recent approval now underway.

1. SUMMARY OF RECOMMENDATION

Approve subject to conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 An asymmetric two storey brick and tile pair of semis in a corner plot between Vicarage Crescent and School Lane. Of the pair, the application property (No. 44 School Lane) faces on to School Lane with a projecting gable and a gated drive way from School Lane. At right angles to this arrangement is the attached semi at 2 Vicarage Crescent facing accessed from Vicarage Crescent. Prior to recent development the front door to No. 44 was via a flat roofed side element with garage, to the right as viewed from School Lane.
- 2.2 Following a recent 2019 approval (delegated) a two storey extension is nearing completion to the School Lane elevation incorporating also a gabled projection towards Vicarage Crescent matching that of the attached neighbouring half of the semi at 2 Vicarage Crescent.
- 2.3 In the course of the development the flat roofed single storey – to the side as viewed from School Lane – has been demolished and work began on footings for an extension not included in the 2019 approval. The applicant

believed this to be Permitted Development (PD) but, as it extended not just the original dwelling but overlapped with the approved extension, it would come forward of the original front elevation to School Lane and therefore could not be PD [reference Part 1 Class A.1(e)(i)].

- 2.4 Access to the property is from School Lane with vehicular width gates. The 2019 approval provided for a front door and a vehicle pull-in off Vicarage Crescent but retained the School Lane road entrances.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 The proposed development would comprise demolition of the pre-existing single storey off the south east elevation – work which has now taken place – and construction of a replacement larger single storey, the footings for which have been laid. Materials of brick and tile to match existing.

4. RELEVANT PLANNING HISTORY

- 4.1 SMD/2019/0407 – two storey extension to dwelling with new site access off vicarage crescent – approved – under construction

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 Core Strategy Development Plan Document (Adopted 2014)

- S01 Spatial Objectives
- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS6b Smaller Villages Area Strategy
- DC1 Design Considerations
- T1 Development and Sustainable Transport

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Design Principles SPG
- Design SPD 2018

National Planning Policy Framework (NPPF) July 2018

- Paragraphs 1 – 14
- Section 4 Decision making
- Section 11 Making effective use of land
- Section 12 Achieving well designed places

Local Plan Submission Version (February 2018)

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS9 Smaller Villages Area Strategy
- DC1 Design Considerations

Local Plan process

- 5.2 The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was “sound”. Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.
- 5.3 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.
- 5.4 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.

5.5 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.

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 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 varies depending on the policy in question – the Inspector wishes to explore outstanding objections on a limited number of issues from 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.

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

6. CONSULTATIONS CARRIED OUT

Public

6.1 Neighbour consultations x 8 for response by 15th April 2020. Site notice posted for responses by 25th June 2020. Four objectors raise the following points of concern:

- loss of existing garage and therefore parking space
- loss of vehicular access from School Lane
- proposed three-vehicle pull-in from Vicarage Crescent isn't sufficient and isn't practical in terms of space
- parking will end up being in the street
- should have been considered as part of the first application
- should keep within the footprint of the previous single storey
- should be built of brick not concrete block
- taken together with the existing extension underway this further extension amounts to over-development

- foundations already in place are not deep enough and sub-standard – should be 1m deep

Parish Council

- 6.2 Caverswall Parish Council: the size overwhelms the plot leaving no outside space – space about amenities; personal circumstances of the applicant should not be taken into consideration in any decision making; overdevelopment of the site.

SCC Highways

- 6.3 Provided comments in relation to the 2019 approved scheme in which it was anticipated that the School Lane entrance would be closed up – no objections on highways grounds – recommended condition 2 was:

“Concurrent with the construction of the new site access the existing site access from School Lane made redundant as a consequence of the proposed development, shall be permanently closed with the access crossing reinstated as a footway”.

Severn Trent Water

- 6.4 Advise that the proposal has minimal impact on the public sewerage system and therefore there are no objections to the proposals and no requirement for a drainage condition to be applied.
- 6.5 Severn Trent Water advise that there may be a public sewer located within the application site. Although their statutory sewer records do not show any public sewers within the area specified, they say there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building – cover by informative.

7. POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE

Policy Context

- 7.1 In its general approach, in accordance with policies SS1 and SS1a, the Council expects the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in the Core Strategy shall be approved without delay, unless material considerations indicate otherwise.
- 7.2 Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether: (a) any adverse impacts of granting permission would

significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or (b) specific policies in that Framework indicate that development should be restricted.

- 7.3 The Development Plan for the Staffordshire Moorlands District Council consists of the Adopted Staffordshire Moorlands Core Strategy Development Plan Document (March 2014) with regard also being given to the provisions of the National Planning Policy Framework (NPPF); the Council's adopted Supplementary Planning Guidance documents: 'Space About Dwellings' and 'Design Principles' and the Council's Core Strategy Supporting Evidence Document: Landscape and Settlement Character Assessment (2008). Development boundary mapping remains for the present time as approved under the Staffordshire Moorlands Local Plan (September 1998).

Principle of Development and Main Issues

- 7.4 Within the development boundary therefore development acceptable in principle. The main issues are design, street scene and amenity.

Design

- 7.5 In design the proposal is broadly similar to the previous rear structure. At 6m the width of the structure facing School Lane would exceed the width of the previous structure (5.4m) by just 600mm or 11%. An 800mm gap to the boundary centre line with the attached neighbour at 2 Vicarage Crescent is retained as previously existed. Although the School Lane elevation would step forward by 2.7m, it would still be well recessed by 2m relative to the new forward two storey gable of the 2019 approval and would therefore appear suitably subordinate. There is also a slight decline into the site from School Lane which again would help recess the development relative to the street scene. Although a flat-roofed design is generally a less favoured approach, with this type of larger single storey a pitched roof would be cumbersome and impractical and overbearing for neighbours and street scene.

Amenity

- 7.6 Despite the extensions the site plan shows that amenity space of 138m² would be available well exceeding the Council's adopted Space About Dwellings 65m² minimum requirement. The only neighbouring dwelling which could potentially be impacted is 2 Vicarage Crescent. No windows are proposed facing this property so no privacy issues are raised. This property has a small single storey lean-to to the rear. The previous rear addition which has now been demolished projected beyond the rear wall of this lean-to by approx.. 2.3m and being located to the south had the potential to impact on late morning / midday sunlight to ground floor windows in the rear elevation and the rear garden area adjacent to the house. The rear extension now proposed extends an additional 71cm. Given the single storey overall height of approx. 3.18m, and the flat roofed form, coupled with the existing boundary treatment which comprises a breeze block wall with closed boarded panels above to an overall

height of approximately 2m, it is not considered that any additional overshadowing or overbearing effects would be sufficiently detrimental to the amenity of the neighbouring occupier to sustain a refusal.

Other Matters

- 7.7 It is relevant and significant to consider that a similar Permitted Development fall-back option would be available here subject to prior approval. This can provide for a build out to 6m off a semi subject only to a determination as to whether there would be unacceptable amenity impacts for any neighbours. In view of the amenity assessment above, it is considered that the LPA would not have grounds to reject the scheme. The one difference with this application scheme is that it would overlap beyond the School Lane elevation of the original building by 1.5m and that amount would need to be omitted from a PD scheme. The relationship with the neighbouring dwelling would be the same.
- 7.8 Reference in the public representations to a concern regarding depth of foundations is a Building Regulations matter and not a material planning consideration. All other points raised have effectively been covered by the discussion in the report.

8. Conclusion and Planning Balance

- 8.1 As discussed in the report the development is acceptable in principle being within a smaller village development boundary. Being acceptable in design with adequate garden amenity space and adequate off-street parking retained, and with no undue adverse conflicts of amenity with neighbouring properties or public street scene the development is found to conform with the Council's adopted planning policies and is therefore recommended for approval.

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.

2. The development hereby approved shall be carried out in accordance with the details as submitted in the application form and submitted specifications including the specified brick and tile to match the current existing and as shown in drawing:

44SL/01 rev A

Reason: To ensure that the development is carried out in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of doubt.

3. Prior to first occupation of the development hereby approved the access, parking and turning areas for the dwelling shall be completed within the limits of the public highway with a vehicular dropped crossing as per the submitted plan 44SL/01 rev A

4. Concurrent with the construction of the new site access the existing site access from School Lane made redundant as a consequence of the proposed development, shall be permanently closed with the access crossing reinstated as a footway.

5. Prior to first occupation the parking area and turning area for the dwelling shall be provided and surfaced in a bound material which shall thereafter be retained for the life of the development for their designated purposes.

6. The access to the parking area shall be constructed with a gradient not exceeding 1 in 10 for the first 4.5m rear of the highway boundary

Reason for recommendations 3 to 6: In order to comply with Paragraphs 108-110 of the NPPF 2019 and in the interests of Highway Safety

7. 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), no development as specified in Part 1 Classes A; B; C; D; E; F and G other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, to ensure that adequate private or shared amenity space is retained within the curtilage of the building and to protect the Green Belt.

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

Informatives

1. The application has been determined in accordance with Policies: SS1; SS1a; SS2; SS4; SS6b; SD1; SD4; DC1; and T1 of the Core Strategy Development Plan and the NPPF.

2. This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer

has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

3. Coal Mining Hazards – Low Risk Area – Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. Standing Advice valid from 1st January 2019 until 31st December 2020.

10. APPENDICES TO THE REPORT

10.1 The link below to the Council's website is where the detail of this application can be viewed.

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet>

10.2 – location plan

