

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

20 August 2020

Application No:	SMD/2020/0271	
Location	West Winds, Cheddleton Road, Birchall, Leek	
Proposal	Approval of reserved matters following outline permission SMD/2018/0110 for two dwellings	
Applicant	Mr F Murray – L and C Homes (Staffs) Ltd	
Agent	Robert McGuinness RLM Associates	
Parish/ward	Leek / Leek East	Date registered 1 st June 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 for reserved matters (Minor) and is referred to Committee because an SMDC employee lives adjacent.

1. SUMMARY OF RECOMMENDATION

Approve – subject to conditions
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2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site is within the town development boundary and comprises land from within the combined former rear gardens of two existing detached dwellings, West Winds and Blue Ridge, which front on to a private lane parallel to Cheddleton Road. The rear gardens climb with a pronounced slope for a distance of c.100m east of the existing dwellings. The combined width of the two gardens forming the plot is between 25m and 30m. Two detached dwellings at the head of the cul de sac known as Birchall Park Avenue border the site on its south side. A detached dwelling known as Foxdale borders the plot to its north side (eastern end) along with the rear garden of Boundary House (western end). Rural field land outside of the town development boundary borders the garden edges to the east. Rear gardens of length 20m to 30m are retained to West Winds and Blue Ridge at the western (lower) end of the site.

2.2 Access to the site is from Cheddleton Road via the private lane and is as approved under the outline consent.

3. DESCRIPTION OF THE PROPOSAL

3.1 The proposed development would comprise two matching dormer bungalows in good sized plots with detached garages. In response to LPA feedback amended plans have been submitted to switch some elements of render to a brick finish.

3.2 The application includes additional submitted ecological information and a planting schedule to accompany the submitted landscaping scheme.

3.3 The application, the details attached to it, including the plans, any comments made by residents and the responses of consultees can be found on the Council's website at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=135826>

4. RELEVANT PLANNING HISTORY

4.1 SMD/2018/0110 – outline application for the change of use of rear garden areas to 2no. residential building plots with new access – approved

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The development plan comprises the adopted Staffordshire Moorlands Core Strategy Development Plan Document (26th March 2014) and supporting evidence documents.

Core Strategy Development Plan (Adopted 26th March 2014),

SS1	Development Principles
SS1a	Presumption in favour of sustainable development
SS5a	Leek Area Strategy
H1	New Housing Development
DC1	Design Considerations
DC2	Historic Environment
NE1	Biodiversity and Geological Resources
T1	Development and Sustainable Transport

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

- Space About Dwellings SPG
- Design Principles SPG

Core Strategy Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

National Planning Policy Framework (NPPF) February 2019

Paragraphs	1 – 14
Section 2	Achieving Sustainable development
Section 4	Decision making

Section 5	Delivering a sufficient supply of homes
Section 8	Promoting healthy and safe communities
Section 9	Promoting sustainable transport
Section 11	Making effective use of land
Section 12	Achieving Well designed places

Emerging policies of the Staffordshire Moorlands Local Plan submission version (February 2018) considered relevant to this application:

SS1	Development Principles
SS1a	Presumption in favour of Sustainable Development
SS5	Leek Area Strategy
H1	New Housing Development
DC1	Design Considerations
DC2	The Historic Environment
DC3	Landscape and Settlement Setting
NE1	Biodiversity and Geological Resources
T1	Sustainable Transport

5.2 Local Plan process

On July 20th 2020, the Council published the Inspector's final report thereby drawing a close to the examination in public. The report concludes that with the recommended main modifications, the plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework (NPPF). As such, the main modifications which accompany the Inspector's report provide a clear indication of the final policy wording when read in conjunction with the Local Plan Submission Version (2018).

In this context, the Council's position on the weight to be given to the policies (as modified) 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 the most advanced stage of preparation prior to adoption as the Inspector has concluded that the Local Plan is sound subject to the recommended modifications being made.
- The extent to which there are unresolved objections to relevant policies – the Inspector has now drawn his final conclusions and there are no further matters to resolve
- The degree of consistency of the relevant policies in the emerging plan to this Framework – the policies (as modified) have been found by the Inspector to be sound in the context of the 2012 NPPF under which the Local Plan has been examined. One of the “tests of soundness” that the Local Plan has successfully been measured against is whether it is “consistent with national policy”. As the Local Plan has been prepared and examined under the 2012 NPPF, it should be noted that in some limited cases, its policies do not directly reflect current national policy. However, planning law requires that applications be determined in accordance with the development plan, unless material considerations indicate otherwise. Current national policy is a material consideration and should be given weight accordingly.

Given the above, all policies (as modified) should be given substantial weight.

6. CONSULTATIONS CARRIED OUT

Public

6.1 Neighbour consultations x 11 for response by 25th June 2020. Site notice posted for responses by 30th June 2020. Press advertisement for response by 8th July 2020.

– one representation raising the following:

- These are sprawling buildings
- Was once an attractive open landscape
- Loss of property values for existing neighbours
- New access is narrow, steep and claustrophobic
- What is or will be the extent of the new ownership as regards the shared private access lane from Cheddleton Road?
- Drainage – although the plans say to be connected to existing, there is no existing for the road surface run-off; this relies instead on a 'natural' fall from north to south
- Drainage will be insufficient for all the new hard surfacing and roofing involved
- No report re ecology

Parish Council

6.2 Leek Town Council – recommend approval subject to not being found un-neighbourly.

SMDC Waste Collection Services

6.3 No issues.

SCC Highways

6.4 No objection – subject to conditions. Not to be occupied until parking, turning and access has been provided as shown in drawing RLM974/3 C. Garages to be retained available for parking. Access was determined under SMD/2018/0110. Four-bedroom dwellings require 3 parking spaces. In order to meet parking standards (for the lower plot), and for turning layout to work for the higher plot, garages must be available for vehicles to park. Specification for the reconstruction of the access, conditioned under SMD/2018/0110 has been advised to the agent.

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).
- 7.4 Being within the Town Development Boundary, development is considered in principle to be acceptable and is further confirmed in this case by the granting of the outline consent for two dwellings with access SMD/2018/0110. The main considerations are design appearance and amenities of occupiers and neighbours.

Design

- 7.5 The two dwellings are proposed to an identical plan. Each would have a ground plan area of 148m² (with the internal ground floor area stated as 131m² or 1,400sq feet). The first floor within the roof space with dormers facing to the rear (east) and roof lights in the westerly (front) roof slope would yield 64m² internally or 692sq feet. The plans illustrate an allocated four bedrooms.
- 7.6 The exterior finish is predominately brick specified as Ibstock Birtley Olde English which can be considered very suitable along with 'Forticrete gemini' interlocking roof tiles in grey. The roof slope adopted is at a very suitable 40 degree pitch. The roof verge will end at the gable edges in a mortared tile but with a grey barge board beneath to colour RAL 7016. Lintels and cills are proposed in the local natural stone: 'Bridestones pink'; windows and doors in grey pvc again to RAL 7016. Dormer sides and window surrounds are shown in grey 'cedral' horizontal cladding.
- 7.7 There is some use of acrylic render ('mid-grey') and following negotiation with the agent / applicant the front facing elevation of the forward gable has been amended to brick along with a brick 'return' to each side with the remainder of the sides of this element to be in the render as first stated. A subsidiary

element to the main building would remain to a render finish in its front and rear elevations but with brick to the side gable.

- 7.8 The detached garages are entirely in the brick and tile of the main house with windows and doors, including cills and lintels to the same detailing.
- 7.9 Although large, these two dwellings are set back into rising ground in good sized plots. They do spread across the width of the plots as is pointed out in the representation but they are in keeping and within the range of sizes of neighbouring dwellings. A considered scheme of landscape planting and boundary treatment has been submitted which will assist well in assimilating the development into its surroundings including the neighbouring dwellings.

Amenity

- 7.9 The proposed plots provide more than adequate standards of amenity space. The separation distances meet or exceed the 22m minimum of the Council's adopted standards where elevations with principal windows are directly facing. There are closer separations but on oblique angles eg c.15m between the front of the easterly of the two dwellings and the rear of Foxdale but as these are not directly facing and there is strong dense evergreen boundary hedging the arrangement is considered fully acceptable.
- 7.10 Consideration has been given to the relationship of a proposed garage relative to Foxdale but it is judged that the 45 degree angle for a rear facing window of Foxdale is not infringed and again the existing dense boundary vegetation already intervenes to cut off any impacts.

Other Matters – including responses to points made in the representation

- 7.11 An additional ecological survey has been submitted but for appropriate reasons of confidentiality has not been placed on the website. For the avoidance of doubt no significant ecological or biodiversity matters arise.
- 7.12 Criticism has been made in the representation regarding the enclosed drive. The point is a valid one but the fencing is set at the 2m maximum not to engage planning control. Nevertheless the agent / applicant in consultation with the LPA is examining an improved solution with the neighbours who have erected the fences.
- 7.13 Any impacts on property values for existing neighbours is not of course a planning matter. Any implications in respect of ownership and future maintenance of the private lane linking to Cheddleton Road are a private matter between the relevant parties and do not involve the LPA.
- 7.14 Drainage is an important and relevant consideration. The submitted landscape scheme includes proposals for drainage by soakaway for all natural surface run-off drainage from roofs and hard surfaces. Connection to the foul sewer will also be required and condition 5 of the outline approval relates.

7.15 Consideration of heritage arises with this application in respect of a Listed Mile Post on Cheddleton Road. As noted with the outline application it is considered that the proposal will not affect the structure or its setting and there will be no impact on heritage.

8. Conclusion and Planning Balance

8.1 Overall it is considered that a good layout has been achieved to fit in with general pattern and dispersal of development in this part of Birchall and to achieve good relationships with neighbouring detached dwellings without conflicts in terms of privacy and overlooking or being unduly dominant.

8.2 The designs are modern and again in keeping with the existing neighbouring dwellings. A good standard of external finish materials is proposed.

9 RECOMMENDATION

A. Approve subject to the following conditions:

1. The development hereby approved shall be carried out in accordance with the details including levels as submitted in the application form and submitted specifications and as shown in drawings:

Plots 1 and 2 RLM/974/1 rev F

Plots 1 and 2 RLM/974/2 rev D

Site Plan RLM/974/3 rev D

Garage Details RLM/974/4

Access Details RLM/974/5 rev B

Landscaping, drainage and services RLM/974/7 rev B

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.

2. The external facing and roofing materials shall be as stated in the submitted details and plans hereby approved as referenced at condition 2 and there shall be no variation without the prior consent in writing of the Local Planning Authority.

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 the first occupation of the last of the two dwellings hereby approved to be occupied the development shall have been completed in accordance with the details of site landscaping, access, drainage and layout as hereby approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is carried out in accordance with the submitted details and approved plans and in the interests of amenity of

the occupiers and neighbours.

4. The development hereby permitted shall not be brought into use until the access, parking and turning areas have been provided in accordance with the approved plans RLM974/3 C. The parking and turning areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development. The garages indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

Reason: To comply with NPPF Paragraph 108; to comply with SMDC Core Strategy Policy DC1; 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

Informatives

1. The application has been determined in accordance with Policies: SS1; SS1a; SS2; SS4; SS5a; SD1; SD4; H4; DC1; DC2; NE1 and T1 of the Core Strategy Development Plan and the NPPF.

3. 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.

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?PKID=135826>

10.2 – location plan

