

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**17 September 2020**

<b>Application No:</b>	SMD/2020/0218	
<b>Location</b>	Gorseysdale, Cheddleton Heath Road, Leek	
<b>Proposal</b>	Application for approval of reserved matters following outline application SMD/2017/0494 – revised scheme	
<b>Applicant</b>	Mr and Mrs Carding	
<b>Agent</b>	Mr Robert McGuinness, RLM Associates	
<b>Parish/ward</b>	Leek South	<b>Date registered</b> 23/04/2020
<b>If you have a question about this report please contact:</b> Chris Johnston tel: 01538 395400 ext 4123 or Christopher.johnston@staffsmoorlands.gov.uk		

## **REFERRAL**

This application is referred to the Committee because the previous outline application and Reserved Matters applications were determined at the committee.

### **1. SUMMARY OF RECOMMENDATION**

<b>APPROVE, subject to conditions.</b>
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### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The site comprises an irregular shaped parcel of land which extends to some 0.39 hectares. The land is to the rear (south) of Gorseysdale, a detached bungalow on the south side of Cheddleton Heath Road. The site is greenfield land and land levels fall away from the existing dwelling in a north-south direction before levelling out and rising again. The site is within the Open Countryside for the purposes of the Development Plan. It is not in the Green Belt.

### **3. DESCRIPTION OF THE PROPOSAL**

3.1 This application seeks approval of reserved matters following the outline consent SMD/2017/0494. Approval is sought for matters of Appearance, Landscaping, Layout and Scale with Access having been approved at the outline stage. The application details 2 detached properties with (as revised) 2 detached garages, together with access, off road parking and garden areas.

3.2 The application is a resubmission of a previous Reserved Matters application submitted in 2019 which was recommended for approval by the

case officer but which was refused at the committee in January 2020 for the following reason:

*By virtue of its inappropriate siting, scale and design, the proposed development will adversely affect the amenities of neighbouring occupiers, in particular, the occupiers of The Spinney, due to an overbearing impact, loss of privacy and loss of outlook. The proposal is therefore contrary to Policy DC1 of the Core Strategy and paragraph 127 of the NPPF, which states that planning should always seek to secure good design and a high standard of amenity for existing and future users.*

3.3 The new scheme shows two 2-storey detached houses with the same brick-and-tile traditional design and of similar scale and design to the refused scheme although there is a very slight height increase from 7.0 to 7.1 metres. The design comprises fully hipped roofs but with a front-facing gable and two-storey height eaves on one side and with front and rear facing catslide roof slopes down to single-storey height eaves for the remainder of the house and with dormer windows, a “part-chalet” design it could be described. The main difference between this and the previous design is that a rear-gable has been removed in favour of a full catslide roof with three dormer windows, a removal of a dormer in the middle of the front elevation (replaced with rooflights) and the removal of a side catslide projection, resulting in a width and footprint decrease.

3.4 Both houses remain in the same parts of the site. The main change with the new scheme however, is the orientation of the Plot 1 house (in the east part of the site), which previously had a rear elevation facing the north-east towards the neighbouring dwelling, The Spinney, but which has been rotated 90-degrees clockwise so that the rear elevation faces south-east towards open land (and with a front elevation facing the existing Gorseysdale bungalow) and side elevation facing The Spinney. Meanwhile, Plot 2 (in the west part of the site) has been moved slightly away from the southern boundary of the site, by virtue of the removal of the side catslide projection. The plot 2 house remains with the same orientation.

3.5 The original plans submitted with this planning application, superseded by the amended plans, had similar siting's to those of the previous planning application.

3.6 The application, the details attached to it, including the plans, 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=134726>

#### **4. RELEVANT PLANNING HISTORY**

SMD/2019/0414 – Reserved Matters application relating to SMD/2017/0494 – Refused on 16/01/2020.

SMD/2017/0494 – Outline planning application for the erection of two detached dwellings – Approved 16/02/2018.

SMD/2016/0479 – Demolition of existing flat roofed, single storey rear extension, removal of existing flat roof and replacement with two hipped roofs, construction of two hipped single storey extension and enlargement of existing window – Approved 06/10/2017.

SMD/1989/0271 – Site for one dwellinghouse – Refused 22/09/1989.

SMD/1989/0775 – Details of 1 dwellinghouse – Refused 12/02/1990.

#### **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)

S01 Spatial Objectives  
SS1 Development Principles  
SS1a Presumption in Favour of Sustainable Development  
SS6c Other Rural Areas Area Strategy  
H1 New Housing Development  
H2 Affordable and Local Needs Housing  
DC1 Design Considerations  
DC3 Landscape and Settlement Setting  
R1 Rural Diversification  
R2 Rural Housing  
NE1 Biodiversity

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

- Space About Dwellings SPG
- Design Principles SPG
- Churnet Valley Masterplan (2014)

##### Core Strategy Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

##### National Planning Policy Framework (NPPF)

Paragraphs 1 – 14  
Section 4 Decision making  
Section 5 Delivering a sufficient supply of homes  
Section 12 Achieving well designed places  
Section 15 Conserving and enhancing the natural environment

## Local Plan Submission Version (February 2018)

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS8 Larger Villages Area Strategy
- SS10 Other Rural Areas Area Strategy
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- H1 New Housing Development
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport

### 5.2 Local Plan process

On July 20<sup>th</sup> 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”. Because 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

<b>Neighbour letters</b>	Expiry date for comments in relation to revised plans: 17/09/2020
<b>Site Notice Posted</b>	Expiry date for comments: 17/06/2020
<b>Press Notice</b>	N/A

6.1 Adjacent neighbours and senders of previous objections/representations in response to the original plans submitted with this planning application, were re-consulted on the latest amended plans on 07/09/2020. Any further letters received will be reported at the Committee meeting.

6.2 In response to the original plans submitted with this planning application, objection letters/emails of objection have been received from the occupiers of 4 neighbouring properties. The objectors have considered that the original plans submitted with this planning application have not changed significantly from those refused approval in January and therefore their concerns and points of objection are largely repeated. The main planning-related concerns raised previously are summarised as follows:-

- Loss of privacy to immediate neighbours and contravention of neighbour's right to quiet enjoyment of garden amenities and property.
- Insufficient separation from adjacent properties.
- Proposal is overbearing and dominating.
- The two houses are positioned at a totally different angle with greater invasion of privacy.
- The properties appear to be large / disproportionate to properties in immediate vicinity / overdevelopment of the site.
- Negative impact on openness of countryside.
- Harm to the general character and appearance of the rural area and landscape
- Proposals will impede the views over the Churnet Valley.

### **Leek Town Council**

6.2 Recommend approval, not unneighbourly.

### **SCC Highways Authority**

6.3 No objections subject to condition requiring provision of parking and manoeuvring areas for the existing and proposed dwellings in accordance with the plans.

### **Environmental Health**

6.4 No further comments on this reserved matters as comments have already been provided on the outline application.

## **Staffordshire Wildlife Trust**

6.5 Comments repeated from the previous scheme. No objection subject to conditions on the basis of revised information (submitted as part of the previous application)

## **Waste Collection Services**

6.6 No issues

## **SCC Minerals and Waste Planning Authority**

6.7 No comments.

## **7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE**

### **Principle of Development**

7.1 Within the context of CS policies the proposal has already been accepted in principle with the approval of the outline application SMD/2017/0494. Therefore concerns about the principle of 2 dwellings on the site and any associated traffic & access issues have already been addressed at the outline stage and this application does not represent an opportunity to reconsider those issues.

### **The design of the dwellings and their impact on the character and appearance of the area.**

7.2 The previous application was not considered by the Council to amount to any significant harm to the character and appearance of the area and the rural landscape based on the design of the dwellings, their scale and height and also their siting, which was within the lower part of the site to reduce prominence in the landscape. It is accepted there would be some degree of extraction and filling due to the sloping nature of the site but as the lower part of the site is relatively well screened, the works would not be harmfully prominent from public highways or public footpaths. The scheme was refused for an impact on residential amenity reason. There has been no significant change to the siting of the two dwellings or their garages or the proposed access road but the latest amended plans show a complete re-orientation of the Plot 1 dwelling which follows the contours of the site more than the previous schemes with the longer elevations being on a south-west to north-east axis following the 'trough' of the site. This would therefore lead to less need for "cut-and-fill" which was a concern raised in response to the previous application.

7.3 The design of the particular dwellings is largely the same as previous but with slightly smaller footprints. It was not considered that the scale or design

of the dwellings was out of character with the nearby residential development on Cheddleton Heath Road, particularly as each house has an individual design with no real architectural consistency or prevailing character in the built environment in this locality.

7.4 The layout, scale and appearance of the proposed units are considered to be acceptable and to have an acceptable impact on the character and appearance of the countryside. Hence, it is considered that the proposal accords with CS policies DC1 and DC3 and section 12 of The Framework.

### **Impact on existing residential amenities and amenities for future occupants**

7.5 The previous application was refused as it was considered the residential amenities of neighbours, particularly those at The Spinney, to the north-east of the site, would be harmed by way of overdominance, loss of privacy and outlook. It is considered that by rotating the Plot 1 dwelling by 90 degrees so that the smaller flank elevation directly faces The Spinney, the previous harms identified would be removed. There would be a distance of 37.6 metres separating the flank wall from the rear wall of The Spinney which is well in excess of the maximum separation distances between dwellings outlined in the Council's Space About Dwellings Supplementary Planning Guidance Note (SPG) designed to protect privacy of neighbours and avoid harmful overlooking. It is also an increase in relation to the previous scheme which proposed a separation distance of 34 metres. Furthermore, The Spinney is on higher ground to the proposed Plot 1 dwelling and therefore the scope of overlooking from Plot 1 towards The Spinney is further reduced and the significant tree and vegetation screening along the site boundaries between the two properties also helps in this respect. As it would be the flank wall facing The Spinney, the windows on this elevation would be secondary windows and obscured glazing can be inserted into them by way of a planning condition to eradicate any overlooking in the direction of The Spinney. Views from the front and rear windows of the Plot 1 house would only look towards The Spinney from an obscure angle.

7.6 As the smaller flank wall would face The Spinney rather than the larger and more prominent rear elevation with gables, dormers and main windows, the revised scheme would reduce the level of dominance when viewed from the Spinney and also interfere less with the outlook down the 'valley' towards the south-west. It should be noted that loss of a view over private land is not a material planning consideration. Overall, it is considered that due to the combination of the distance between the two dwellings and the change in orientation of the Plot 1 dwelling so that the flank wall and not the rear of the house is facing The Spinney, the revised scheme would not lead to any demonstrable significant harm to the residential amenities/living conditions enjoyed by the occupants of that neighbouring property.

7.7 The proposed development as revised would also continue to not significantly affect the amenities of the neighbouring occupiers at Holly Bank and Lichteaves as these properties are situated on higher ground than the

site and would also remain a substantial distance away. There is established tree/shrub screening on the boundaries of the gardens of these properties.

7.8 In addition it is considered that the resultant levels of amenity for future occupiers of the proposed dwellings would be of a good standard with decent garden sized in excess of the private amenity area size standards in the Space About Dwellings SPG. Therefore, overall, it is concluded that the amenity criteria of CS policy DC1 and bullet point 'f' of para 127 of The Framework are adhered to.

### **Highway Safety**

7.9 Access to the site was considered and was found to be acceptable at the outline stage, subject to conditions covering provision of parking and turning areas and access improvements. SCC Highways raise no objections to the proposed development. Therefore the proposal accords with CS policy T1 and section 9 of The Framework.

### **Ecology**

7.10 An Ecological Design Strategy was submitted during the course of the application at the request of Staffordshire Wildlife Trust. This was required to determine how the full ecological impact of the proposals can be mitigated to achieve no net loss of biodiversity, or that required habitat and species specific avoidance, mitigation and enhancements will be provided. The Ecological Design Strategy proposes net biodiversity gains to the site including the provision of bat and bird boxes, native shrubs planting and retention of suitable habitat on site for reptiles. A range of safeguard measures are also proposed to minimise the impact on wildlife during the construction phase. Following receipt of the Ecological Design Strategy, SWT have no objection with a condition to implement the EDS as submitted. It is considered that the proposed development accords with CS policy NE1 and section 15 of The Framework.

### **Other Matters**

#### *Drainage / Utilities*

7.11 With regard to drainage, the applicant proposes that this will be dealt with using soakaways on site and foul drainage will be via a small sewage treatment plant, discharging clean water into a small soakaway system. Precise details of a drainage scheme can be secured by means of a condition attached to the recommendation. The applicant advises that any gas, water and electricity services for the two properties would be sited within the access drive from the main road down to the two plots.

#### *Boundary treatments*

7.12 The site plan indicates new post and rail fencing to the eastern and southern boundaries of the site, whilst existing fencing would be retained to

the western boundary. As noted above, new hedgerow planting is proposed on the southern boundary beyond the new fence which, once it has established, will partially screen the development from the south. Additional screen planting is proposed along the eastern site boundary with the Spinney.

### *Trees and Landscaping*

7.13 The proposed landscaping scheme is similar to the one previously proposed and includes additional planting along the boundary between the site and The Spinney. The Council's Tree and Landscape Officer raised no objection to the previously approved landscaping/planting scheme, commenting that the siting of the development including the cut-and-fill and gabion wall areas marking the boundary of the Plot 1 rear garden, would not be within the root protection areas of trees other than some minor infringement to the rear of the gabion wall. The proposed planting including native species was also considered acceptable. The new revised scheme forming this current application does not propose any significant differences in planting and the re-orientation of the Plot 1 dwelling is not thought to create any significant additional impact on the existing trees but the comments from the Tree Officer regarding the re-siting are sought and will be reported at the meeting.

### *Third Party Representations*

7.14 Objections to the proposal have raised a number of issues which in terms of material planning considerations relate to the visual and residential amenities of the area. Such matters have been addressed in this report.

## **8. CONCLUSION / PLANNING BALANCE**

8.1 The principle of 2 No. dwellings on the site has already been accepted (permission of the outline application) and accords with Core Strategy policies. The further revised layout, scale, design and appearance of the proposal are considered to be appropriate to the site and in keeping with the character and appearance of the area. The proposals have been designed to mitigate the impact on the character of the countryside through a sensitive landscaping scheme. The access is acceptable and sufficient parking and turning is provided on site and as such there are no highway safety issues arising from the proposal. There is no ecological harm stemming from the proposal. The resultant relationship with surrounding properties is such that there would be no significant harm to neighbouring residential properties and the level of amenities for future occupants of the proposed dwellings is good. The Plot 1 dwelling would be slightly further away from The Spinney than in the previous scheme and the re-orientation would improve the relationship between the two houses even further regarding the impact on living conditions.

8.2 Having due regard to the third party representations and all other matters raised, the proposal is considered to be a sustainable form of development that accords with CS policy S1a and the concept of sustainability at the heart of the NPPF. As such it is recommended the revised scheme forming this current application should be approved.

## **9. RECOMMENDATIONS**

**A. That the reserved matters application is granted subject to the following conditions:**

**1. This notice of approval of reserved matters shall only relate to outline planning permission reference SMD/2017/0494.**

**Reason: For the avoidance of doubt.**

**2. The development hereby permitted shall be carried out in complete accordance with the following amended drawings:**

**RLM942/7 Rev J**

**RLM942/8 Rev C**

**RLM942/9 Rev E**

**RLM042/10 Rev B**

**RLM942/11 Rev B**

**RLM942/12 Rev B**

**RLM942/14 Rev A**

**RLM942/15 Rev A**

**RLM942/16 Rev A**

**RLM942/17**

**Reason:- For the avoidance of doubt.**

**3. Prior to the use of any facing or roofing materials, samples of the materials to be used in the construction of external walls and roof of the building and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the approved materials.**

**Reason:- In the interests of visual amenity**

**4. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the**

development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:- To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity.

5. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the surface water drainage has been constructed in accordance with the approved scheme.

Reason:- To ensure that effective drainage facilities are provided for the proposed development.

6. Unless otherwise agreed in writing by the Local Planning Authority, the measures outlined in the Gorseydale Construction Management Plan received on 9<sup>th</sup> December 2019 shall be implemented in full and maintained throughout the duration of the construction phase of the development.

Reason:- In the interests of amenity and highway safety.

7. Unless otherwise agreed in writing by the Local Planning Authority, the recommendations set out in the Ecological Design Strategy for land at "Gorseydale" dated October 2019 shall be implemented in full and shall be thereafter maintained.

Reason:- In order to contribute positively to the overall biodiversity of the area in accordance with Policy NE1.

8. The development hereby permitted shall not be brought into use until the parking and manoeuvring areas for the existing and proposed dwellings have been provided in accordance with the amended plan RLM942/7 Rev. J. The parking and turning areas shall thereafter be retained as parking and manoeuvring areas for the life of the development.

Reason:- In order to comply with Paras.108-110 of the NPPF 2018; to comply with SMDC Core Strategic PolicyDC1; in the interest 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.

