

**STAFFORDSHIRE MOORLANDS
PLANNING APPLICATIONS COMMITTEE**

Date 22 October 2020

Application No:	DOC/2019/0039 – Condition 6 (Levels) only	
Location	Land at Thorley Drive Cheadle	
Proposal	Discharge of condition	
Applicant	Keepmoat Homes	
Agent	BM3 Architecture Ltd	
Parish/ward	Cheadle	Date registered 3/7/2019
If you have a question about this report please contact Mrs Jane Curley jane.curley@staffsmoorlands.gov.uk.		

REFERRAL

The matter has been referred to the Committee by the Head of Development Services because it is locally contentious.

1. SUMMARY OF RECOMMENDATION

Approve

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 This site was formerly agricultural fields, now a development site with construction under way. The topographical survey submitted with the outline application shows that levels rise from the far north eastern tip of the site (in the vicinity of No 90 Thorley Drive) in a north easterly direction until they plateau approximately mid-way within the site. Levels then fall appreciably eastwards towards the proposed balancing pond.

3. DESCRIPTION OF THE PROPOSAL

3.1 This report concerns Condition 6 (Levels) of the outline application SMD/2016/0083. An application for the discharge of this condition together with several others has been made under DOC/2019/0039 – see history below for details.

3.2 Condition 6 is outstanding. Although it is very unusual to bring an application for discharge of conditions to the Planning Applications Committee, this condition is felt to be inextricably linked to SMD/2019/0319 which was recently considered by the Planning Applications Committee and refused planning permission. Members will recall that this application was locally contentious and in the interests therefore of transparency, Members are being asked to confirm their approval to the submitted details.

4. RELEVANT PLANNING HISTORY

SMD/2016/0083 Outline planning permission for up to 60 dwellings. Approved

SMD/2017/0586 Reserved matters for 57 units. Approved

SMD/2019/0169 Section 73 for variation of Condition 1 – changes to glazing bars on some windows. Approved

SMD/2019/0310 Variation of Section 106 Agreement to reduce the affordable housing from 19 to 10 units. Agreed

SMD/2020/0319 Variation to condition 1 of SMD/2019/0169 for revisions to Plots 1 and 2. Refused

NMA/2020/0013 Non material amendment to revise the layout from 19 to 10 affordable homes in line with the Deed of Variation (SMD/2019/0310), change of house type on Plots 13, 20, 21, 24, 25, 35, 36, 37 and 38, minor changes to replace render with brick and addition of chimneys. Verge detail to be a wet mortar on all plots. Landscaping plan updated to secure reinstatement of hedges where removed. Approved

DOC/2019/0039 Discharge of conditions 6, 7, 11, 12, 14, 15, 16, 17, 20, 21, 22, 25, 27, 28 and 29 relating to SMD/2016/0083. Pending

DOC/2019/0049 Discharge of conditions 2, 3 and 11 relating to SMD/2017/0586. Pending

5. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Local Plan

Policy DC1: Design considerations

National Planning Policy Framework

National Planning Practice Guidance

6. CONSULTATIONS

There is no statutory requirement for publicity or consultations on applications for discharge of conditions.

7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE

7.1 The National Planning Policy Guidance confirms that when they are used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. It says that the objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It goes on to confirm that it is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.

7.2 This report considers Condition 6 of SMD/2016/0083 which relates to levels. Condition 6 states: -

No development shall commence until detailed plans and sections showing existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details

Reason: - In the interests of the character and appearance of the area

7.3 As described above the application site is not flat. Levels rise in a southeasterly direction in the eastern part of the site and then fall quite appreciably in the western part. Mid way into the site, levels plateau.

7.4 The developer's approach has been to work with existing levels as far as possible. This is always the preferable approach on development sites. The rise in existing ground levels across the site in a south easterly direction is seen in the proposed plans which show a gradual rise in the heights of the proposed dwellings along the Ashbourne Road frontage (plots 32-47) and within the site from plots 1 – 11 and plots 23- 31 and then corresponding falls in height from plots 12- 22 and plots 48-57

7.5 A schedule of levels is provided for each plot on the site. It shows average existing ground level for each plot and the corresponding finished floor level. There are a number of plots within the site where finished floor levels are raised between 0.65m and 1m and where attention is particularly focused to ensure that the development is acceptable in these locations in terms of the character of the area/street scene and the appearance of the development including that of neighbour amenity. Elsewhere across the site, level changes are within 0.5 metres of existing ground levels.

7.6 The plots where ffl are between 0.65m and 1m are plots 1, 2, 3,4, 21, 22, 53, 54 and 55. Taking these plots in order the following comments are offered: -

Plots 1 and 2

7.7 A Section 73 application relating to these plots was considered by the Planning Applications Committee in August 2020 and refused planning permission (SMD/2020/0319). The plans included proposals for amongst other matters, finished floor levels of 173.75 along with various changes to the designs of the dwellings to off-set the impact of the increase in floor levels above the natural ground levels.

7.8 The developer is now proposing to amend the ffl for plots 1 and 2 and lower them by 0.5m to 173.25m. As construction has already commenced on these plots the existing structures will need to be demolished and this is acknowledged by the developer. No other changes are now proposed to the design of the dwellings and the developer is purely seeking approval of finished floor levels under the provisions of the condition attached to the original permission.

7.9 Submitted Section EE shows the proposed relationship between Plots 1 and 2 and existing dwellings, nos 86 and 88 Thorley Drive and a summary is provided below.

7.10 From the midpoint of original facing elevations there is 25m between No 88 and Plot 1 (although they are not strictly facing elevations) and 23.4m between No 86 and Plot 2. Based on the Council's Space about dwelling standards, the required 22 m between facing elevations is met. However, the standards say that on sloping sites a greater distance may be required. Applying this the proposal gives 3 metres extra for Plot 1 and 1.4 m extra for Plot 2. The proposal does therefore factor in some greater distance to account for the level change. The question is whether this is sufficient. The section shows that the difference in eaves level between facing dwellings is 1.09m in the case of plot 1 and No 88 and is 0.77m between Plot

2 and No 86.

<u>Plot 88</u>		<u>Plot 1</u>	<u>Difference</u>
FFL	171.96*	173.25	1.29 m
Eaves	176.81	177.90	1.09 m

<u>Plot 86</u>		<u>Plot 2</u>	<u>Difference</u>
FFL	172.4*	173.25	0.85 m
Eaves	77.13	177.90	0.77 m

**ffl for houses on Thorley Drive are estimated. Agent says margin of error is within 150 mm*

7.11 Some other Councils use a standard of increasing distance by 1 m for every 0.5 m level change. This would require 2-3 m extra separation for plot 1 and 1-2 m extra for plot 2. Applying this Plot 1 complies and Plot 2 only 0.6 m short. It is not considered that this shortfall would have a material or perceptible impact on privacy or residential amenity. Also, it must be emphasised that this standard is one utilised by other authorities, and whilst it is a useful benchmark, Staffordshire Moorlands policy does not specify the degree to which separation distances should be increased to account for changes in ground level. It is noted that the 25 degree line, another measure of amenity is also comfortably achieved.

7.12 For these reasons the revised levels for plots 1 and 2 are found to be acceptable and it is not considered that a refusal to discharge the condition on amenity grounds could be sustained. It is worth pointing out that the new estate road leading from Ashbourne Road works with existing ground levels. The proposal to lower the ffl for plots 1 and 2 means that these properties will now sit lower than the road with three steps down to the front door. The applicant says that this is the absolute lowest that these plots can be dropped whilst still achieving a gravity drainage connection. Notwithstanding this, a further reduction in ffl is unlikely to be acceptable in terms of street scene impact as it would result in the dwellings sitting considerably below road level.

7.13 In conclusion the levels for plots 1 and 2 are considered acceptable and it is recommended that they be approved.

Plots 3 and 4

7.14 There is 24m between Plot 3 and No 84 Thorley Drive. The finished floor level difference is approximately 1m between these properties and eaves height difference 1.3m. The Council's standard of 22m is met with 2m extra allowance for the difference in levels. Using the standard some other Councils use as described above in para 7.11 would require an extra 2m. Plot 3 would therefore be compliant albeit cautioning that this is not a Staffordshire Moorlands policy.

7.15 There is 22.2m between Plot 4 and No 82 Thorley Drive. These properties are slightly off set. The difference in floor level is 1.20m. Although the Council's 22m is met, virtually no allowance is made for the level difference. Using the standard some other Councils use as described above in para 7.11 would require an extra 2m – 3m and on this basis Plot 4 would not meet the standards applied by some other Council's, although as noted above, whilst this is a useful guide it is not an SMDC policy and can only be attributed limited weight.

7.16 Furthermore, the construction of this plot is advanced on site, which aids the assessment of the actual impact. Having visited the site, officers are of the view that despite the difference in floor levels, no unacceptable impact on the amenity of neighbouring occupiers will occur and it is further noted that this aspect of the proposals has not generated any particular complaints. Consequently, the levels for plots 3 and 4 on balance are considered acceptable and it is recommended that they can be approved.

Plots 21 and 22

7.17 There is no objection to the proposed levels of these plots which although raised continue the gradual reduction in heights along this stretch from Plot 14 – plot 22. These plots will have a similar ffl to Nos 64, 66 and 68 Thorley Drive to which they have a direct relationship and there is at least 22m between facing elevations. The levels for plots 21 and 22 are considered acceptable and are recommended for approval.

Plot 53, 54 and 55

7.18 There is no objection to the proposed levels of these plots which although raised continue the gradual reduction in heights along this stretch from plots 51 – 57 and are therefore acceptable in the street scene. These plots are at the southern part of the site and have no relationship with existing dwellings. The levels for plots 53, 54 and 55 are considered acceptable and can be approved.

Remainder of the site

7.19 As advised above elsewhere across the site levels work within 0.5 m of existing ground levels and are considered to be acceptable in terms of character/street scene and in terms of appearance including neighbour amenity

Conclusion & Planning Balance

7.20 Taking into account the above assessment, it is considered that the revised information submitted to discharge Condition 6 of SMD/2016/0083 is acceptable and therefore should be agreed.

RECOMMENDATION

A. That, Condition 6 imposed on SMD/2016/0083 be agreed.

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

During the course of the application, the Local Planning Authority has sought further clarification on the conditions, accordingly paragraph 38 of the NPPF has been adhered to.

