

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

20 May 2021

Application No:	SMD/2021/0153	
Location	Land to the rear of 70 Toll Bar Cottage, High Street, Ipstones	
Proposal	Erection of a single detached dwelling (Application for full planning permission following the grant of outline permission on the 5 th January 2021, SMD/2020/0594)	
Applicant	Mr. K. Shenton	
Agent	Wood Goldstraw & Yorath	
Parish/ward	Ipstones	Date registered: 10/03/2021
If you have a question about this report please contact: Benjamin Hurst tel: 07738506367 benjamin.hurst@staffsmoorlands.gov.uk		

REFERRAL

The application is before committee at the request of Cllr Linda Malyon who is concerned that the development would be too large and unneighbourly.

1. SUMMARY OF RECOMMENDATION

APPROVE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The development would be carried on part of the large garden at the rear of Toll Bar Cottage. The existing cottage is a detached dwelling that fronts High Street, Ipstones. It occupies a corner plot where its side, north facing elevation flanks the junction and shares a boundary with Park Lane on its southern side. The dwelling's large rear garden runs to the side of Park Lane and has a vehicle access serving a garage and parking space.

2.2 All the dwellings along High Street are within the Ipstones 'Larger Village' development boundary which runs to include the whole of the applicant's rear garden to the east. The dwelling's on Park Lane, further along to the east, where the development becomes more scattered, are outside the village's development boundary. There are small scale field parcels to the south and, on the opposite side of Park Lane, to the north. To the southwest, on the other side of the intervening field parcel, approximately 45m away and set behind the buildings that front High Street, the side elevation of a newly built detached dwelling is apparent.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 Although an outline planning permission has been granted to build on the land, the application here is made for a full planning permission. The proposal is to build a detached red brick dwelling with an adjacent garage outbuilding. The dwelling would present a traditional double fronted elevation to Park Lane, with windows either side of a central front door. In all, the dwelling would provide five bedrooms, including a master suite in the roof space with dormer windows that would only be apparent at the rear.

3.2 The development would incorporate stone window heads and cills, flush casement windows, dry corbel eaves detailing, and an oak framed porch. It would be built using a traditional red brick and plain clay roof tiles. On request, the applicant has further improved the scheme with revised plans that omit contemporary glazing panels from beneath the roof apex on each side elevation; introduced a second brick chimney to the other side elevation; moved the chimneys to a more central location to the side gables and increased their height and width; and, reorientated the garage roof so that its ridge would run parallel to the garage doors.

3.3 The existing roadside garage would be demolished to provide access to the plot. The applicant confirms that rear to the carriageway edge a bound cobble set surface would be provided at the access with loose gravel behind to provide parking and driveway area, to the highway boundary, an aco drain would connect to an interceptor to prevent surface water running to the highway. In any event, existing levels fall quite steeply from the highway edge before levelling out across the plot, dropping approximately 1m to where the driveway would run up to the front of the house.

3.4 The applicant did not seek any pre application advice from the Council regarding the application. Details of the application scheme can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=128617>

4. RELEVANT PLANNING HISTORY

89/00206/OLD Erection of Dwelling. Refused.

SMD/2020/0594 Outline permission for a single detached dwelling. Approved.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises of:

- The Local Plan Development Document (adopted Sep 2020)

Adopted Staffordshire Moorlands Local Plan - Sep 2020

5.2 The following Local Plan policies are relevant to the application:-

- SS1 Development Principles
- SS8 Larger Villager Strategy

- H1 New Housing Development
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- T1 Sustainable Transport

Staffordshire Moorlands Design Guide

National Planning Policy Framework (NPPF).

6. CONSULTATIONS

A site notice was posted and displayed on the 23rd March, Expired on the 13th April. 14 near neighbours were notified in writing with a letter dated the 18th March.

Public response to consultation

6.1 Two responses have been received. One expresses full support for the proposal and the other objects.

Supporting comments

6.2 A neighbour, describing themselves as the 'closest nearby resident' to the site, makes comments that have been summarised below:

- Delighted with the sympathetic way that the traditionally designed country cottage would be situated within the site
- It would not overlook my, or any other, property
- It would not compromise any protected trees.
- Impressed at how the applicant has addressed concerns raised at outline stage.
- The proposal can make use of the existing access to the highway, so not require a second access
- The development would be within the village boundary
- Stone walls would be retained
- The proposal would connect to mains drainage so no need for a septic tank.
- The proposal, as designed, would not be unneighbourly and would enhance the local area.
- There is a national and local need for housing, new residents in the village would help sustain the school, the Memorial hall, local shops and public houses.

Objection

6.3 An objector makes comments that have been summarised below:

- The plot would be accessed off the narrow country Park Lane.
- This plot was always outside the village boundary, outline planning permission was only granted when it became part of the village boundary, however, Park Lane is still not in the village boundary.
- The development would be 'garden grabbing' and contrary to Government statements made in 2010 aiming to protect the character of a neighbourhood.

- It would be a very large dwelling with detached double garage on a narrow country lane, between two quaint cottages, and would surely be unacceptable and overdevelopment resulting in the loss of open aspect.
- The new dwelling would have an adverse impact on the landscape.
- The development would erode open aspect and be harmful to the countryside character of the environment that is apparent on approach to Ipstones from Ipstones Edge, along the B5053.
- There are no 3 storey houses in the near vicinity and certainly none across the narrow country Park Lane, the new dwelling in the countryside, would look ugly, overbearing, and out of character with the neighbourhood.
- I agree with the views of the Parish Council, if a dwelling is to be built, it should be no more than an one storey and built in stone to most appropriately preserve the surrounding landscape of the site.

Ipstones Parish Council

6.4 Object. The Parish Council consider the proposed dwelling to be too big for the site and are concerned that it would dominate the area, be overbearing, and inappropriate for the site. The Parish Council think that a smaller, one storey dwelling, built of stone would be more appropriate for this site.

SCC Highway Authority

6.5 The authority did not object to the outline application, the plot would use an existing access to the roadside garage. In response to this application the authority raise questions of detail. They confirm loose gravel to the highway boundary would not be appropriate and a bound surface would be required, and driveway drainage must manage surface water so that it is not discharged onto the highway.

Environmental Health

6.6 No objection subject to conditions relevant to working hours, unexpected contamination, methods of demolition and construction, drainage, and lighting.

Arboricultural Officer

6.7 There is some uncertainty as to whether the existing 3 Sycamores in the garden of the adjacent property Thornicks Cottage, and situated behind (i.e. south of) the garage to that property, are protected as Group G2 under TPO No. CR.7. It appears that the original TPO plan, drawn up in 1966 by the former Cheadle Rural District Council, has plotted G2 slightly inaccurately as it shows this group adjacent to the Park Lane frontage and in a position now partly occupied by the garage itself; most likely therefore is that the existing 3 Sycamores, actually further to the south, were indeed intended to be those included in the TPO as Group G2. Nevertheless, whether or not protected by TPO, these trees - along with others within and adjacent to the application site – remain to be taken into account as a material consideration in the determination of this application.

6.8 Accordingly, the current full application is accompanied by a suitable tree survey report (in which the 3 Sycamores referred to above are denoted as T7, T8 and T9). The tree report defines and plots the Root Protection Area (RPA) for each existing tree recorded, and by comparative reference to the proposed site layout shown on Drg. No. 4540-04-04b on which the RPAs are transposed, it is demonstrated that the building footprints of both the proposed new dwelling and proposed new detached garage would be positioned outside the RPAs of all significant trees – most notably the 3 off-site Sycamores T7, T8 and T9, together with the mature Ash trees T11 and T12 also located off-site. The position of the proposed dwelling, together with its internal layout and principal window arrangements, is such that an open outlook would be provided to the rear, and there would be no significant issues of shading, over-bearing etc arising due to the presence of these trees.

6.9 The proposed development should have no significant adverse impact on existing trees, given provision of appropriate temporary tree protection measures prior to and during construction, and I have no objection to this application on grounds of impact on trees. I would request that a condition is imposed in the event that full planning permission is now granted, requiring tree protection measures to be undertaken as the first works on site prior to development.

7. OFFICER COMMENT AND PLANNING BALANCE

General Principles for Development and Spatial Strategy Approach

7.1 An outline planning permission has already been granted to build a single detached dwelling on the land because the whole of the plot is included, for the purposes of the Local Plan, within the 'larger village' of Ipstones, edged and defined by the development boundary. The development boundary was amended in these respects and adopted, following full consultation, as part of the new Local Plan. Here the Local Plan area strategy SS8 applies. These settlements shall retain and enhance their role as rural service centres, providing for the bulk of the housing requirement of the rural areas. Ipstones does not have any land that has been designated as a housing allocation, which means that all its contribution to rural area housing supply must come from 'windfall' opportunity on land such as the applicant's site. The strategy supports and provides for windfall sites subject to other local plan policies. With the grant of planning permission it was determined that the size and arrangement of the plot could sufficiently accommodate a sizeable detached dwelling, designed and accessed appropriately. This application does not therefore, represent an opportunity to reconsider the principle of a dwelling on this site. The main issues are whether it is appropriate in terms of its scale, siting and design.

Design and Visual Impact (Character and Appearance)

7.2 To the rear of the applicant's existing dwelling and the other properties that front High Street, the new dwelling would form part of and have an association and relationship with the cluster of dwellings that form around the T-Junction where Park Lane meets High Street. In these regards the new dwelling would not unduly distort the form, layout, and character of the village settlement. As part of one of the two

large gardens that lie between the applicant's dwelling and the first dwelling to the east on Park Lane, the application site forms, a relative gap between dwellings, before development becomes increasingly scattered and occasional into the open countryside toward Foxt. A new dwelling would sit comfortably within that space. The subdivision of the large garden at the rear of the existing cottage has created a generous plot size that is similar and relatable to those belonging to the existing dwellings along High Street and Park Lane to the east.

7.3 Objections to the scheme suggest that the dwelling would be too big for the site and that the development would be overbearing, a preference for a smaller single storey stone dwelling has been expressed. However, the evidence does not support that contention. The proposed dwelling would have a footprint of just over 100sq metres, relatively sizeable but not excessive. Footprint size would be similar to, if not smaller than, many of those existing dwellings that are closest to the site along High Street and Park Lane to the east. The dwellings proportions within the plot provide for spacious areas of garden, circulation, and parking; and separation distances between dwellings would exceed those set out as a guide in 'Space About Dwellings' standards.

Although the dwelling would provide a 5th bedroom within dormer roof space, it would have conventional two storey height and stature, like most of its nearest neighbours. Single storey properties or bungalows are not the prevailing dwelling type or vernacular within the immediate locality, which include some of the villages oldest cottages on the eastern side of High Street. The development would incorporate traditional design, proportions, detailing and use of materials that are common to the locally distinct semi-rural village vernacular of the Moorlands. Notably this includes, stone window heads and cills, flush casement windows, dry corbel eaves detailing, and an oak framed porch, and the use of red brick and plain clay roof tiles. On request, the applicant has further improved the scheme with revised plans that omit contemporary glazing panels from beneath the roof apex on each side elevation; introduced a second brick chimney to the other side elevation; moved the chimneys to a more central location to the side gables and increased their height and width; and, reorientated the garage roof so that its ridge would run parallel to the garage doors.

7.4 From the south of the plot there are no obvious points of public vantage that provide views across open landscape toward the garden space, and the new dwelling should be no more intrusive than its neighbour to the east at Thornicks or the recent build at 60 High Street to the south west of the application site. As one turns into Park Lane and travels toward the east, the character of the surroundings become increasingly rural. However, the Park Lane frontage of the plot does not contribute to the quality of the environment in any significant way, it does not provide visual penetration across and toward significant views of valued landscape. It instead closes and conceals the land behind a large detached garage, garden wall and shrubbery. The new development would be provided with well considered boundary treatment and retention of existing landscaping.

7.5 The design and layout of the proposed dwelling would not adversely affect the character and appearance of the area or significant views of valued landscape or settlement setting. There would be no conflict with Local Plan policies SS8, H1, DC1 or DC3; the Council's Design Guide; or the NPPF, in these regards.

Impact on Amenity

7.6 The new dwelling would be provided with generous standards of amenity for the enjoyment of the future occupier. Areas of garden would be spacious to the rear and side with a depth that would be no less than 11m from the rear elevation to boundary. The dwelling would be set back behind the roadside giving driveway frontage and space for at least 3 cars to park and separation from traffic. Front and rear elevations would provide open far reaching outlook.

7.7 Obviously it is Tollbar Cottage that has given over part of its large rear garden to provide the plot and it will be this property that would be most directly affected by the build. The existing cottage retains however a large rear garden that is wide and no less than 11m deep between rear elevation and boundary. The blank two storey side elevation of the proposed dwelling would be no less than 15m from the principal rear outlook of the existing cottage. To the east of the application site, the adjacent cottage 'Thornicks', would be more than 40m from the side of the new dwelling, the other side of the dense hedge lined boundary, the neighbour's own detached garage, and their generous garden. The dwelling to the south west at the rear, No. 60 High Street, would be more than 50m from the rear elevation of the new dwelling, the other side of a small field parcel. With the plots this large, and the layout as proposed, the separation distances and garden sizes would be compliant with the Council's 'Space About Dwellings' standards. Those standards require 21m to be achieved between principal elevations and 13m to be maintained between principal and flank elevations. All of these, existing and proposed, dwellings would have ample garden space, outlook and privacy. Accordingly the proposal complies with Policy DC1 with regard to amenity.

Highways / Access

7.8 The highway authority did not object to the outline application, the plot would use an existing access to the roadside garage that would be demolished. Park Lane which is a C classified road (Road No. C0064) with a speed limit of 60 mph and benefits from street lighting. Park Lane junctions with High Street, a formal stop junction. Several residential properties have vehicular access along this section of Park Lane. Current records show that there was 1 personal injury collision (PIC) on High Street junction with Park Lane, within 215 metres either side of the proposal for the previous five years. Although all PICs are regrettable, the overall volume of collisions does not suggest there are any existing safety problems that would be exacerbated by the proposed development. The generous front driveway and garage space would provide parking and turning for at least 3 cars to comply with parking standards. The applicant confirms that rear to the carriageway edge a bound cobble set surface would be provided at the access with loose gravel behind to provide parking and driveway area, to the highway boundary, an aco drain would connect to an interceptor to prevent surface water running to the highway. In any event, existing levels fall quite steeply from the highway edge before levelling out across the plot, dropping approximately 1m to where the driveway would run up to the front of the house. It should also be noted that the outline consent establishes the principle of a new dwelling on this site taking access from Park Lane. As such the

scheme achieves safe and suitable access and complies with Local Plan policy and the NPPF in this regard.

Ecology/Biodiversity and Trees

7.9 The Council's arboriculture officer confirms the development can be carried out without any harm to protected trees, the submitted site plan indicates that there is an intention to retain mature shrubs, trees and bushes on site. The officer recommends that before development or construction work commences trees are enclosed within protection zones.

7.10 As part of the scheme, it is necessary to demolish an existing garage to provide access to the plot. At the time of writing the applicant has yet to confirm that the garage and site has been surveyed by an ecologist for bat activity and as a potential bat roost or habitat for protected species. In many cases, where a building does have some merits as a roost or habitat, it can be demolished with appropriate mitigation measures in place. However, there is some chance that the ecological importance of a building is so sensitive that a building can not be demolished and must be retained. Planning permission can not be granted therefore, until the findings and recommendations of a qualified ecologist have been submitted to confirm that the building can be demolished without harm or threat to protected species.

Conclusion and Planning Balance

7.11 There are no planning harms or policy conflicts that would outweigh the prevailing presumption in favour that is set out in the local plan policy which supports windfall development within the larger villages as an important contribution to rural housing requirements. The proposal would provide a well proportioned dwelling that incorporates traditional detailing and materials that would relate well to the character, arrangement and scale of other properties within the locality. In these regards the development would be compliant with Local Plan policies SS1, SS8, H1, and DC1; the Council's Design Guide; and the terms of the NPPF.

8. RECOMMENDATION

A. That providing ecology surveyors are able to confirm that the existing garage can be demolished without adversely affecting protected species, planning permission be APPROVED for the Erection of the Dwelling, subject to the following conditions and any additional appropriate condition recommended by an ecologist:

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

Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

2. The development permitted and described above shall only be carried out in accordance with the revised plan numbered 4540-04-02 SCHEME B that was submitted on the 26th April 2021.

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. The development permitted shall only be carried out using the facing brick and roof tiles that are specified on the revised plan numbered 4540-04-02 SCHEME B that was submitted on the 26th April 2021.

Reason: To ensure a satisfactory standard and appearance of development.

4. The first action on commencement of development, prior to any further action (including any demolition, site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access) shall be the erection of temporary tree protection barriers and advisory notices for the protection of the existing trees to be retained within and adjacent to the application site, in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and these measures shall be retained in position for the duration of the period that development takes place, unless otherwise agreed by the LPA. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed by the LPA.

Reason: To ensure the development does not adversely impact on protected trees and trees to be otherwise retained.

5. Before the development is brought into use the access with the highway and driveway shall be provided and constructed with a bound cobble set surface for a distance of 6m rear of the carriageway edge and an aco drain on the highway boundary that discharges to an interceptor. The parking and turning areas shall be provided and thereafter retained with a free draining, permeable gravel surface, with surface water managed through a sustainable soakaway drainage system.

Reason: In the interests of highway safety and to manage flood risk.

6. No fence, gate, wall or other means of boundary treatment or enclosure shall be erected anywhere on the site, other than those where details of which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard and appearance of development.

7. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

8. The development, including demolition hereby permitted shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement should include the following details:-

- I. A scheme to minimise dust emissions arising from demolition/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.
- II. a scheme for recycling/disposal of waste resulting from the demolition/construction works;
- III. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- IV. any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment;
- V. a scheme for recycling/disposal of waste resulting from the construction works;
- VI. During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.

Once approved, all relevant activities on the site should be carried out in accordance with Construction and Environmental Method Statement throughout the course of the development. 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 from the impacts of construction.

9. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not commence until a detailed remediation scheme to bring

the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared, and is subject to the approval in writing of 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.

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.

10. The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation. Details of all artificial lighting to be installed under this permission should be submitted to and approved by the Local Planning Authority prior to development commencing.

Reason: To protect the local amenities of the local residents by reason of excess of illuminance

11. The foul drainage from the proposed development shall be discharged to a system which meets the requirements of British Standard (BS) 6297:2007+A1:2008 Code of practice for the design and installation of drainage fields for use in wastewater treatment.

a) There is no connection to any watercourse or land drainage system and no part of the soak away system is situated within 10 metres of any ditch or watercourse.

b) Porosity tests are carried out to the satisfaction of the Local Planning Authority to demonstrate their suitable subsoil and adequate land area is available.

Reason: To protect the amenity of the locality and for people living/working nearby.

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/in formatives/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.



