

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

12 August 2021

Application No:	SMD/2021/0210	
Location	Greywoods, Cheddleton Road, Leek	
Proposal	Outline Application with some matters reserved (except for Access) for Change of Use of part garden area to one number residential building plot with new access onto Cheddleton Road	
Applicant	Mr John Cowburn	
Agent	Mr Robert McGuinness	
Parish/ward	Leek	Date registered: 25 th March 2021
If you have a question about this report please contact: Jane Curley email: jane.curley@staffs Moorlands.gov.uk		

REFERRAL

This application is before committee because the previous refusal was a decision of the Planning Applications Committee

1. SUMMARY OF RECOMMENDATION

APPROVE with conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 This site consists of the dwelling known as Greywoods, an arts and crafts style detached house and its grounds. It is within the residential area of Birchall and the development boundary of Leek. Greywoods fronts Cheddleton Road to the west and has large garden areas to the rear (east) and side (south) of the house. Beyond the site boundary to the north is an access serving several properties. Birchall Lane runs along the south side boundary of the site and from here there is vehicular access to a large, detached garage belonging to Greywoods. The garden to the rear (east) is 'terraced' having a raised lawn area and beyond this a further raised vegetable garden separated from the lawn by a laurel hedge. The Birchall area comprises a mix of designs/styles. A Provisional Tree Preservation Order has recently been made in respect of the group of trees on the corner of Cheddleton Road and Birchall Lane and those on the northern boundary of the site

2.2 The application form and Design and Access Statement refer to the proposal being for a 4 bedroom two storey property.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 This is an outline application for a single dwelling within the grounds of Greywoods. Approval of access is also sought at this stage. Two access points are proposed; the existing access off Birchall Lane which currently serves the garage to Greywoods and a new access to the north of Greywoods on Cheddleton Road.

3.2 Layout is a reserved matter. However, a plan is provided which shows indicatively how a new dwelling could be positioned on the site to the east of Greywoods. It is shown aligned in a similar manner to Croxteth with its principle elevation fronting Birchall Lane. The plan shows that this new dwelling would make use of the existing access off Birchall Lane to provide a parking/turning area. The existing garage building would be demolished. The plan also shows how the new access directly from Cheddleton Road could serve Greywoods with a parking/turning area and new garage.

3.3 This application seeks to address the reason for refusal of a previous application which was for two new dwellings within the grounds. The refusal notice reads as follows:-

The proposed development, by virtue of the subdivision of the site to provide two additional dwellings and the lack of information regarding the several trees on site which contribute positively to the character and appearance of the area, would result in an overdevelopment of the site which would lead to harm to the character and appearance of the area and also harm the residential amenities of adjacent residential properties. The proposal would therefore be contrary to policies H1, DC1 and DC3 of the Staffordshire Moorlands Local Plan (adopted September 2020) which aim to protect visual and residential amenity and also Section 12 'Achieving Well Designed Places' of the government's National Planning Policy Framework (NPPF).

3.4 The application is supported by a Design and Access Statement and unlike the previous application a Tree schedule and Tree constraints plan.

AMENDMENTS

3.5 During the processing of the application an amended plan was received which re positioned the proposed dwelling on the plot, Drawings 1003/2 Rev A and 1003/4 Revision H. A full re consultation was carried out.

The applicant has confirmed that approval of Layout is not sought at this stage.

4. RELEVANT PLANNING HISTORY

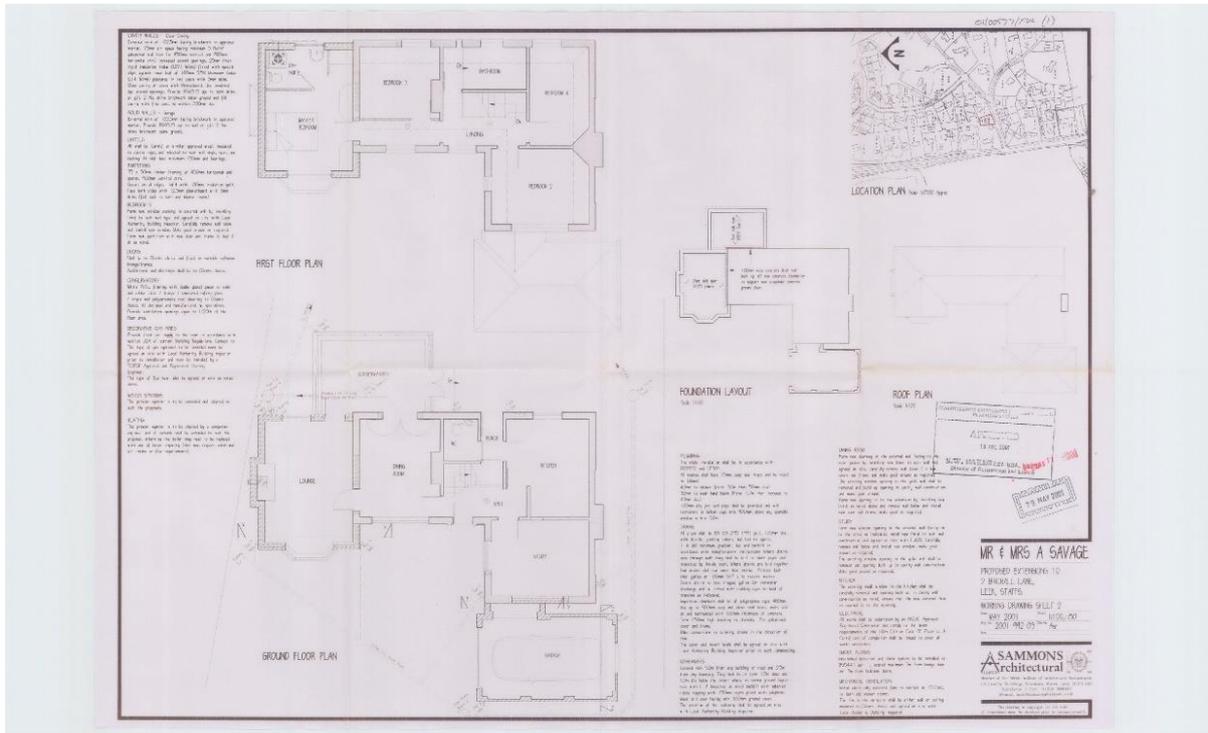
Greywoods

SMD/2020/0645 - Outline Application for two residential building plots with new/existing accesses onto Cheddleton Road and Birchall Lane. Refused

Croxteth

2001 – 0577 Two storey side extension, rear conservatory and attached single storey garage at the front of the property. Approved

The approved plans show the conservatory at the rear and that the side elevation of the two storey extension contains no windows. The plans show that on the rear elevation the windows closest to the boundary with Greywoods are to an ensuite at first floor and a secondary lounge window at ground floor level



2007-0383 Part single/part two storey front extension. Approved.

5. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

5.1 The Development Plan comprises the Local Plan Development Document (adopted September 2020).

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

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS5 Leek Area Strategy
- H1 New Housing
- DC1 Design Considerations
- T1 Development and Sustainable Transport
- NE1 Biodiversity
- NE2 Trees, Woodland and Hedgerows

National Planning Policy Framework (NPPF) Revised (2019)

5.3 The following sections of the NPPF (2019) are particularly relevant to this application:

- 2: Achieving sustainable development
- 4: Decision making
- 5: Delivering a Sufficient Supply of Homes
- 12: Achieving well-designed places
- 15: Conserving and enhancing the natural environment

6. CONSULTATIONS

Neighbour letters	Expired
Site Notice Posted	Expired
Press Notice	N/A

Public response to consultation

6.1 Objections (17)

- Overdevelopment of the site
- The proposal would not be in accordance with the building line
- The applicants state difficulty in understanding the previous refusal but did not appeal it
- The addition will cause harm to the setting and character of Greywoods
- Housing need is already being met
- Would remove the dual aspect of Greywoods which is important to its character
- Errors in the planning statement
- The prominent siting of the proposed dwelling would dominate the streetscene
- A planting scheme is not provided
- The design does not contribute to local distinctiveness
- Insufficient parking space
- Would increase traffic on a difficult junction
- Overlooking of nearby dwellings
- Light pollution from an additional house in close proximity in an area without street lights
- Greywoods has a positive effect on the entrance to Leek
- Greywoods is of historic interest
- Loss of hedge and destruction of vegetation and habitats would need mitigation
- Highways safety cannot be guaranteed as information on Greywoods is not submitted
- Loss of light to neighbouring property
- Construction vehicles have already caused serious damage to the road

- This will set a precedent for developing gardens
- Siting suggests a second house will follow
- The positioning of the bungalow will present a side view to the street
- Proposal constitutes progressive change to the area

Leek Town Council

Recommend refusal – The application does not address all the issues when it was last refused. Overbearing, loss of privacy and is not in keeping with the street scene and local vernacular.

SCC Highway Authority

No objection subject to conditions.

SMDC Environmental Health

No objection subject to a Construction and Environmental Method Statement and precautionary contamination conditions.

SMDC Waste Collection Services

No issues regarding waste.

Severn Trent Water

No drainage conditions required.

7. OFFICER COMMENT AND PLANNING BALANCE

7.1 The main issues relate to:

- The principle of the development in this location.
- Access
- Impact on the character and appearance of the surrounding area.
- Impact on residential amenity.

Principle of the development

7.2 The site is within the development boundary of Leek. Policy SS 5 of the adopted Local plan sets out the strategy for Leek. It confirms that the consolidation of Leek as the principal service centre will be achieved in part by continuing to meet the housing needs of Leek by supporting the development of new housing in sustainable sites within the development boundary. This site is in a sustainable location within the development boundary. The principle of development is therefore acceptable.

Access

7.3 Approval of access is sought at this stage. No objection to access was raised in the Decision Notice for the previous application, SMD/2020/0645, although an informative was added, at the request of the Planning Committee, advising the applicant about inadequate levels of off road car parking and the impact on highway safety. The matter of off road parking is considered further below. The plans show that the new dwelling would continue to use the existing access off Birchall Lane.

There is no objection to this. The plans show a new access from Cheddleton Road to serve the existing property, Greywoods in the same position as the previous application. In raising no objection to this the Local Highway Authority comment that a) the access provides adequate visibility b) although Cheddleton Road is a well-used road, the indicative Layout shows adequate space for vehicles to park and turn within the site and c) there have been no Personal Injury Collisions on Cheddleton Road within 120 m either side of the proposed access in the previous five years.

7.4 In terms of the Councils adopted parking guidance (Appendix 2 of the Local plan), for dwellings of 4 or more bedrooms as in the case here, three spaces within the curtilage would be expected. There is ample room to accommodate these for both the new and existing dwelling, confirmed by the LHA in their response.

7.5 As a matter to note at reserved matters, the LHA say that to be counted towards parking provision, any garage must have minimum internal dimensions of 6m long x 3m wide per vehicle. The double garage to Greywoods shown in layout would need to be 6m long x 6m wide internally. The garage would therefore be slightly larger than that shown on the plan.

7.6 No objection was raised previously on access grounds. There is no evidence to suggest that a different view should now be taken. The LHA are satisfied with the proposed access points, subject to conditions. With these in place the proposal is in accordance with relevant parts of Policy DC1 and T1. The separate matter of any potential impact on the character and appearance of the area arising from the access points is considered below.

Impact on the character and appearance of the area

7.7 In order to address the previous reason for refusal, the applicant now proposes a single new dwelling on the site whereas previously it was two. A Tree Constraints plan and Tree schedule are also submitted this time. As noted above a provisional TPO is now in place. The Trees and Woodland Officers comments are awaited and will be reported on the Late representations report.

7.8 The applicant has sought to show how a dwelling can be accommodated on the site. The illustrative plan submitted with the application originally positioned the new dwelling to the south of Greywoods with its principle elevation facing onto Cheddleton Road and side elevation to Birchall Lane. However, this was not acceptable due to the adverse impact on the amenity of Greywoods (it has principal windows within the side/south elevation) and the potential loss of trees and mature vegetation on the corner of Cheddleton Road and Birchall Lane, now subject to a provisional TPO.

7.9 A revised plan was provided showing the new dwelling positioned indicatively adjacent to Croxteth with its main elevation fronting Birchall Lane, Drawing 1003/4 Revision H.

It is considered that there are a number of improvements to this proposal as follows:-

- a) As shown indicatively a single dwelling can be positioned so that the existing mature trees and vegetation at the corner of Cheddleton Road and Birchall

Lane, now protected under a provisional TPO are unaffected and can be retained. This mature landscaping contributes positively to the character and appearance of the area

- b) Siting the dwelling adjacent to Croxteth rather than to the side of Greywoods retains the sense of spaciousness at the entrance to Birchall Lane which also contributes positively to the character and appearance of the area noting that it is mirrored on the opposite side of Birchall Lane
- c) The plans show that there is no longer a need to puncture a new access through the hedge on Birchall Lane to serve a second dwelling. The Birchall Lane frontage therefore remains intact and undisturbed as the new dwelling would make use of the existing access.
- d) The indicative sections show the level change across the site with levels falling westwards towards Greywoods. In the street scene therefore, the new dwelling would appropriately step down from Croxteth.
- e) A dwelling can be accommodated with space on either side commensurate with that seen on other houses on the opposite side of Birchall Lane. It is also set back within the plot. In this respect the adjacent dwelling Croxteth in fact breaks the pattern of development as it has been extended up to the side boundary and close to the front boundary (Birchall Lane)

7.10 The conclusion is that a dwelling in the position indicated would generally follow the pattern of development in the immediate vicinity which is one of dwellings set back from but fronting the road with space either side. In terms of plot size and width it would not be dissimilar to, for example Croxteth, The Croft or Ash Green. There is no uniform shape and size to the plots throughout Birchall and in fact Greywoods is something of an exception as it is considerably larger than the surrounding plots. With the amendments made to this application it would be difficult to argue that the proposal was out of keeping with the site and its surroundings or that it represented a cramped form of development. It will be certainly be close to Croxteth but not in an uncharacteristic or harmful way. The proposal would protect mature trees and planting and the sense of spaciousness at the entrance to Birchall Lane. It also negates the need for a new access onto Birchall Lane. The new access onto Cheddleton Road to serve Greywoods would result in the loss of a small amount of boundary hedging. However, there are already a series of gaps in the boundary hedging along this road serving drives. A further one as part of this proposal could not be said to be out of character.

7.11 Overall the proposal is considered to have addressed the concern in the previous application and is now acceptable in terms of the impact on the character and appearance of the area and in accordance with relevant parts of DC1 and H1 and DC3.

Impact on residential amenity

7.12 Although 'Layout' and 'Scale' are reserved matters and not for consideration at this stage, a dwelling of the size and position indicated would comfortably meet the Council's space about dwelling standards. The new dwelling would have more than sufficient private amenity space and adequate parking and turning provision. Greywood's similarly retains a good size rear garden of 13m depth and over 500 sq m in area (the Local plan requires 65 sq m) and an additional side garden of over

374 sq m. The revised plan also shows that adequate provision can be made for parking and turning within the plot.

7.13 The occupiers at Croxteth are concerned about the impact on their amenity. However an examination of the approved plans for the two storey side extension and conservatory at Croxteth (ref 2001-0577), assessment of the application and plans and a site visit show the following:-

- a) There are no windows in the two-storey side elevation of Croxteth facing the application site
- b) A Mature hedge forms the boundary between the two sites
- c) The conservatory is not protected by policy; it does not contain principal windows. Although in correspondence the occupier of Croxteth refers to the single storey extension being a dining room, the approved plans for the extensions at Croxteth (see History above) show the dining room within the main body of the house. The single storey element was approved by the Council as a conservatory. However, even if the 45 degree line were to be applied (which it is not in this case as no principal windows are affected) there would be no breach against the indicative position of the dwelling on Drawing 1003/4 Revision H
- d) Applying the 25 degree line is likely to lead to a breach. However, it is not an appropriate tool of assessment in this case as it too is reserved for assessment against principal windows. In any event, the indicative position of the dwelling only affects part of the western elevation of the conservatory. The north and eastern elevations which are also glazed are unaffected. Furthermore, the extent of projection at the rear could be reduced by at least 1m by bringing forward the position of the proposed dwelling. For these reasons there is no indication that the proposal would result in undue loss of daylight.
- e) There is a level change between the two sites as shown on the sections provided which would also help to reduce any perceived impact
- f) The closest windows to the application site on the rear elevation of Croxteth are to an en suite at first floor and secondary lounge window at ground floor – see approved plans in history section above. They are not principal windows.

The conclusion based on this assessment is that the amenity of occupiers of Croxteth would not be adversely affected by the proposal.

7.14 The amenity of occupiers of Greywoods is also a material consideration. As noted above Greywoods still retains a large curtilage in the scheme. The floor plans for the property reveal that no principal windows would directly face the proposed dwelling in the position indicated on Drawing 1003/4 Revision H. Even if there were such windows a separation distance of 14m is achieved and provided there were no principal windows in the new side facing elevation, the Councils interface distance would be met. The indicative section applies the 25 degree line from the closest window and this also demonstrates that there would be no breach. It is noted that the principle windows on the rear elevation of Greywoods are beyond the conservatory (of Greywoods) and would not directly face the new dwelling in the position indicatively shown. The conclusion is that the amenity of the occupiers of Greywoods would not be adversely affected by the proposal.

7.15 The revised plan with indicative layout demonstrates that a dwelling could be accommodated on the site which complies fully with the Council's Space About Dwellings standards allowing sufficient levels of light provision, privacy and amenity to both existing residents and proposed occupiers of the new dwelling. The application is therefore considered to have addressed the previous reason for refusal in respect of residential amenity. As such compliance with relevant parts of H1 and DC1 and the NPPF which expects all proposals to protect the amenity of existing and future occupiers is achieved.

Biodiversity

7.16 The proposal is likely to lead to the loss of the internal laurel hedge which separates the rear lawn and vegetable patch. This hedge could in fact be taken out by the owner without any recourse to the Council, subject of course to timing with regard to protected breeding birds. If this loss of hedge is confirmed at the reserved matters stage, a requirement to plant a biodiversity rich hedge could be conditioned along the new boundary as part of a Landscaping scheme together with other new planting. The plans do actually show this intention indicatively. Given that it will be possible to achieve biodiversity improvement on the site, the proposal complies with Policy NE1 and the NPPF.

Other issues

7.17 It is accepted that Greywoods is an attractive property displaying arts and crafts features, similar to other examples in the Birchall area. However, there is no specific evidence which identifies this property as being of significant historic interest and value to suggest that it would be considered as a non-designated heritage asset. On this basis it is concluded that the existing property and its grounds would not be adversely affected by a single new dwelling within its grounds.

Planning Balance & Conclusions

7.18 The proposed development is acceptable in principle as the site is located within the development boundary of Leek and in a sustainable location with good access to the town centre and a range of services in the town via walking, cycling and public transport. Policy H1 supports the provision of housing on unidentified windfall sites such as this within the development boundaries of towns and villages.

7.19 This application has sought to address the previous reason for refusal relating to two dwellings on the site. The proposal has been reduced in scale and is now for a single dwelling. It is considered that the revised plan which shows indicatively how the site could be laid out has demonstrated that the proposal would not have an adverse impact on the character and appearance of the area or on residential amenity or on highway safety. There is compliance with Policies H1, DC1 and DC 3 and in these circumstances there is no reason to withhold permission. A recommendation of approval is therefore made.

8. RECOMMENDATION

A. That planning permission be APPROVED subject to the following conditions:

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:-

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (As Amended).

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:-

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (As amended).

3. The approval of the Local Planning Authority shall be obtained in writing with respect to the plans and particulars of the following reserved matters (hereinafter called "the reserved matters") before any development is commenced:

- Layout
- Scale
- Appearance
- Landscaping

Reason:-

The application is an outline application under the provisions of the Town and Country Planning (Development Management Procedure) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

4. The development hereby approved shall be carried out in complete accordance with the submitted plans and specifications as follows:-

RLM1033/1 Rev A and RLM 1003/4 Revision H

Reason:-

To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

5. The development hereby permitted shall not take place until a Demolition and Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

-the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;

- the arrangements for prior notification to the occupiers of potentially affected properties;
- the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- a scheme to minimise dust emissions arising from 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. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;
- a scheme for recycling/disposal of waste resulting from the construction works;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works;
- 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,
- during construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.

All works shall be carried out in accordance with the approved details. 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.

6. 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 exist 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.

7. No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by 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.

Highways

8. The development hereby permitted shall not be brought into use until the revised access to the existing dwelling within the limits of the public highway has been completed.

Reason:- To comply with NPPF Paragraph 108; to comply with SMDC Local Plan Policy DC1 and T1; in the interests of highway safety

9. The development hereby permitted shall not be brought into use until details of the surface water drainage including outfall or drainage on SUDS principles has been submitted to and approved in writing by the Local Planning Authority. The drainage/SUDS works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

Reason:- To comply with NPPF Paragraph 108; to comply with SMDC Local Plan Policy DC1 and T1; in the interests of highway safety

10. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5m back from the site boundary in accordance with details to be first submitted to and approved in writing by the Local planning authority. The access shall thereafter be surfaced in accordance with the approved details.

Reason:- To comply with NPPF Paragraph 108; to comply with SMDC Local Plan Policy DC1 and T1; in the interests of highway safety

11. The internal dimension of any garage proposed as part of the parking requirement shall be a minimum of 6m long x 3m wide for each vehicle.

Reason:- To comply with NPPF Paragraph 108; to comply with SMDC Local Plan Policy DC1 and T1; in the interests of highway safety and to comply with SMDC Local Plan Parking Standards

12. The existing dwelling on site shall be retained and no part of it shall be demolished unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

The existing dwelling contributes positively to the character and appearance of the area.

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 Principal Planning Officer 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.This is considered to be a sustainable form of development and so complies with the provisions of the NPPF.

2. The applicants attention is drawn to the e-mail from Severn Trent Water dated 12th April 2021 regarding possible public sewers crossing the site

3. The dropped crossing to the site shall be constructed in accordance with the submitted drawing RLM1003/1 C and SCC requirements. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to nmu@staffordshire.gov.uk)

<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

