

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

12 August 2021

Application No:	SMD/2021/0145	
Location	Land on the North East side of Rivendell Lane, Leek.	
Proposal	Erection of 1No. Detached Dwelling.	
Applicant	Birchendel Holdings Ltd.	
Agent	Mr. R. Duncan	
Parish/Ward	Leek East	Date registered 08/03/2021
If you have a question about this report please contact: Mrs L. Jackson lisa.jackson@staffsmoorlands.gov.uk		

SUMMARY OF RECOMMENDATION

REFUSE

REFERRAL

The application is brought before Planning Committee due to residential development previously being a contentious matter in this area and the fact that previous applications on this plot and surrounding area have been determined by members of the Planning Committee.

1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

1.1 The application site is currently a vacant parcel of land at the junction of Rivendell Lane and Birchall Lane. At the time of the Case officer's site visit, the plot had been enclosed by security fencing and split from the grounds of the adjacent new build. A hedgerow bounds the roadside edges of the application site. Within the site, some topsoil has been removed, there was some rubble and hardcore, builders merchants bags and other items including pallets. From the junction of Birchall Lane and Rivendell Lane, the land rises upwards and away from the rear of the Rivendell Road pavement and Birchall Lane. Adjacent to the site is a relatively recent new-build dwelling, this portion of land once formed part of a wider application site which included the land now marked for development within this application. Dwellings opposite the application site are on a lower level than the road behind their respective roadside boundaries. The character of the area is that of spaciousness with detached dwellings of differing sizes and design within the surrounding area, all with private amenity spaces and off road parking.

Members are advised that although this land is split from the adjacent dwelling, the area is in fact where the garden to the new property should be.

2. DESCRIPTION OF THE PROPOSAL

2.1 This is a Full planning application for the erection of a single detached dwelling with outdoor amenity space and off-road parking. The dwelling would offer accommodation over two floors consisting of lounge, dining room, kitchen, utility, 2 x WC's, a bedroom and ensuite at ground floor level. On the first floor there would be three further bedrooms (one with ensuite) and a separate bathroom. Vehicular access would be from Birchall Lane with driveway parking at the front of the house. External amenity space would comprise gardens/patios/pathways.

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

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=146325>

3. RELEVANT PLANNING HISTORY

The following planning history is relevant. The applications identified below, relate to both the application site identified within the scheme currently being considered by Members, and also the land to the north-west, upon which there is a recently constructed, detached dwelling (both plots formally formed part of a wider application site).

2551 (Leek Urban District): Outline application for proposed residential development, Land off Birchall Lane, Leek. Approved.

SMD/2017/0038 Proposed erection of 2 No. detached two-storey dwellings and new vehicular access. Refused.

SMD/2018/0168 Two detached, two storey dwellings. Resubmission of SMD/2017/0038. Refused.

APP/B3438/W/18/3210497 Appeal against refusal of application SMD/2018/0168 Erection of 2 No. detached, two-storey dwellings. Appeal dismissed.

SMD/2018/0321 Erection of detached dwelling. Approved.

NMA/2020/0022 Non-material amendment relating to SMD/2018/0321. Repositioning of the vehicular

access, additional planting and erection of dwarf wall & provision of visibility splay of 2.4m x 27m from the proposed access to the south east across the frontage. Approved.

Application reference 2551 (Leek Urban District) allowed Outline planning permission for 18 housing plots within the Birchall Lane and Rivendell Road area. Many of these plots have now been built upon and the land which is the subject of this application is identified as plot 16.

4. PLANNING POLICIES RELEVANT TO THE DECISION

4.1 Planning policy considerations are;

Staffordshire Moorlands Local Plan (Adopted September 2020)

SS1	Development Principles
SS5	Leek Area Strategy
H1	New Housing Development
DC1	Design Considerations
NE1	Biodiversity and Geological Resources
NE2	Trees, Woodlands and Hedgerows
T1	Development and Sustainable Transport
Appendix 2	Parking Guidance

National Planning Policy Framework (NPPF)

- 2: Achieving sustainable development
- 5: Delivering a sufficient supply of homes
- 6: Building a strong, competitive economy
- 9: Promoting sustainable transport
- 12: Achieving well-designed places
- 15: Conserving and enhancing the natural environment

National Planning Policy Guidance

Supplementary Planning Guidance

1. Space About Dwellings.
2. Design Principles for Development in the Staffordshire Moorlands: New Dwellings and Extensions to Dwellings.

Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

5. CONSULTATIONS CARRIED OUT

5.1 A Site notice has been displayed, neighbouring properties notified and the application publicised within the Leek Post and Times.

Leek Town Council: Recommend refusal. Over-bearing to the Rivendell Lane properties. Concerns regarding highways issues, including access and visibility. It would not be in-keeping with the character of the area.

Local Highways Authority (SCC) – No objections subject to conditions.

Severn Trent Water - No objections to the application. As the proposal has minimal impact on the public sewerage system, there are no objections to the proposals and no drainage condition needs to be applied.

Waste (SMDC): No issues with the application.

Arboricultural Officer: Awaited.

Ramblers Association: No objections concerning the planning permission as long as B.o.a.t footpath 25 is accessible at all times.

Staffordshire Wildlife Trust: No representations received.

Environmental Health Officer – No objections subject to conditions and advisory notes.

22 letters of objection have been received, the contents of which can be summarised as follows;

- Development has already been refused here;
- The application to build two properties on this plot has already been considered and refused by the Council;
- Highway safety concerns for vehicles and pedestrians;
- Birchall Lane road surfacing is deteriorating;
- Birchall Lane is a Byway Open to All Traffic BOAT;
- Conflict with construction and delivery vehicles;
- Drive not big enough for a car to turn around, would have to reverse onto the highway;
- Drive access is close to numerous other accesses;
- Where will visitors park;
- Loss of a green space and biodiversity;
- Planting scheme is not detailed;
- Planting scheme for the adjacent new built has not been implemented;
- Other new build dwellings remain unoccupied;
- Unneighbourly development;
- Overlooking to Links View;
- Site has already been cleared in anticipation of a new dwelling;
- The height of the ridge has not materially changed since the rejected application on this plot a couple of years ago

- No garage;
- Overbearing development;
- Birchall Lane is overdeveloped;
- Two houses on one plot is overdevelopment;
- Whole of the site only suitable for one dwelling and this has been built next door;
- Too close to the road;
- Out of character with surroundings;
- Continual erosion of the character of the area;
- Light pollution;
- Other houses are set back and behind vegetation;
- the presumption in favour of development does not apply.
- Plot is too small for a 4 bedroom house;
- Size and design is out of keeping with the area;
- Planting will take years to establish;
- The Environmental Health memorandum does not fully consider the close neighbourhood.

6. OFFICER COMMENT AND PLANNING BALANCE

Policy Context and Principle of Development

6.1 The Local Planning Authority is required to determine applications in accordance with the Development Plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations.

6.2 Policy SS1 of The Staffordshire Moorlands Local Plan identifies that development should contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. The District council is able to identify a 5 year supply of deliverable housing land, in accordance with the requirements of Section 5 of the NPPF 'Delivering a sufficient supply of homes.'

6.3 Local Plan policy SS5 relates specifically to the regeneration and development of Leek, confirming that this will be done by measures such as meeting housing needs, increasing the range of available and affordable housing, allocating housing sites and offering general support to development within Development Boundaries.

6.4 Local Plan policy H1 'New Housing Development' sets out the stance that new housing development should provide for a mix of housing sizes, types and tenure including a proportion of affordable housing. This application is for a single dwelling and therefore the affordable housing/tenure requirement is not triggered. Density, character of the area and amenity standards for future and existing occupants of buildings should all be considered. H1 also stresses the need for development to have 'regard to the location of the development' and 'the characteristics of the site.'

6.5 The application site is currently a vacant and enclosed parcel of land at the junction of Rivendell Lane and Birchall Lane. The land the subject of this application was in fact included as garden land to serve the recently built (adjacent) dwelling. The land has now been separated from the new build house by a boundary of fencing and planting.

6.6 There is a history of applications being made to build on the plot now being considered (see section 3. Relevant Planning History). The site is within the Leek Town Development Boundary. The site is not within a Conservation Area, there are no protected trees and no surrounding Listed Buildings. The land is not within any known flood zone. It is acknowledged that the application site is within a sustainable location. Facilities and services can easily be accessed and there is a public transport link in the form of a bus route along the A520 Cheddleton Road.

Design and Visual Impact (Character and Appearance)

6.7 Local Plan policy H1 states that 'All development will be assessed according to the extent to which it provides for high quality, sustainable housing and to which it meets identified housing needs, having regard to the location of the development, the characteristics of the site and the economics of provision.'

6.8 Policy DC1 requires that all developments shall be well-designed and reinforce local distinctiveness by positively contributing to and complimenting the character and heritage of an area. Development should be of a high quality, add value to the local area, be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, density, layout, siting, landscape, character and appearance. Proposals should also seek to protect the amenity of the area, including the creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution.

6.9 NPPF section 12 states that good design is a key aspect of sustainable development. Developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Section 12 also seeks developments which are sympathetic to local character and history, including the surrounding built environment and landscape setting,

6.10 This application is for a single dwelling. The proposed building plot is land which was included as a garden to serve the new build dwelling next door. Members will recall there have been previous attempts to secure permission for a dwelling on this corner plot and will note that a single dwelling has been approved and subsequently built, next door to the site currently being considered. Historically the concern relating to residential development on this corner plot has revolved around visual impact and harm to the character of the area and street scene. The character of the area

around the Birchall/Rivendell Lane junction is that of spaciousness with detached dwellings (differing sizes and design), all with private amenity spaces and off-road parking. Dwellings opposite the application site are on a lower level than the road behind their respective roadside boundaries and do not form visually prominent street scene features. The nearby Birchall Lane and Rivendell Lane dwellings are generally set back from the road and are not unduly prominent from the Birchall and Rivendell Lane junction.

6.11 Aside from the newly built dwelling next door, the immediate surrounding housing (at the Rivendell/Birchall Lane junction) does not occupy elevated locations. The neighbouring new build house has different site characteristics to the site the subject of this application in that it is set further away from the Birchall/Rivendell Lane junction and is viewed more in the context of the Rivendell Lane properties. It is acknowledged that the height of the dwelling now proposed has been reduced from the previously refused (and dismissed at appeal) scheme but regardless of any quoted heights, the true marker for the proposed height of the dwelling is the fact that the submitted plans show the new house to be of a similar height to the neighbouring new build. The dwelling would be slightly lower, however this would only equate to a few centimetres and to anyone viewing the development from the street, this would be unnoticeable. Regardless of any land level reductions, the physical marker of the adjacent dwelling roof ridge gives a clear indication of how dominant the proposed dwelling would be. Coupled with the downwards slope of Rivendell Lane towards the Birchall Lane junction, the result is a very visually prominent dwelling. The building would be particularly imposing and out of keeping with the spaciousness of the area which would be very much apparent when travelling north eastwards along Birchall Lane, towards the application site and away from the main road. It is contended that a new dwelling on this site would harm the established and clearly evident open character of this part of Birchall, it would appear as an incongruous and imposing built feature in an otherwise green and open area. The Inspector, in dismissing the appeal against a dwelling on this corner plot, identified the importance of the character of the area, describing the location as a 'green landscape' and 'where the houses are largely designed to blend in with the mature hedging and planting,' (which is not the case with the application site). The Inspector also commented that the dismissed scheme would 'result in hard features in an otherwise green landscape,' and that the 'appeal site has a wide road frontage which increases visibility of any development.' It is clear that the current proposal would still be visually harmful and these site circumstances identified by the Inspector and officer's (within previous reports) are fundamental obstacles to any development on this particular site. Whilst it is noted that the roadside boundaries of the site have benefitted from planting, the Inspectors comment of 'it would inevitably take several years for any new planting to resemble the mature vegetation that is currently prevalent on Birchall Lane,' remains true.

6.12 Not only has the character of the area been identified and classed as important by the Inspector during the dismissal of the previous appeal, Members will be aware that another appeal has been dismissed at a nearby site called Heather Hills. The spacious character of the area of this part of

Birchall was acknowledged by an Inspector during the determination (dismissal) of appeal reference APP/B3438/W/17/3180522. This site, Heather Hills, Birchall Lane, is positioned to the north-east of the site the subject of this appeal. The Heather Hills application was for the erection of a single dwelling. When reaching the decision to dismiss the appeal the Inspector clearly stated that “from the viewpoint at the junction of Rivendell Lane with Birchall Lane looking towards the top of Birchall Lane, there is little evidence of the dwellings as they are screened by trees, mature vegetation and set back from the highway. The character of the area is therefore defined by a spacious pattern of development and this, combined with the mature trees and shrubs, gives the lane a pleasant sylvan quality.’ Officer’s note that whilst this description was included in a separate appeal, it is nevertheless relevant as the Inspector’s description of the area clearly includes the area where this application site is. The presence of a dwelling on this corner site would clearly disrupt the Inspector’s identified ‘spacious pattern’ to a significant extent, having a harmful impact upon the area and supports the reasons why the Council objected to the Rivendell Lane application. The application for the single dwelling next door included a large garden area. Approving the larger site as garden ensured that the character of the area at the junction remained open and spacious.

Residential Amenity

6.13 There are two aspects of residential amenity to consider. Firstly amenity in respect of the proposed dwelling, such as its garden size and parking area. Secondly the resultant amenity impact upon existing, surrounding residents. The dwelling would have its own off-road parking area and external amenity space. The amenity standards (detailed in the Space About Dwellings Supplementary Planning Guidance) concerning garden lengths and garden area are met as are the Appendix 2 parking standards of 3 off-road parking spaces for a 4 bedroom dwelling.

6.14 In respect of impact upon neighbouring dwellings the proposal is considered to be acceptable. Concerns have been raised by residents in respect of overlooking and overbearing development, however there are no direct principal window overlooking issues and it is not considered that the new dwelling would be close enough to any neighbouring dwelling for it to be judged overbearing. In the interest of neighbour amenity, if members were minded to approve the application it would be considered reasonable to add a condition restricting the times of day in which building work could be undertaken.

Highways / Access

6.15 The NPPF (section 9) and Local Plan policies DC1 and T1 are relevant for considering any potential highways/access/parking matters. Notably DC1 requires provision for ‘safe and satisfactory access’ and requires development proposals to ‘make a contribution to meeting the parking requirement arising from necessary car use.’ Policy T1 states that ‘all new development is located where the highway network can satisfactorily accommodate traffic generated

by the development or can be improved as part of the development,' and consideration should be given to 'appropriate parking provision on a case by case basis with recourse to the parking guidance set out in Appendix 2.'

The vehicular access is shown to be off Birchall Lane and the application provides the number of off-road parking spaces required by Appendix 2 of the Local Plan. The County Highways officer has no objections to the application subject to a number of conditions including surfacing, parking and visibility splays. It is noted that the Highways officer response references drawing number 1711-01 Rev A. The current plan is Revision B however the Highways officer's comments remain valid due to no highways/parking related details being changed between the two revisions. For the reasons outlined above it is considered that the application is acceptable in highways terms.

Environmental Health

6.16 The Environmental Health Officer has considered the application and has raised no objection to the application subject to conditions. Matters to consider are those of noise, contamination and waste.

Noise

6.17 The application site is surrounded by residential development and as such, if Members are minded to approve the application, there exists the potential for existing residents to be disturbed by noise during the construction phase. The Environmental Health Officer has recommended a condition to ensure that all noisy construction activities are restricted to certain times of the day and that no noisy construction activities should take place on Sundays or Bank Holidays.

Contamination/Waste

6.18 Environmental Health officers have no objections in respect of these matters. Suitably worded conditions could deal with the finding of any unexpected contaminated material(s). A condition would ensure that no top soil could be brought onto the site until it had been tested for contamination and any waste being removed from the site rather than being burnt.

Ecology/Biodiversity and Trees

6.19 Local Plan policies DC1, NE1 and NE2 are relevant to this application in that they seek well designed proposals including;

- Seeking development which respects and enhances local landscape character;
- Development to be designed to respect the site and its surroundings and create a positive sense of place including through its landscaping; and
- protect the amenity of the area including soft landscaping;

6.20 The submitted plans show the applicant's intentions of landscaping the site. Comments are awaited from the council's Arboricultural officer and will be reported to Members via the late representations update.

Drainage

6.21 Severn Trent Water has advised it does not have any objections to the application. The consultation comments state that the proposal has minimal impact on the public sewerage system and that a drainage condition is not required.

Section 106 Matters

6.22 The scheme for 1 dwelling does not trigger the requirement for any S106 contributions.

Conclusion and Planning Balance

6.23 Whilst the proposal for a single dwelling would add to the housing provision within the Staffordshire Moorlands, it is noted that the council (through adoption of its Local Plan) can now demonstrate a 5 year supply of deliverable housing land. It is considered that the proposal does not respond positively to the context of the area (including its identified character and appearance as outlined earlier in the report). The application is therefore not sustainable development as required by the Framework. Members are advised that the Council has approved a single dwelling next door but contends that a dwelling on the corner plot is unacceptable in terms of its adverse visual impact upon the open character and spaciousness of the area.

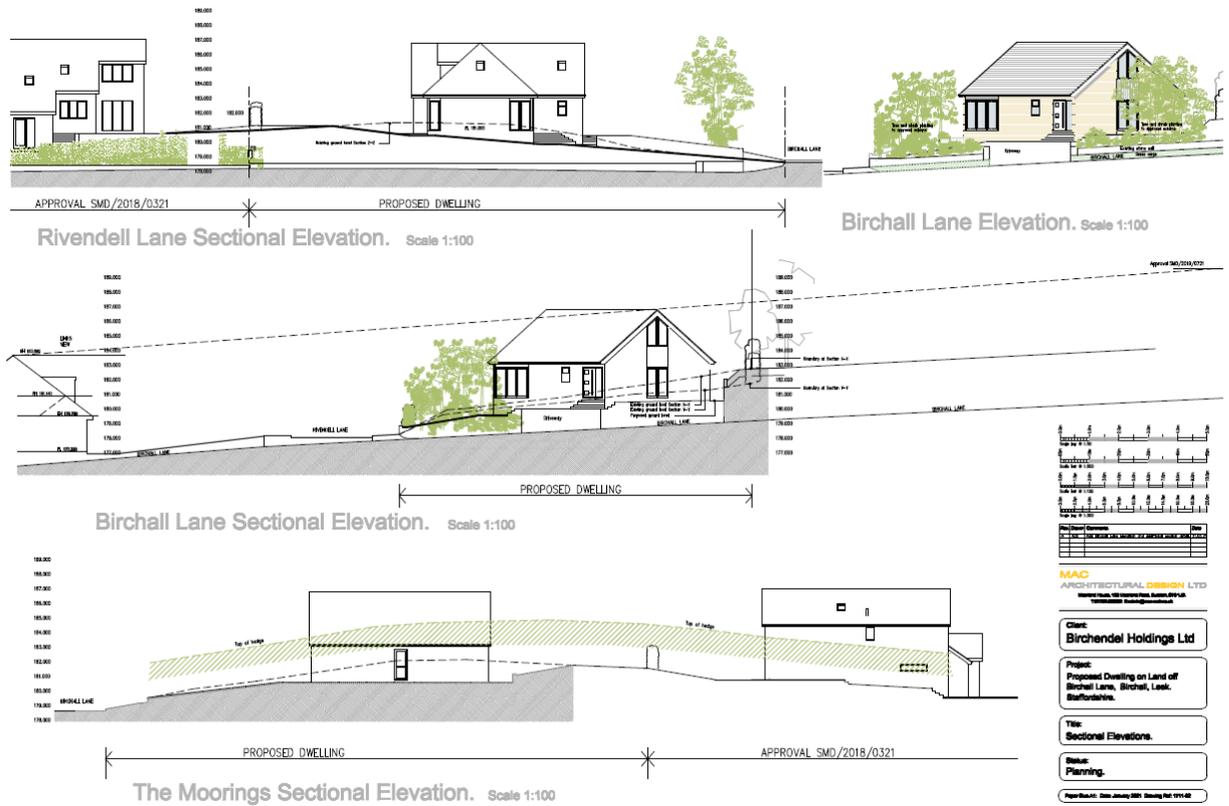
7. OFFICER RECOMMENDATION

A. Full Planning Permission is REFUSED for the following reason(s):-

- 1. The positioning of a dwelling on this visually conspicuous corner plot would result in a development which would fail to improve or enhance the visual amenities of the surrounding area. The development would appear as an incongruous and imposing built feature within an otherwise open and spacious area to the detriment of the street scene and character of the surrounding area. The application is therefore contrary to policies SS1, H1 and DC1 of the Staffordshire Moorlands Local Plan (Adopted September 2020) and the National Planning Policy Framework including section 12.**

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.





South West Elevation. Scale 1:100



North West Elevation. Scale 1:100



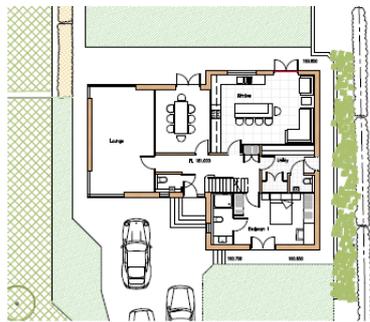
South East Elevation. Scale 1:100



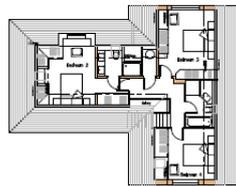
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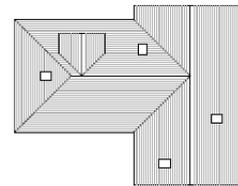
Site Plan. Scale 1:200
(See Drawings 1/71-72)



Ground Floor Plan. Scale 1:100



First Floor Plan. Scale 1:100



Roof Plan. Scale 1:100