

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

9 September 2021

Application No:	SMD/2021/0469	
Location	Land east of Sandfields, Kingsley Road, Cellarhead	
Proposal	Re-submission of the previously refused application SMD/2021/0133 for the construction of 3No, two storey, detached houses in place of the 2No dormer bungalows previously approved under SMD/2019/0452	
Applicant	Mr Reaney, Rudbrook Limited	
Agent	Nigel Forrester Building Design Services	
Parish/ward	Caverswall / Caverswall	Date registered 16 th July 2021
If you have a question about this report please contact: Arne Swithenbank tel: 01538 395578 or e-mail arne.swithenbank@staffs Moorlands.gov.uk		

REFERRAL

The application is a Full Minor and is referred to Committee due to the previous application having been determined by Committee and due to the amount of local interest with both objections and support.

1. SUMMARY OF RECOMMENDATION

APPROVE – subject to conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site is within the Green Belt on the SW side of the A52 Kingsley Road at a point some 150m east of the Cellarhead cross roads. The site comprises a c.50m width of roadside field with dry-stone wall along the rear of the roadside pavement and native species hedgerow towards the Sandfields end. The depth of the site from the road is c.45m and the site area is c.0.23ha. The rear (SW) boundary is a well maintained native species hedgerow with further farm fields beyond. The application red edge overlaps slightly with land used as garden and parking to Sandfields to the NW. The site rises in level quite markedly by 2.5m from the frontage and the Sandfield's land up to the rear (SW) boundary and to the south east end.

2.2 The detached dwelling of Sandfields is modernised and extended but appears to have at least 19th C origins with a building corresponding to the extant two storey house present on the 1887 OS map. Parking and gardens to Sandfields are somewhat loosely separated from the fields.

2.3 Bordering the site to the SE is Pathways, a detached dwelling fronting the road and the first in a row with next, two pairs of semis and then a further detached house.

2.4 Opposite the site, across the road to the NE, is a garden plot and parking to serve Fern Cottage with essentially field countryside surrounding.

2.5 A public footpath right of way enters the application site from the public road in the corner boundary with Pathways. A stone squeeze style about midway along the site rear (SW) boundary takes the path onwards into fields beyond.

3. DESCRIPTION OF THE PROPOSAL

3.1 Three detached two storey four-bedroom dwellings each with integral garage 3.9m internal width x 5.4m. Materials stated as 'Weinerberger Trentino facing bricks' red/orange brick and roof tiles specified as 'Marley smooth Staffordshire Blue plain clay tile'.

3.2 The three identical dwellings would be orientated with their main roof ridge at right angles to the road presenting a gable to both front and rear with a roof ridge at 8.3m and eaves c.5.2m. Each dwelling would have a twin gabled side projection – the forward of these being the higher but at 7.8m ridge height, set down slightly relative to the main forward gable ridge.

The dwellings would be set back from the road by between c.15m for plot 1 on the left adjacent to Pathways to 16m for plot 3 on the right adjacent to Sandfields. The gabled side projections of plot 1 would be at c.5.6m from the side elevation of Pathways and about 3.5m forward of the front elevation line of Pathways – a two storey detached dwelling.

3.3 The dwellings are separated by a gap of 2.5m divided by a proposed 1.4m high timber panel fence allowing a side path to each dwelling.

3.4 There would be a gap between the side wall of the south easterly of the three dwellings (plot 1) and the garden boundary with Pathways of c.4m within which it is proposed a diverted route of the public footpath would be accommodated. With the 1m side path serving the dwelling this leaves 3m for the public footpath within which there will also then need to be a boundary fence and within which also it must be expected that the adjacent boundary hedgerow growth must be accommodated. In each dwelling a small first floor side elevation window serving an ensuite bathroom is proposed which would face a blank wall of its neighbour or, in the case of plot 1, the side window would face the side elevation of Pathways.

3.5 A single drive entrance positioned centrally would serve the three dwellings branching to either side to serve the end dwellings. Some details of landscaping are shown in the site layout drawing 21/ 615/04-B. A low 600mm

walled boundary using dry-stone walling rear of the visibility splay is proposed along c.33m the frontage similar in amount to the current wall length but with the access midway along.

4. RELEVANT PLANNING HISTORY

- 4.1 79/06834/OLDDC – site for two detached dwellings – refused
- 4.2 83/11940/OLDDC – site for dwelling – “closed”
- 4.3 88/01079/OLD – adj to Sandfields Farm Kingsley Road Cellarhead Caverswall – site for one dwelling – refused
- 4.4 SMD/2019/0452 – proposed erection of 2no. detached dormer bungalows – approved
- 4.5 SMD/2021/0133 - 3No, two storey, detached houses in place of the 2No dormer bungalows previously approved under SMD/2019/0452 – refused
- 4.6 At Sandfields: 04/00075/FUL – pitched roof over existing garage – approved
- 4.7 At Pathways: 99/00283/OLD – first floor extension – approved

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The development plan comprises the adopted Staffordshire Moorlands Local Plan Document SPD/SPG and supporting evidence documents.

Local Plan (adopted 9th September 2020)

- SS1 Development Principles
- SS8 Larger Villages Area Strategy
- SS10 Other Rural Areas Area Strategy
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- H1 New Housing Development
- NE1 Biodiversity and Geological Resources
- NE 2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 11 – Making effective use of land; 12 – Achieving well designed places; 13 – Protecting Green Belt Land; 15 – Conserving and enhancing the natural environment.

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

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

6. CONSULTATIONS CARRIED OUT

Public

6.1 Neighbour consultations x 9 issued for response by 9th August 2021. Site notice posted for responses by 31st August 2021. Public representations received from 5 separate parties all raising objections to the application.

- tall large properties, too much development for a site of this size in a green belt area; will fill the frontage of the site and ruin the feeling and aspect of this countryside area; appearance not in keeping with the other surrounding properties; when blocked together will dominate the street scene; would further forward than the 2 dormer bungalows in relation to the front elevation line of the neighbouring properties to the east. Compared to the 2 bungalows this proposal increases the development by a third which greatly increases traffic movement in and out of the very busy main road.
- Highways / speed traffic amounts; local services (Dr and schools over-subscribed – will have to travel to Leek; far too big for the site on outside space and they think they can park 12 cars; not in-keeping; ridge height will tower over adjacent property; no provision for PROW; no planning notice as of 23.07.2021 [was posted 10.08.2021]; includes road to field behind.
- from the occupiers of Pathways [adjacent to the east]: loss of light and privacy will impact massively; the public footpath will become an alley with fences either side; the houses will be “a mini estate”; multiple car increase to already busy road; aesthetically not in keeping. 3 detached houses will overpower the site and look like a large block which is not in keeping within the village and building on green belt.
- over-development for this site and its location; contrary to Local Plan policies SS1, SS2, SS10, H1 DC1 and contrary to the NPPF; no fp diversion in place; revised proposal offers several changes to the properties including the style and orientation, but with the exception of a very small reduction in the width of the properties, shows no difference in cramming 3 x large 4 bedroom detached properties onto the site, which was refused on planning application SMD/2021/0133 as being over-development for the site; plans now show smaller site compare to the refused application; changes in the property style still show dominant ridge lines and a high solid to void ratio, with over half of the front-facing elevation of each property having a brick gable-end type design with a huge apex height of almost 8350mm. The reduction in the width of the proposed properties increases the spacing of the properties to 2450mm and

2500mm and it is suggested that this spacing will be similar to that exhibited by the neighbouring properties to the east. I disagree, the spacing between Dovelea, due to a 2 storey side extension, and its neighbouring property may be similar but the spacing between the other properties at top roof eaves height is much greater.

In this application, references are made to the approved application SMD/2019/0452 for this site. SMD/2019/0452 was for two smaller dormer bungalows and planning was approved with conditions, including the condition that a formal Public Right of Way Diversion Order would need to be obtained before the easterly of the two properties could be constructed.

- Was bought as land with planning for 2 – should keep it at that; don't see how can grant approval now with same issues as before when it was rejected.

6.2 Eleven representations from individuals in support collected by the applicant raising points as follows:

- the three proposed have more space about them than the recent Grove Court;
- they fit comfortably and with 2.5m between them take up less frontage than the approved bungalows; the area needs family homes;
- sustainable location; well designed; easy access to shop, school and restaurant;
- take up less space than the two bungalows and would utilise land effectively;
- the design and space about the three houses will enhance the area;
- support as the site already has permission;
- suitable in-fill – has already been development in Grove Court and Cherry Gardens
- site already has permission and the new design utilises the plot with well designed houses;
- ditto
- ditto
- ditto; also, there is a bus route within easy walking.

6.3 The applicant has also written in support commenting:

- the officer had stated in the committee report for the two bungalows that the site could accommodate more;
- the three in the proposal are “generously spaced with 2.5m gaps whereas the two bungalows were just over 1m apart. The refused scheme had 2m spaces and this now represents a 25% increase and hopefully addresses the committee's concerns;
- previous refusal made mention of ridge height and unremitting solid built frontage; the closest ridge to Pathways now has a ridge of 7.8m – the same as the original approved bungalows; the designs vary the overall ridge to break up the continuous line;
- by being on the edge of the site against Pathways the proposed new footpath gives Pathways greater privacy than if the path were more central as that would push the nearest new dwelling closer to Pathways;
- the variety of house design locally make it difficult to match any local vernacular; Grove Court has three detached dwellings in less generous space

than this proposal but the designs are not too dissimilar; examples of other more tightly spaced exist nearby;
- site is on a bus route; is close to a shop at Shirley's petrol station; is close to a restaurant and within walking distance of a local school; sustainable and compelling reasons to approve.

Parish Council

- 6.2 Caverswall Parish Council – no response received but previously raised no objections to SMD/2021/0133 subject to neighbours' approval.

Severn Trent Water

- 6.3 Minimal impact on the public sewer network therefore no objection and no requirement for a drainage condition. Advisory notes re possibility of public sewers within the site.

SMDC Waste Collection Services

- 6.4 No issues raised.

Staffordshire County Council Highways

- 6.5 No objection subject to conditions. Previous approval was for two dwellings and this proposal has increased to three dwellings proposing 4-bedrooms to each. Garages are shown but there is adequate space in the parking area of each dwelling to accommodate 3 vehicles in accordance with parking standards.
- 6.6 The speed limit of the A52 at the access point 50mph limit. The speed survey submitted with SMD/2019/0452 demonstrated that there is adequate frontage to provide a 67m visibility splay to the west. The hedge on the frontage of the existing Sandfields is included in the 67m. This will also improve visibility for users of the existing access and vehicles using the A52. The 67m is shown on drawing 21/615/04-B.
- 6.7 Visibility splay to the south east is stated and conditioned as being 2.4mx105m. This is measured from the centre line of the access to a point 105m to the south east where the visibility splay line meets the kerblines at a tangent. This line provides the greater visibility by defining a more acute line in the immediate vicinity of the access and safeguards visibility by restricting height and/or line of the front boundary wall. However, the actual absolute visibility splay line passes into the carriageway and continues until it meets the kerblines at a second point (due to the alignment of the carriageway) approximately 257m from the access. By way of comparison, visibility splay required for 50mph is 2.4mx160m. Clearly, the available visibility is greater than would be required even if speed survey had not been carried out.
- 6.8 The speed survey carried out for SMD/2019/0452 measured speeds of 41mph westbound. Clearly the available visibility splay is well in excess of the minimum technically required. To the north west, the speed limit changes from

50mph to 30mph. The speed limit terminal signs are approximately 71m from the proposed access centreline. Visibility splay to the north west is shown and conditioned at 67m measured to Manual for Streets 1 (MfS1) specification. A difference of 4m could not be considered as having a severe effect when vehicles at the 30mph sign should be travelling at 30mph and the technical visibility splay for 30mph is 43m. Further, if the visibility were to be measured to the MfS2 specification, to the nearside edge of the vehicle track within the carriageway, visibility could be stated as 2.4mx72m which would extend into the 30mph area and would be equally valid (and technically the same line).

- 6.9 The speed survey carried out for SMD/2019/0452 measured speeds of 29mph eastbound. Clearly the available visibility splay is well in excess of the minimum technically required.
- 6.10 This detailed information is provided to demonstrate and provide comfort to the Committee that Highways have fully considered the safety of the proposed access, as is always the case, and that safe and reasonable access can be provided for this development.
- 6.11 The committee may be of the view that 3 x 4 bedroomed 2 storey houses are a different scale and proposition to 2 x 4 bedroomed dormer bungalows, but the access point is the same and is equally safe and reasonable for either development.
- 6.12 There is an existing streetlight at the access point shown on drawing 21/615/04-B. This will need to be replaced and relocated by Eon. Relocation to the apex of the entrance wall to the east of the proposed access is most likely, but this should be discussed with Eon at an early stage. Condition will be discharged on confirmation that Eon have accepted and approved the relocation proposals.
- 6.13 There is an existing Advanced Direction Sign on the frontage of the site which obstructs the required visibility splay shown on drawing 21/615/04-B. This will need to be relocated or raised or the sign face redesigned and raised (all on new posts) to incorporate the additional sign below the main face. Highway works agreement should be commenced at the earliest opportunity to ensure developers timescales are more likely to be met. This direction sign does not need to be illuminated.
- 6.14 Submitted drawing shows a wide access but still with no details of how wide the dropped kerb will be at the carriageway edge. Condition above seeks clarification of this.
- 6.15 Drawing 21/615/04-B shows part of footway being widened. This will require approval from SCC as highway authority to adopt the widened footway. Condition seeks clarification of proposals. Condition will be discharged on confirmation that highway works agreement is approved.

7 POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE

Policy Context

- 7.1 In its general approach, in accordance with policy SS1, the Council expects the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in the Adopted Local Plan shall be approved without delay, unless material considerations indicate otherwise.
- 7.2 The Development Plan for the Staffordshire Moorlands District Council consists of the adopted Staffordshire Moorlands Local Plan Document (September 2020) with regard also being given to the provisions of the National Planning Policy Framework (NPPF); the Council's adopted Supplementary Planning Guidance documents: 'Space About Dwellings' and 'Design Principles'; the adopted Design Guide (2018) a Supplementary Planning Document and the Council's Local Plan Supporting Evidence Document: Landscape and Settlement Character Assessment (2008).
- 7.3 Development boundary mapping has now been adopted in accordance with the new Local Plan (September 2020). The Local Plan places Cellarhead as being part of a defined 'larger village' named as Werrington and Cellarhead. However, the drawn and adopted development boundary finishes against the west side of Leek Road (A520) some 150m north west from the application site. This application site is outside of the designated 'larger village' development boundary and in the Green Belt.

Principle of Development and Main Issues

- 7.4 The pre-ambles to Policy SS8 – larger Villages Area Strategy says at 6.57:
“Outside of the [development] boundaries, limited infilling may be supported, subject to key criteria being met as set out in Policy H1”
- 7.5 For Larger Villages The policy stated at SS8(2) is to meet housing requirements by [inter alia]:
“Allowing for rural exceptions housing in appropriate locations on the edge of settlements (in accordance with Policy H1). This will be additional to the housing provision for the rural areas [fourth point];
“Giving consideration to limited infilling on the edge of settlement boundaries, subject to the criteria set out in Policy H1” [fifth point].
- 7.6 Policy H1(6) is that:
“When development is located in the Green Belt, national Green Belt Policy will apply.” – this therefore takes precedence.

- 7.7 The NPPF states at paragraph 144 that: “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.”
- 7.8 The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The Government identifies five purposes of the Green Belt:
- To prevent the unrestricted sprawl of large built up areas;
 - To prevent neighbouring towns from merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic market towns
 - To assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 7.9 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances (NPPF 143). ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF 144).
- 7.10 NPPF paragraphs 145 and 146 set out specific exceptions by which certain forms of development can be considered as being not inappropriate in the Green Belt. One of these exceptions is at 145 (e): “limited infilling in villages”. There are no planning definitions to this term.
- 7.11 The proposed development site is bounded by extant development to either side – Sandfields to the NW and the row beginning with Pathways to the SE. On this basis the site can reasonably be considered ‘infill’ as it would fill a gap between existing development.
- 7.12 Close consideration was given in the Committee report for the earlier (first) application SMD/2019/0452 as to whether despite being beyond the village development boundary the site could still be regarded nevertheless as being within a village. The report first considered whether there was a ‘village’ of Cellarhead. After finding on balance a case for accepting that there was a village, it was then necessary to consider whether the development site itself, and the existing development to either side which it is set between, was within that village. The report conclusion was that the village fell short of including the site and the next development along but the committee’s view was that the site and the next development along should be regarded as being within the village. Whether the development ‘gap’ was truly ‘limited’ (as required by the NPPF and policy SS8) was also discussed in the report. Ultimately the Committee’s conclusion, which was against recommendation, was minuted 14th November 2019 that:
- “The site is within the village boundary and qualifies as ‘limited infill’, therefore appropriate development in the Green Belt”.
- 7.13 It is perhaps important to clarify that the site remains outside the village development boundary as defined in the now recently adopted local plan

boundaries but this does not preclude a village from being considered to extend further as ultimately the Committee decided of this site in 2019.

7.14 The only remaining question on the matter of principle is whether or not now being for three dwellings rather than two this in some way makes it no longer 'limited'. The officer advice is that up to no more than three dwellings may commonly be considered limited so that in number of dwellings this descriptive limit is not exceeded in this application. In size and extent at 50m along the roadside the site could have been considered more than 'limited' but the committee having previously and recently judged and concluded it to be limited this report must base its recommendation accordingly. The proposal therefore complies with NPPF Green Belt policies and the provisions of policy SS10, SS8 and Policy H1 of the Local Plan and is acceptable in principle.

7.15 Based on the Committee's reason for refusal of SMD/2021/0133 for which this current application is a re-submission the decision notice issued reads:

1. Owing to the crowded appearance and tightly spaced cramped layout the proposal amounts to over-development for this site and location contrary to Local Plan policies SS1, SS2, SS10, H1, DC1 and DC3 and contrary to the NPPF.
2. Giving the appearance of a min-estate and with a single roof ridge height of 8.6m across each of the three dwellings proposed the development presents an unduly high, uniformly and unremittingly solid built frontage to the street scene out-of-keeping with the local area and surrounding properties and is therefore found contrary to Local Plan policies SS1, SS2, SS10, H1, DC1 and DC3 and contrary to the NPPF.

7.16 This revised application seeks to address these issues in the altered design by presenting a slightly reduced roof ridge and adopting two ridge height levels. In the refused scheme a single roof ridge parallel to the road had a height of 8.6m. This new proposal has the main higher ridge at right angles to the road presenting a broad gable to the road with a ridge height of 8.3m. To the side is a section with ridge parallel to the road with a ridge of height 7.8m. The space between each of the dwellings is shown as being 2.5m whereas c.2.0m in the refused scheme. In the November 2019 approved scheme the main roof ridge to the dwellings was c.7.8m and the set down attached double garages to the side were 6.25m, all aligned parallel to road. A street scene comparison between the refused scheme and this proposal has been provided in drawing 21-615-07.

Design

7.17 In design, again as previously, the three dwellings are broadly un-objectionable. They remain large developments with imposing wide gables to the road. They are proposed of brick and tile, details of which have been provided. In the layout plan, drawing 21/615/04-B shows significant expanse of tarmac forecourt with some lawn and amenity planting. Boundary landscaping shows in all

cases, save for drystone wall to the site frontage, boundaries formed from post-and-rail fencing with native species hedge planting. This rather than close board fencing will allow a significantly more rural ambience to the development more befitting its rural edge location. Although the dwellings are large, they are in keeping with the character of the area in that this is predominantly an area of two storey dwellings. The proposal respects the existing established building line to the east and is acceptable in street scene and layout terms. The scheme therefore complies with Policy DC1 of the Local Plan.

- 7.18 Objectors have referred to the size and heights eg with reference to Pathways adjacent which has eaves at c.5.4m and ridge at c.7.7m. Finished floor level of plot 1 adjacent to Pathways is given as 263.9m AOD which closely corresponds with the existing ground levels at the front adj Pathways. The proposed 7.8m of the nearest adjacent ridge would thus be comparable although other factors will influence the overall appearance. For example being set forward relative to Pathways by between 4m and 5m would be likely to make the new development seem relatively more pronounced. The higher forward facing gables would also tend to be dominant.

Visual Impact

- 7.19 The site currently is attractive and well maintained with a mixture of stone wall and good native species hedgerows. An attractive stone squeeze stile conveys the public footpath through the rear hedgerow into the countryside beyond. The site is seen in full from the public road and from the public footpath approach from the SW. There would be a significant loss to the current sense of openness at this point. The characteristic of Kingsley Road is one of intermittent openness to which this site contributes significantly. Its development would result in a significantly extended un-broken run of developed road front in the approach to Cellarhead or journey out from Cellarhead and delaying the sense of release into the rural landscape. A suburban frontage to the road would replace that currently of rural field. The 2019 approved scheme is now the relevant base line and whilst there are some significant design differences and some increases in height and mass the increases are not considered so great as to be an unacceptable increase on the approved scheme. Accordingly compliance with Policy DC3 relating to landscape is achieved.

Amenity

- 7.20 Adequate amenity space and separation distances for privacy are achieved in this straightforward layout which is in broad alignment with the existing developments. Windows in the adjacent dwelling of Pathways have been assessed as secondary and the impacts therefore are acceptable in terms of overshadowing. There would be no breach of the 45 degree lines from the principal windows in the front or rear elevations of this dwelling. A separation distance in excess of 29m at the closest point will be achieved to the property on the opposite side of the road. This exceeds the Council's minimum standard

of 22m between opposing principal windows. A distance in excess of the 13m as set out in the Council's Supplementary Planning Document will be achieved between the side of plot 3 and the property at Sandfields. The proposal includes ample private amenity space for each dwelling of over 156sqm per plot and the Council's standards are therefore comfortably met. The proposal therefore complies with Policy DC1 in terms of amenity.

Ecology

- 7.21 No ecology survey has been submitted but this is not a protected site and the field grassland is the main habitat present and it is evidently agriculturally improved with an absence of species diversity. There would be a loss of frontage hedgerow and in the event of approval the bird nesting legal informative would be required. It may be appropriate to consider the possibility that badgers (a protected species) could occur passing through the site and a safeguard condition or informative should be attached. With the revised layout drawing 21/ 615/04-B a significant amount of new hedge planting is now incorporated. It would be appropriate to require by condition that the landscaping be completed within 12 months of the last of the dwellings to be substantially completed /occupied whichever is the earlier.

Sustainability of Location

- 7.22 For the avoidance of doubt and notwithstanding an objector's comments about schools and other services needing to be found in Leek, there are no issues as to the sustainability of this location with bus routes active on all roads converging at the cross roads for example.

Highways

- 7.23 Concerns raised by the residents may be understandable but the Highways Authority is satisfied that sufficient visibility can be achieved allowing for the 60mph zone at this point. In event of approval, conditions would be needed to require appropriate re-positioning of street furniture.

Other Matters

- 7.24 There would no doubt at some level be a loss of public amenity in terms of the quality and enjoyability of the access to the rural surroundings by way of the public footpath across the site – as raised in the representations. It would though be feasible to retain an access route as the plans show. A diversion order would need to be applied for by separate process under TCPA(1990) s.257. Additional details were sought on the form and height of boundary treatment to the proposed footpath and this can be stipulated and controlled by condition in order to reduce as much as possible the sense of the footpath becoming an enclosed alley corridor. Drawing 21/ 615/04-B shows post and rail

fencing with native species hedging. In response to objections raised, it is not necessary for the diversion to be obtained first, indeed the requirement in order to obtain a diversion to allow a development is that the planning permission should already have been granted. The committee needs to be satisfied that in planning terms a suitable diversion could be achieved. If for some reason a diversion were not granted (under the separate diversion order process) the approved development would not be able to go ahead in its current form.

- 7.25 A Grade II Listed Milepost close to the existing entrance to Sandfields is positioned just outside the submitted development boundary and would not be affected. Strict considerations apply in respect of heritage. For nearby Listed Buildings there is a statutory duty placed on the LPA, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the Listed Buildings affected, and their settings. An LPA can only discharge its duty if it has carried out a proper assessment of the impact on a Conservation Area and/or a Listed Building, is conscious of the duty and has demonstrably applied it in assessing the proposal. This assessment extends to setting – the surroundings in which a heritage asset is experienced. NPPF paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, “great weight should be given to the asset’s conservation”. Despite the development, the mile post would remain in its existing position at the edge of the roadside hedgerow and its significance historically as a marker of direction and distance for users of the public road would not be altered. The hedgerow backdrop to the mile post in turn would or could be retained at this point by condition. There is no conflict with Policy DC2 or the provisions of the NPPF in this regard.
- 7.26 It may be necessary to require an Air Quality assessment. Further comment on this from the Environmental Health Officer is awaited and will be reported at the meeting. It is recommended that Electronic Vehicle charging be provided to offset the pollution impact. This can be required by condition.

8. Conclusion and Planning Balance

- 8.1 The site lies within an area of Green Belt but is a site which the committee recently determined to be capable of development as ‘limited infilling in villages’ in accordance with NPPF 145(e) and therefore compliant with Local Plan policies SS8 and / or SS10.
- 8.2 Being found in all other matters acceptable and in accordance with the relevant local plan policy as discussed in the report and having due regard to all other matters raised the application is recommended for approval.

8 RECOMMENDATION

A. Approve subject to the following conditions:

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

Reason: To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be carried out in accordance with the details as submitted in the application form and submitted specifications and as shown in drawings:

21 615 06-A Location Plan

21 615 05-B street view

21 615 04-B proposed site

21 615 02-A proposed floor plans

21 615 01-A proposed elevations

Reason: To ensure that the development is carried out in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of doubt.

3. The external facing materials shall be as shown in drawing 21 615 01-A hereby approved including using Wienerberger 'Trentino' brick for the walls and Staffordshire blue tiles for the roofs and there shall be no variation without the prior consent in writing of the Local Planning Authority.

Reason: To ensure that the works are in keeping with adjacent development.

4. The development shall be implemented in accordance with the levels details as submitted in drawing 21 615 05-B and there shall be no variation in these levels without the written approval of the Local Planning Authority.

Reason: In order to ensure the satisfactory appearance of the development and its appropriate relationship to the site and adjoining land.

5. The existing established native species hedgerow along the south westerly edge of the site shall be protected from any risk of damage as a result of site work during the development and shall be retained for the life of the development.

Reason: In the interests of the appearance of the completed development in the landscape.

6. Within 12 months of the substantial completion and/or first occupancy whichever is the earlier of the last of the three dwellings to be developed the site landscaping and boundary treatments shall have been completed as shown on drawing 21 615 04-A and shall be retained for the life of the development and there shall be no variation unless otherwise agreed in writing by the Local Planning Authority. Any plants which die or are lost in the first five years following the completion of the planting shall be replaced with plants of the form and size as originally planted. The planting shall thereafter be allowed to grow and be maintained for the lifetime of the development.

Reason: In the interests of the appearance of the completed development in the landscape.

- 7. The development hereby permitted shall not be brought into use until**
- i) full details of the proposed vehicle access crossing, including dimensions, have been submitted to and approved in writing by, the Local Planning Authority. The access crossing shall thereafter be completed in accordance with the approved details and prior to the first use of development.**
 - ii) the visibility splay of 2.4mx105m to the east and 2.4mx67m to the west indicatively shown on plan 21/615/04-A have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.**

Reason: To comply with NPPF Paragraph 108; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety; to provide and maintain visibility.

- 8. No works to construct the access shall be commenced until details of the following highway works have been submitted to and approved in writing by the Local Planning Authority - relocation of the existing streetlight away from the proposed access point; the highway 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; in the interests of highway safety; to safeguard highway features.

- 9. The development hereby permitted shall not be brought into use until details of the following highway works have been submitted to and approved in writing by the Local Planning Authority: - replacement, relocation, raising and/or reconfiguration of the Advance Direction Sign currently in the visibility splay to the west of the access on replacement posts; - treatment of widened footway in areas where footway is shown as being widened to accommodate the visibility splays; The highway 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; in the interests of highway safety; to safeguard highway features; to provide and maintain visibility.

- 10. The hedge on the frontage of the overall site shall be maintained in line with the rear of the footway such that it does not grow over the footway.**

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

- 11. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plans. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.**

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

Local Plan policy T1 and T2; to improve conditions for pedestrians.

12. The dwellings shall each be provided with electric vehicle charging points prior to their first occupation.

Reason: in the interests of sustainable development

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Classes A; B; C; D; E; F and G and/or Part 2 Classes A; B and C, other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area and the Green Belt.

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

1. This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

2. The application has been determined in accordance with Policies: SS1; SS2; SS8; SS10; SD1; SD3, SD4; H1; DC1; DC3; C1; C3, NE1, NE2 and T1 of the Local Plan and with the NPPF.

3. Low coal risk area informative

4. Highways informative

5. Ecology informative – protected species including nesting birds

6. Public Right of Way footpath diversion order informative

10. APPENDICES TO THE REPORT

10.1 The link below to the Council's website is where the detail of this application can be viewed.

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=150885>

