

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**27 January 2022**

Application No:	SMD/2020/0197	
Location	Butchers Arms, Cheadle Road, Forsbrook	
Proposal	Construction of 1no. 4 bedroom house and 2no. 3 bedroom houses	
Applicant	Mr Jack Nuttall	
Agent	Mr Gary Deffley	
Parish/ward	Forsbrook	Date registered: 15/04/2020
If you have a question about this report please contact: Ailsa Berry, tel: 07583122644, email: <a href="mailto:ailsa.berry@highpeak.gov.uk">ailsa.berry@highpeak.gov.uk</a>		

## **REFERRAL**

The application is before committee as the application, as originally submitted, received a significant number of objections from members of the public.

### **1. SUMMARY OF RECOMMENDATION**

<b>APPROVE subject to Conditions</b>
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### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The application site comprises an irregular shaped vacant plot of land that is located to the north of Cheadle Road, within the village of Forsbrook. The land formerly comprised a beer garden and children's play area associated with the adjacent public house. The land comprises a mix of hardstanding and grass that has become overgrown since its former use ceased. Trees have self-seeded within the plot whilst 3no. unprotected mature trees are located adjacent to the western boundary of the site. The land slopes downwards from east to west.

2.2 To the west/southwest of the application site is the Butchers Arms public house and its car park. To the north (rear) is a detached bungalow that fronts onto East Bank Ride (No. 1A) that was constructed in the 1980s as an infill development. To the east of the application site is a pair of semi-detached dormer bungalows that front onto East Bank Ride (No. 2 & 4), and to the south is Cheadle Road.

2.3 The application site is located within the village of Forsbrook.

### **3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL**

3.1 Full planning permission is sought for the erection of 1no. 4-bedroom dwellinghouse and 2no. 3 bedroom dwellinghouses.

3.2 The application had originally been submitted for the erection of 2no. 2 bedroom dwellinghouses and 2no. 3 bedroom dwellinghouses. However, concern was raised by the Planning Officer in respect of an overdevelopment of the plot and the scale of the development when viewed from the street scene. Therefore amended plans were received to overcome these concerns.

3.3 Details of the application can be viewed at:

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=134425>

#### **4. RELEVANT PLANNING HISTORY**

4.1 A pre-application query was submitted to the Council for the construction of 4no. dwellinghouses on the plot. A favourable response was given, with the Planning Officer advising of some tweaks to the scheme.

#### **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
- SS1a Presumption in Favour of Sustainable Development
- SS2 Settlement Hierarchy
- SS8 Larger Villages Area Strategy
- H1 New Housing Development
- DC1 Design Considerations
- T1 Development and Sustainable Transport
- NE2 Trees, Woodlands and Hedgerows
- SD4 Pollution and Water Quality

##### National Planning Policy Framework (NPPF) Revised (2019)

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

- 2: Achieving sustainable development
- 5: Delivering a wide choice of high quality homes
- 4: Decision making
- 9: Promoting sustainable transport
- 12: Achieving well-designed places
- 15: Conserving and enhancing the natural environment

## 6. CONSULTATIONS

### Received in Respect of 4no. Dwellings (First Round of Consultation)

#### Public response to consultation

6.1 25 different people commented on the application, who raised the following concerns in respect of the proposed development:

#### Highways

- It will result in extra congestion on a narrow residential street and more traffic complaints.
- The surrounding roads are in a poor state of repair. The lorries needed to deliver machinery and materials, and the vehicles of those living at the new houses, will worsen the current situation.
- The proposed access will remove existing on-street parking spaces on an already congested road and affect an existing turning area.
- The development will lead to more vehicles parking on East Bank Rise, especially when they have visitors, as no visitor parking is proposed.

#### Character/Design

- The dwellings will be out of character with the adjacent bungalows.
- The development will infill a break in development along Cheadle Road between the public house and the houses on East Bank Rise.
- Loss of an area of green space that is important for wildlife. Bats are known to exist in the surrounding area.
- The character of the adjacent public house will be destroyed by the new housing.
- The land is elevated above Cheadle Road. The construction of two-storey properties here will be unnatural and ridiculous.

#### Amenity

- The development will increase the number of noise complaints due to the proximity of the properties to the adjacent public house that hosts live bands and karaoke.
- One of the houses is in very close proximity to No. 2 East Bank Rise; it will overshadow their property, causing a significant loss of light and privacy.
- One of the proposed dwellings will adversely affect the privacy of a bedroom in a dwellinghouse on Cheadle Road.
- Residents of East Bank Rise will be disturbed by construction vehicles, increasing air pollution.
- Overshadowing of both No. 1A and No. 2 East Bank Rise, leading to a loss of light.
- Occupants in vehicles accessing the site will be within close proximity of No. 1A East Bank Rise and at an elevation height, impacting on their privacy.

#### Drainage/Flooding

- Impact of the development on existing sewerage/drainage systems, that cannot cope with current capacity.

- The existing drainage system needs upgraded to cope with additional houses.
- Flooding occurs on the Butchers Arms car park and extra houses will worsen this problem.

#### Other

- Existing schools cannot cope.
- Why are more houses needed in the area after 200 houses were approved at Blythe Vale?
- The siting of the proposed access is subject to the owner of No. 2 East Bank Rise's application for possessory title for the land. Officer Comment: An amended Certificate B was submitted by the applicant and notice was served on No. 2 East Bank Rise. Planning permission can be granted on land not within the applicant's ownership, but without agreement from such a landowner, a development cannot be constructed.
- It is unclear from the submitted plans which trees are to be retained and which are to be felled.

Of the 25 people who raised concerns, 4 stated they had no objection in principle to the proposed development, but raised concerns regarding other matters, such as drainage and access.

#### **Forsbrook Parish Council**

6.3 Forsbrook Parish Council object to this application on the following grounds:

- Visual open space - This green space provides a break in the built up street scene of the area.
- The Parish has already accommodated over 200 houses in the form of the St Modwen Development.
- Position in relation to the public house - It is inappropriate for houses to be sited in this close proximity to a public house.
- Highways issues - The access will be in between two current dwellings. The amount of traffic added to a very small estate road (made purely of bungalows) will overload the road. The road surface of East Bank Ride is in a very poor state. The Parish have asked the Highway Authority on several occasions to improve the surface of the road but have been told by SCC that it is a low priority. How can any more traffic be added to a road which has such a low priority in terms of maintenance.

#### **SCC Highway Authority**

6.4 No objection, subject to the inclusion of conditions and an Informative.

#### **AES Waste**

6.5 No issues in relation to waste collection. Note that bin storage is not shown on the submitted drawings.

## **Severn Trent Water**

6.6 Has no objection to the application subject to the inclusion of a condition requiring the submission of drainage plans for the disposal of foul and surface water.

## **Environmental Health**

6.7 Recommend refusal of the proposed application due to insufficient information being provided to address noise impacts from the pub and road on future residential occupiers.

## **Received in Respect of 3no. Dwellings (Second Round of Consultation)**

### **Public response to consultation**

6.8 7 people commented on the revised scheme of 3no. dwellinghouses, on the following grounds:

#### Highways

- Existing road heavily congested and poorly maintained.
- HGVs will further damage an already poor road surface.
- Parking and access for existing residents already an issue with delivery drivers not being able to get through.

#### Amenity

- Part of the proposed access will infringe on No. 2 East Bank Rise, taking away their privacy and light, as well as affecting other properties.
- The occupiers of the dwellings will have to keep their windows shut to comply with the noise levels, which is unacceptable.
- The dwellings will be adversely affected by noise and the acoustic fencing will be ineffective.
- Already experience noise nuisance from vehicles using Cheadle Road and their property is sited further away from the road than the proposed houses.
- The proposed houses do not follow the building line on East Bank Ride, leading to a loss of light and overshadowing of adjacent houses.
- The property closest to my bungalow has been moved forward and now complies with the 45 degree guidelines. However the height of the property remains the same and as it has been moved further forward will tower above the side of my bungalow. This will lead to even more loss of light to my side windows to the kitchen and dining area and I would argue the rear bedroom windows and rear garden also.

#### Character/Design

- Out of character with the existing bungalows.
- Two-storey properties will look ugly and out of place when viewed from Cheadle Road and East Bank Ride.

#### Drainage/Flooding

- Issues previously raised in respect of flooding still stand.

Other

- The proposed access will occupy land owned by No. 2 East Bank Ride.

### **Environmental Health**

6.9 The Environmental Health Department has no objection subject to conditions being applied to any permission granted.

### **SCC Highways Authority**

6.10 No objection, subject to the inclusion of conditions and an Informative.

## **7. OFFICER COMMENT AND PLANNING BALANCE**

7.1 The main issues relate to:

- Whether the proposal is acceptable in principle.
- Impact on the character and appearance of the surrounding area.
- Impact on neighbouring amenity and the amenity of future occupiers.
- Impact on highway safety.
- Impact on existing trees.

### Principle of Development

7.2 Paragraph 11 of the National Planning Policy Framework (NPPF, 2021) promotes a 'presumption in favour of sustainable development'. For decision makers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless: i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

7.3 Paragraph 8 of the NPPF (2021) identifies three dimensions to sustainable development as being economic, social and environmental. In accordance with policies SS1 and 1a of the Staffordshire Moorlands Local Plan, the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible, enhancing the environment. When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (2021).

7.4 The application site is located within the Development Boundary of Blythe Bridge; a 'larger village' as identified by Local Plan policies SS2 and SS8. Policy SS8 comprises the Area Strategy for the larger villages which seeks to retain and enhance their role as rural service centres, providing for the bulk of the housing requirement of the rural areas and also for employment needs of a scale and type appropriate to each settlement having regard to infrastructure capacity and

character. The policy states that the Council and its partners will achieve this through a number of actions, including:

- *Meeting housing requirements by supporting the development of housing windfall sites within the village boundaries, subject to wider Local Plan policies.*

7.5 The application proposes the construction of 3no. open market dwellings within the Development Boundary of Blythe Bridge. The application site is therefore within a sustainable location and is considered acceptable in principle.

### Housing Policy

7.6 Policy H1 of the Local Plan (2020) outlines the policy approach to new housing within the District. The policy states at (4) that *'housing development on sites not allocated for such purposes in Policy H2 will be supported as follows: (a) Within the Development Boundaries of the towns and larger villages, residential development and development on unidentified (windfall) sites will be permitted, subject to compliance with the Spatial Strategy and wider Local Plan policies'*.

7.7 The application site is located within the larger village of Blythe Bridge and comprises a small-scale 'windfall' housing site. The proposed development therefore complies with policy H1 of the Local Plan (2020).

### Impact on the Character and Appearance of the Area

7.8 Policy DC1 of the Local Plan (2020) refers to design and seeks to secure development of a high quality which is designed to add value to the area and to respect the site and its surroundings. New development should promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.

7.9 Paragraph 130 of the NPPF (2021) requires the design of a development to add to the overall quality of an area, by being sympathetic to local character and by being visually attractive as a result of good architecture.

7.10 The application originally proposed 4no. detached two-storey dwellings. However, concern was raised by the Planning Officer that this would represent an overdevelopment of the plot and the 2no. dwellings sited adjacent to No. 1A East Bank Ride would appear overly prominent when viewed from the street scene due to their height.

7.11 Revised plans were therefore submitted that reduced the number of dwellings from 4 to 3 and the height of the dwellinghouse adjacent to No. 1A East Bank Ride was lowered. The proposed dwellinghouses now comprise 2no. two-storey detached three bedroom dwellings and 1no. two-storey detached four bedroom dwellinghouse.

7.12 The housing development will be accessed from East Bank Ride, adjacent to No. 1A and No. 2 East Bank Ride. The 2no. three bedroomed dwellings will be sited adjacent to No. 2 East Bank Ride, with the closest dwelling stepped back from the

front elevation of the neighbouring property by approximately 9 metres. The proposed dwellinghouse will also be stepped back from the front elevation of No. 2 by approximately 5 metres. The land slopes downwards from west to east and therefore the proposed dwellinghouse adjacent to No. 2 will be approximately 1.1 metres higher, whilst the next proposed dwellinghouse will be approximately 1.1 metres lower.

7.13 The 2no. three bedroom dwellinghouses will be identical in appearance, with a forward projecting single storey to the front elevation and a forward facing gable with a ground floor bay window. The dwellings will have a pitched roof and will be constructed of red brick with grey concrete pantiles.

7.14 The proposed 4 bedroom detached dwellinghouse will be sited at a right angle to the 2no. three bedroom dwellings, so that its side elevation will be adjacent to No. 1A East Bank Ride. The dwellinghouse will be stepped back from the front elevation of No. 1A by approximately 8 metres and will be positioned on a lower ground level. The proposed dwellinghouse will have a horizontal emphasis, thereby reducing its overall height. It will have the appearance of a double fronted property with a centrally positioned front door within a forward projecting gable. The dwellinghouse will have a pitched roof covered in grey concrete pantiles. It is unclear what material the external walls of this property will be constructed of, but materials can be conditioned to be approved.

7.15 Concern has been raised by the Parish Council and local residents that the development is out-of-character with the surrounding area as it proposes two-storey houses rather than bungalows; it will have a detrimental effect on the character of the adjacent public house; the proposed houses will be prominent when viewed from Cheadle Road and be out-of-character; and they will infill an area of open space that provides a gap between the public house and the bungalows on East Bank Ride.

7.16 The proposed dwellings will be set back and set down from the level of East Bank Ride, thereby reducing its visual prominence from the street scene. The height of the proposed dwellings are not overly tall in comparison to the bungalows on either side and the reduction in the height of the dwellinghouse located adjacent to No. 1A East Bank Ride will ensure that it does not appear unduly tall when viewed from along East Bank Ride.

7.17 East Bank Ride contains detached and semi-detached bungalows and dormer bungalows. It is recognised that the proposed development will comprise two-storey properties and therefore they will not reflect the character of the immediate surroundings. However, given the set back of the plot in a corner position, with a lower ground level, it is not considered that the proposed dwellings will be read as part of the street scene. In this regard, the provision of two-storey dwellings is considered acceptable.

7.18 Cheadle Road forms the southern boundary to the application site. It is recognised that the proposed dwellings are likely to be partially visible above the boundary treatment when travelling along the road. However, the development will be viewed as part of the built-up area of Forsbrook and will not adversely affect the urban character of Cheadle Road.



7.19 It is proposed to erect acoustic fencing to the southern boundary fronting onto Cheadle Road, as well as along the western boundary shared with the public house. The provision of two-metre high fencing along Cheadle Road will not adversely affect the character or appearance of the street scene as numerous boundary treatments along this section of the road comprise closed boarded fencing of a similar height, immediately adjacent to the carriageway or set back behind a grass verge. The provision of more fencing in this location will therefore reinforce the existing character.

7.20 It is proposed to erect a 3-metre high acoustic fence along the boundaries shared with the public house, but it will not extend in front of the existing mature trees along the western boundary. The proposed fencing will be largely obscured from the road by the existing public house, with just a small section visible adjacent to the external terrace. However the public house's car park comprises a Public Right of Way (PRoW) and therefore the acoustic fencing will be visible to users of the PRoW and the adjacent playing area to the northwest. An existing closed boarded fence of approximately 1.8 metres in height together with double wooden gates of approximately 2 metres in height form the boundary treatment adjacent to the public house's external terrace. An increase in part of this fence to 3 metres in height is not considered to adversely affect the visual amenity of the area, particularly given the backdrop of a public house's car park.

7.21 The proposed development therefore complies with policy DC1 of the Local Plan (2020) and the NPPF (2021).

#### Impact on Neighbouring Amenity

7.22 Local Plan policy DC1 and paragraph 130(f) of the NPPF (2021) seek to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

7.23 Policy SD4 of the Local Plan (2020) and chapter 15 of the NPPF (2021) seek to protect people and the environment from unsafe, unhealthy and polluted environments by ensuring proposals avoid potential adverse effects and only permitting proposals that are deemed to result in pollution if after mitigation, potential adverse effects are deemed acceptable.

7.24 Neighbours have raised concern that the proposed development will adversely affect the amenity of No. 1A and No. 2 East Bank Ride due to the siting, scale and proximity of the two-storey houses to these bungalows; a loss of privacy to a dwellinghouse on the opposite side of Cheadle Road; that the construction of the dwellings and the associated use of East Bank Ride by construction vehicles will affect amenity; and the impact on future residents from the noise of the public house who host live music and karaoke.

7.25 No. 2 East Bank Ride comprises a semi-detached dormer bungalow sited adjacent to the eastern boundary of the application site. The dormer bungalow is located on a higher ground level than the application site. The first floor accommodation is served by a centrally positioned bedroom window within its southeastern side elevation that overlooks the application site. Ground floor

openings are also positioned in this side elevation however, they are either secondary or non-habitable rooms and they are largely obscured by an existing closed boarded fence. A car port is attached to the side elevation of the dwellinghouse and a detached single storey flat roofed garage is positioned in the rear garden and is located along the boundary shared with the application site.

7.26 The Planning Officer visited No. 2 East Bank Ride to assess the impact of the proposed development on the amenity of this property. It was noted during this site visit that the dwellinghouse closest to No. 2 would cross the 45-degree line when measured from the bedroom window within the rear elevation. A revised drawing was therefore submitted that re-sited the proposed dwellinghouse so that the 45-degree line would not be crossed, whilst also not obscuring the first floor bedroom window within the side elevation of the property. Whilst a view of the nearest proposed dwellinghouse will be visible from the first floor bedroom window within the side elevation of No. 2, this will be an oblique view and therefore it will not have an adverse impact on the amenity of this property. Compliance with the 45-degree line ensures that the proposed dwellinghouse will not have an overbearing effect or result in a loss of light.

7.27 The front elevation of the proposed four bedroom detached dwellinghouse will face towards the side elevation of No. 2 East Bank Ride. However, a distance of 25 metres will be maintained, thereby exceeding the separation distance outlined in the Space About Dwellings SPG. The proposed 4 bedroom dwellinghouse will therefore not adversely affect the privacy or amenity of No. 2 East Bank Ride. The other dwellings will be gable end on to this property and raise no other privacy issues

7.28 No. 1A East Bank Ride comprises an infill detached bungalow that was constructed in the 1980s. The Planning Officer visited this property to assess the impact of the proposed development on its amenity. No. 1A is sited adjacent to the northern boundary of the application site and will be located adjacent to the proposed 4 bedroom detached dwellinghouse. No. 1A is located on a higher ground level than the application site. 1no. window is positioned in the side elevation of No. 1A that faces towards the application site. However, this is not a principal window. The proposed 4 bedroom detached house will comply with the 45-degree line in respect of No. 1A East Bank Ride and it will be positioned on a lower ground level. The proposed dwellinghouse will therefore be approximately 1.1 metres higher than the adjacent bungalow. A bi-fold door is proposed in the gable elevation facing no.1A but due to the ground levels and boundary fence no overlooking will occur. It is for these reasons that the proposed development will not adversely affect the amenity of No. 1A East Bank Ride.

7.29 It is noted that the proposed development will result in vehicles using a proposed access that will be created between No. 2 and No. 1A East Bank Ride. However, a sufficient gap will be maintained between the access and each dwellinghouse; the dwellings already experience vehicle noise from those using East Bank Ride; and the development is for three dwellings which will generate a low number of vehicle movements. In addition, the application site was previously used as a beer garden and children's play area associated with the adjacent public house. The adjacent dwellings were therefore previously subjected to noise that would've been more significant than that associated with the occupation of 3no. dwellings. It is

for these reasons that the proposed development will not adversely affect the amenity of neighbouring properties from vehicle noise.

7.30 No. 58 Cheadle Road faces towards the application site. A gap of 32 metres will be maintained between the front elevation of No. 58 Cheadle Road and the rear elevation of the proposed dwellinghouse it would directly face, exceeding the separation distances outlined in the Space About Dwellings SPG. The proposed development will therefore not have a detrimental effect on the amenity of this property.

7.31 In terms of the future occupants of the proposed dwellings, both house types exceed the minimum floorspace criteria as detailed in the Nationally Described Space Standards. Each dwellinghouse will also have an area of private amenity space that significantly exceeds the minimum requirement of 65 square metres, as defined by the Space About Dwellings SPG.

7.32 Concern was originally raised regarding the proximity of the 2no. dwellinghouses to the mature trees along the western boundary of the site that are to be retained. It was felt that the trees would have an overbearing effect on the amenity of these properties and result in future pressure to fell them. The revised scheme proposes one dwellinghouse rather than two in this location, resulting in a larger area of private amenity space. In addition, the proposed dwellinghouse has been sited further away from the existing trees. This is considered to have overcome the initial concerns.

7.33 The application site is located adjacent to a public house and its beer garden and car park. Environmental Health initially raised concern with the proposed development as no information had been submitted in respect of noise.

7.34 An Acoustic Report was submitted to support the planning application that was reviewed by Environmental Health. A site plan was also submitted to indicate the precise positioning of acoustic fencing, recommended by the report.

7.35 Environmental Health made the following comments in respect of noise:

*'A revised noise assessment has been submitted with this application, it has been conducted by Noise Air ref. P4846-R1-V2. To accompany this a acoustic fencing scheme has been submitted, drawing no. JMD627-01D. The assessment determines that the proposed mitigation implemented that good standard of amenity would be achieved. The mitigation set out in the noise assessment should be implemented in full and a pre-completion sound test should be undertaken to prove compliance with the current sound insulation standard BS8233:2014.'*

7.36 In respect of other matters, Environmental Health made the following comments:

*'Contamination: The site has been used as pub since at least 1880. There may be some previous contamination associated with this previous use in the form of made ground (former buildings), hydrocarbons, boilers, asbestos etc.'*

*Although the level of contamination is unlikely to affect the viability of the development, as the site is going to a sensitive end use, a contaminated land investigation should be undertaken to ensure the development is not affected by contamination and suitable for its proposed use. Conditions are recommended.*

*Lighting: Condition.*

*Construction Impacts: Condition'*

7.37 Concern has been raised by residents that the proposed development will affect their amenity from an increase in construction vehicles using East Bank Ride and noise from the construction of the dwellings. Noise generated from these sources is inevitable. However, the construction phase is temporary and noise can be reduced by conditioning the timings of works and the timing of deliveries.

7.38 Subject to the imposition of conditions, the proposed development will comply with policies DC1 and SD4 of the Local Plan (2020) and the NPPF (2021) in respect of amenity.

#### Highway Safety

7.39 Policies DC1 and T1 of the Local Plan (2020) seek to achieve a level of parking and an access that is appropriate to the development it serves.

7.40 Concern has been raised by the Parish Council and local residents that the proposed access to the development will result in the displacement of on-street parking spaces and a turning area, on an already congested narrow road; that construction vehicles associated with the proposed development will damage a road that is already in a poor state of repair; insufficient parking will be provided for the proposed houses; no visitor parking will be provided for the proposed houses; and more vehicles parking on East Bank Ride will result in highway safety issues.

7.41 The Highway Engineer has assessed the application and made the following comments:

*'East Bank Ride and Brookgate serve an existing residential area. This application will increase the number of dwellings served by 3. This is not a significant number and will not have a severe effect on the highway.*

*Current records show that there were not any Personal Injury Collisions on East Bank Ride, Brookgate or within 43 metres either side of the junction on Dilhorne Road for the previous five years.*

*The driveway for the three dwellings would not be adopted as highway. It will be necessary to prevent surface water flowing from East bank Ride onto the driveway. Levels on the site plan suggest there may be a high point just beyond the highway boundary. If so this will need to be confirmed. If not, alternative drainage will be required.*

*Kerbline from East Bank Ride to the revised dwelling seems to connect directly into the front of the dwelling. It is not clear how the access is delineated in front of the revised dwelling towards the southernmost dwelling. It is not clear what the black line is parallel to the side of the revised dwelling. Layout gives the impression that the car parked in front of the revised dwelling may appear to be conflict with the parking area of the southernmost dwelling.'*

7.42 The Highways Engineer raises no objection to the proposed development subject to conditions in respect of:

- Completion of the access prior to occupation;
- Means of delineating the boundary between the public highway and private drive, and means of preventing surface water from East Bank Ride from flowing onto the private drive;
- Access, parking and turning areas to be provided in accordance with the approved plans and prior to the occupation of the dwellings;
- The access drive rear of the public highway to be surfaced in a bound material for a minimum of the first 5 metres.

7.43 The 2no. 3 bedroom dwellinghouses will provide 2 off-street parking spaces each, whilst the 1no. 4 bedroom dwellinghouse will provide 3 off-street parking spaces. These are shown on the submitted site plan and comply with the parking standards outlined in Appendix 2 of the Local Plan (2020). Sufficient off-street parking will therefore be provided for the proposed development.

7.44 Issues in respect of the poor state of East Bank Ride and the use of the road by HGVs will lead to further deterioration is a matter for Staffordshire County Council Highways Department who are responsible for the maintenance and upkeep of adopted highways.

7.45 Subject to the imposition of the Highway Engineer's conditions, the development will comply with policies DC1 and T1 of the Local Plan (2020) and the NPPF (2021).

#### Impact on Existing Trees

7.46 Policy NE2 of the Local Plan (2020) seeks to protect existing trees, woodlands and hedgerows from loss or deterioration. This will be achieved by requiring them to be retained and integrated within a proposed development unless the need for and benefits of the development clearly outweigh their loss. It goes on to state that the Council will refer to its adopted Tree Strategy in the consideration of proposals and will seek to retain as many trees and as much hedgerow on site as possible.

7.47 Policy 2.2.6 of the Council's adopted Tree Strategy states that *'the Council will not normally grant planning permission for development proposals which directly or indirectly threaten trees of significant amenity unless there is overriding justification to do so'*.

7.48 The application site contains a number of self-set trees that are of no amenity value and are proposed to be removed. No objection is raised in this regard.

7.49 To the western boundary of the site there are 3no. mature trees that are visible from the street scene. These trees are not TPO protected but are to be retained as part of the development proposals. Subject to conditions requiring the submission of a tree protection plan indicating the position of protective fencing during construction, no objection is raised.

7.50 To the southern boundary of the site, adjacent to Cheadle Road, the site is bounded by a privet hedge. The submitted site plan indicates that this hedge is to be retained. However, the submitted Acoustic Survey requires the erection of a two-metre high closed boarded acoustic fence to part of this boundary. The submitted drawing indicates that the hedge will still be retained behind the proposed acoustic fence, but it is unlikely this will be possible in reality. The loss of part of the hedge should therefore be off-set by additional planting within the application site and can be conditioned as part of a landscape scheme.

7.51 Subject to the imposition of conditions, the proposed development will not have an adverse effect on existing trees and hedgerows within the application site. The proposed development will therefore comply with policy NE2 of the Local Plan (2020) and the NPPF (2021).

#### Other Considerations

7.52 Local residents have raised concern regarding existing flooding that occurs in the vicinity of the site and the lack of capacity of the existing drains. They consider the proposed development will exacerbate these existing problems.

7.53 The land to the southwest/west of the application site contains a stream and the area surrounding the stream, including parts of the public house's car park, the public house itself, Cheadle Road, and other areas further to the northwest, west and south fall within Flood Zones 2 and 3. These areas are known to flood and therefore it is not surprising that residents have stated that flooding is an issue experienced in the surrounding area.

7.54 Severn Trent Water has assessed the planning application and raised no objection to the proposed development and therefore they do not share the same view in respect of drainage capacity as the local residents. They do however, require a condition for the submission and approval of a scheme for the disposal of foul and surface water prior to the commencement of development, to ensure that the most appropriate means of drainage are employed on the site. Subject to the imposition of such a condition, it is not considered that the proposed development will lead to an increase in flooding.

#### Planning Balance & Conclusions

7.55 The application site is located in the larger village of Blythe Bridge whereby small scale windfall housing developments are acceptable in principle.

7.56 No objection is raised to the proposed development by highways, subject to conditions and the submission of an Acoustic Report has satisfied Environmental Health, subject to conditions.

7.57 The submission of revised drawings amending the scheme to 3no. dwellings; altering the scale and siting of the dwellinghouse closest to No. 1A East Bank Ride; and altering the siting of the dwellinghouse adjacent to No. 2 East Bank Ride, has overcome the Planning Officer's concerns in respect of density, impact on neighbouring amenity and prominence within the street scene.

7.58 The housing development will be located within a corner of East Bank Ride, with the dwellinghouses set back and set down from the level of the road. It will therefore be read as an individual development, rather than an extension to the existing street scene. The provision of two-storey dwellings in this location is therefore considered acceptable.

7.59 The construction of acoustic fencing, with the appearance of a domestic closed boarded fence, will reflect the other closed boarded fences positioned along the back edge of Cheadle Road. The acoustic fence adjacent to the public house will be largely screened from the street scene and will not appear out-of-character when viewed from the PRow or the adjacent open space, as an existing closed boarded fence of a lower height already forms the boundary treatment and it will be viewed against the backdrop of the public house's car park.

7.59 The existing mature trees along the western boundary are to be retained. The revised drawings have resulted in the dwellinghouse closest to these trees being sited further away and the number of dwellings have been reduced, resulting in a larger garden area. It is likely that part of the hedge fronting Cheadle Road will be lost due to the construction of the acoustic fencing. However, replacement planting can be conditioned via the landscaping scheme.

7.60 The proposed development has raised concerns from the Parish Council and local residents. However, for the reasons outlined above, the application complies with the policies in the Local Plan (2020) and the NPPF (2021). The application is accordingly recommended for approval.

## **7 RECOMMENDATION**

### **A. That planning permission be APPROVED subject to 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 permitted shall be carried out in accordance with the following approved plans:**
  - Site Location Plan**
  - JMD 627-01D**
  - JMD 627-02**
  - Type 3 House and Street View**

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

- 3. Prior to the external walls of the dwellinghouses hereby approved being constructed, samples/details of types and colours of all facing materials and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason:- To ensure that the external appearance of the development is satisfactory.**

- 4. The development hereby permitted shall not be commenced until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s), have been submitted and approved in writing by the Local Planning Authority. 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 relationship to adjoining properties.**

- 5. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.**

**Reason:- This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.**

- 6. Prior to the walls of the dwellinghouses hereby approved being constructed, a comprehensive landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include full details of all new trees, shrubs and any other planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting. The landscaping scheme so approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees and shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.**

**Reason:- In the interests of the visual appearance of the development and the amenities of the area.**

- 7. Prior to the construction of the external walls of the dwellings hereby approved, details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**



**Reason:- In the interests of the visual appearance of the development and the amenities of the area.**

- 8. Prior to the commencement of development (including any site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access) temporary tree protection barriers and advisory notices for the protection of the existing trees to be retained shall be erected in accordance with a site location plan to be submitted to and approved in writing by the Local Planning Authority and in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. The fencing shall be retained in the position as agreed on the site location plan for the duration of the period that development takes place, unless otherwise agreed in writing by the Local Planning Authority. Within the fenced areas, there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed by the Local Planning Authority.**
- Reason:- To ensure the continued well-being of the existing mature trees along the western boundary of the site.**

- 9. No phase of the development hereby permitted shall 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:-**
- I. 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;**
  - II. the arrangements for prior notification to the occupiers of potentially affected properties;**
  - III. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;**
  - IV. 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;**
  - V. a scheme for recycling/disposal of waste resulting from the construction works;**
  - VI. the parking of vehicles of site operatives and visitors;**
  - VII. the loading and unloading of plant and materials;**
  - VIII. the storage of plant and materials used in constructing the development;**

**IX. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works;**

**X. 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,**

**XI. 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.**

**10. Development shall not commence until;**

**i. a site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, in accordance with a scheme to be agreed with the Local Planning Authority. Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority.**

**ii. If the site risk assessment(i) indicates that potential risks exist, development shall not commence, until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared, and is subject to the approval in writing by the Local Planning Authority.**

**iii. 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.**

**iv. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.**

**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.**

**11. No top 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.

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

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

13. (i) No dwelling within the development hereby permitted shall be occupied until any works to that dwelling included in the approved sound insulation scheme (Noise Air Report P4846-R1-V2 Issue Date: 3rd November 2021 Document Status: Version 2) have been completed. Pre-completion tests shall be carried out to verify compliance with this scheme and a report shall be produced containing the results, including all raw data and showing how calculations have been made and shall be submitted to and approved in writing by the Local Planning Authority.

(ii) Full details including specification and positioning of a site boundary acoustic barrier shall be submitted to and approved prior to first occupation of the approved residential units hereby permitted.

Reason:- To protect occupiers from noise and safeguard their residential amenities.

14. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed.

Reason:- To comply with NPPF 2021 Paragraph 110; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety.

15. Notwithstanding any details shown on the approved plans no development shall be brought into use until revised access details indicating the following have been submitted to and approved in writing by the Local Planning Authority:

- means of physically delineating the boundary between public highway and the private drive on the carriageway;
- means of preventing surface water from East Bank Ride flowing onto the private drive;

**The access shall thereafter be carried out in accordance with the approved details and be completed prior to first occupation and shall thereafter be retained as such for the lifetime of the development.**

**Reason:- To comply with NPPF 2021 Paragraph 110; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety.**

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

**Reason:- To comply with NPPF 2021 Paragraph 110; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety.**

**17. 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 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 2021 Paragraph 110; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety.**

**18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as may subsequently be amended or re-enacted) no extensions, alterations or buildings within the site curtilage normally permitted by Classes A to E of Part 1 Schedule 2 to that Order shall be carried out unless a further planning permission has first been granted on application to the Local Planning Authority.**

**Reason: In the interests of residential amenity given the constrained nature of the site, the differences in levels and the proximity of existing mature trees.**

**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.**

# Site Location Plan

