

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

17 February 2022

Application No:	SMD/2020/0730	
Location	Land at Milltown Way, Leek	
Proposal	Reserved Matters application seeking approval of the details of appearance, layout, landscaping and scale relating to a development of 25 dwellings at land off Milltown Way, Leek.	
Applicant	Gladman Developments	
Agent	Gladman Developments	
Parish/ward	Leek	Date registered: 8 January 2021
If you have a question about this report please contact: Ailsa Berry, tel: 07583122644, email: ailsa.berry@highpeak.gov.uk		

REFERRAL

The application is before the committee as committee determined the previous Outline application at the site (SMD/2016/0413). Members refused the Outline application but permission was allowed on appeal.

1. SUMMARY OF RECOMMENDATION

APPROVE subject to Conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site comprises 6.19 hectares of greenfield land to the west and northwest of Milltown Way and to the south, west and northwest of Pickwood Recreation Ground. Leek town centre is located c.800m from the centre of the application site. The site is outside the Development Boundary of Leek and comprises pasture/meadowland divided by hedgerows with some mature trees and is generally characterised by hedged and wooded/woodland boundaries. It is located within the defined county landscape character type 'Dissected Sandstone Cloughs and Valleys'.

2.2 Pickwood Hall, a Grade II Listed Building, lies to the south-west of the application site.

2.3 The application site falls within the County-designated Ladydale Site of Biological Importance (SBI). The Ladydale SBI is designated for the species diversity of its agriculturally poor or semi-improved grassland and broadleaved woodland merging to the north and west and extending to c.24.5 hectares.

2.4 Existing vehicular and pedestrian access is gained from Milltown Way. This access point also provides the sole vehicular access to Pickwood Hall along a formal tree-lined approach.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 Outline planning permission (SMD/2016/0413) for 25 dwellings was allowed on appeal. All matters were reserved except for 'access', with the main entry point into the site being from Milltown Way. An internal road layout was also approved as part of the Outline permission.

3.2 This application seeks permission for the Reserved Matters of layout, scale, appearance and landscaping.

3.3 Details of the application can be viewed at:

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=143306>

4. RELEVANT PLANNING HISTORY

SMD/2016/0413 Outline planning application for up to 25 dwellings, with associated open space and community park, ecological management area, woodland planting and landscaping with all matters reserved except vehicular and pedestrian access
Refused 23/03/2017
Allowed on appeal 06/02/2018

SMD/2015/0407 Outline application for up to 90 dwellings, with associated public open space, ecological management area and landscaping, with all matters reserved except for access (resubmission of SMD/2014/0618)
Refused and dismissed at appeal.

SMD/2014/0618 Outline application for up to 90 dwellings, with associated public open space, ecological management area and landscaping, with all matters reserved except for access
Refused

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

- SS10 Other Rural Areas Strategy
- SD1 Sustainable Use of Resources
- SD3 Carbon Saving Measures in Development
- H1 New Housing Development
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodlands and Hedgerows
- T1 Development and Sustainable Transport

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
- 16: Conserving and enhancing the historic environment

6. CONSULTATIONS

Public response to consultation

6.1 Four comments have been received from members of the public; three objected to the proposed development and raised the following concerns/questions:

- I note that the plan attached to this application indicates that public access to the wildlife area will be granted through land owned by the applicants, on Wood Street. This mode of entry will additionally provide public access to land at the rear of the existing homes on Wood Street and Grosvenor Street. I would like to know what steps will be taken by this development to ensure that existing boundaries between land belonging to households and groups of households, such as gardens and waste ground, will be marked, and the private lands preserved from public access. I would like to know whose responsibility such boundary marking and preservation will become.
Planning Officer comment: The submitted landscape drawings indicate the no existing boundaries around the perimeter of the site will be altered. It is the responsibility of individual landowners to ensure that their boundaries are secure.
- A query concerning mature 'self-setter' trees, not subject to preservation order, located on the applicant's land immediately bordering waste ground to the south of Grosvenor Street, west of the recreation ground access pathway (which is land owned in common by multiple households on Grosvenor Street). It is unclear from the plans attached to this application whether the

applicant intends to leave those trees in place, or to replace them with new plantings referred to in the application. Residents would strongly prefer that the existing trees remain in place.

Planning Officer Comment: The landscape drawings indicate that this land will be a mixture of 'Community Park Grassland' to allow access to the community park from Wood Street, with the retention of existing trees adjacent. It would appear that some trees will be removed.

- I am against this, due to the disruption it will cause; wildlife, traffic, impact on schools and GP practices and many more reasons which I could go on and on with.

Planning Officer Comment: Outline planning permission was allowed on appeal for the proposed development, which considered all of the matters raised. These are not matters that can be debated as part of the Reserved Matters application, as the principle of the development has been deemed acceptable.

- I would like to question the consultation process that this application has gone through. Although my property is on the consultation list, I have only just been made aware of this proposal by accident, not because I have been contacted by the Council.

Planning Officer Comment: Neighbour notification letters were sent to numerous addresses, a site notice was displayed and the application was advertised in the local press. The consultation exercise undertaken on the application therefore meets the Council's statutory duty.

- I would also like to ask about the area marked as 'wet meadow grassland' in the open space on the Landscape Proposals. This area has what looks like structures on it but it is not clear what they are. This open space is overlooked by the houses to the west of the site's open space - on Wood Street and Moorfields - and it is unclear how much the open space will be effected by what is marked on the location plan.

Planning Officer Comment: No structures are shown on the submitted landscape drawing; it indicates proposed tree planting and the creation of the wet meadow grassland area involving a flood attenuation basin that was agreed as part of the Outline application.

- I would like to question how the boundary around the open space will be affected by the development. The area around the brook on the development's property line is unfenced and borders the bottom of the gardens on Moorfields/Wood Street which would be negatively affected by any fencing which would harm wildlife, shrubs and trees on the boundary. I would therefore object to any fencing being put up on the border.

Planning Officer Comment: The submitted landscape drawings indicate the no existing boundaries around the perimeter of the site will be altered.

6.2 The fourth comment received stated that Leek requires new detached builds to keep growing families in the area. The lack of new larger housing in the area is forcing families to move to neighbouring towns. This development is large enough to offer versatile housing but not too large to impact on local services.

Planning Officer Comment: The principle of the development has been established by the outline consent.

Leek Town Council

6.3 Leek Town Council commented: not unneighbourly.

SCC Highway Authority

First Response

6.4 Recommend Refusal:

A number of the plots rely on garages to meet parking standards. However, there are no details of any of the sizes or design of the garages in the application. Parking standards require a minimum internal dimension of 3m wide x 6m long. Scaling suggests garages may be of adequate size but scaling external dimensions on a 1:500 scale plan particularly when internal dimensions are required, shouldn't be relied on.

Internal visibility splays at driveways generally appear to have been considered. However, tree planting is shown within the visibility splay to plot 17 which will need to be reconsidered; and tree planting is shown at the access to the rear of plots 16, 18, 19, 20 which may grow into the visibility splay and at plot 2 which may grow into the visibility splays

Outline approval at appeal requires pedestrian and cycle links other than through the Milltown Way estate. I note these are to be provided later, but would this not impact on pedestrian layout within the site? There does not appear any potential connection of the internal pedestrian/cycle layout with any wider connection?

Second Response (following receipt of revised drawings)

6.5 No objection subject to Conditions.

AES Waste

6.6 No issues regarding waste collections. Note: No bin storage shown on plans.

SCC Flood Risk Officer

First Response

6.7 The Landscape Proposals drawing shows a different layout to those included in the Flood Risk Assessments submitted for the Outline application and cited in Condition 10. In addition, although there are no drainage details on the Landscape Proposals plan, it is not clear whether the previously proposed attenuation basin in the open space towards the north of the site remains, or whether the submitted plan

just lacks detail. In light of the above, we would recommend that permission is not granted until these issues have been resolved.

Second Response

6.8 We have reviewed the updated information and are satisfied with the information provided which demonstrates that the flood attenuation basin proposed as part of the drainage strategy will be situated in the open space towards the north of the site.

6.9 We note that as part of the Planning Appeal in February 2018, a number of conditions were attached relating to flood risk and the provision of a satisfactory drainage strategy (namely Paragraph 44 of the Planning Appeal and conditions 8, 10, 11 and 12 from paragraph 48 onwards). Whilst the overriding principles of the drainage strategy do not appear to have changed, a number of changes have been made to the development layout, including a reduction in the number of houses and the proposed surface water sewer. This may have an impact on the proposed drainage strategy. We would therefore like to clarify whether we can ask for updated details relating to these conditions at this stage of the planning process or whether these are to be reviewed at a later stage.

6.10 Planning Officer Comment: These details are subject to the conditions attached to the Outline permission and therefore will be dealt with by way of the submission of a discharge of condition application, not the Reserved Matters application.

SCC School Organisation Team

6.11 The Reserved Matters application details a development which is scheduled to provide all 25 of the dwellings expected from the original Outline approval. This Reserved Matters application is therefore in line with the relevant Unilateral Undertaking and the education contribution amount and terms should be calculated in line with this.

SMDC Housing Officer

6.12 The applicant hasn't submitted an Affordable Housing Statement but has provided an accommodation schedule and layout (drawing G/MTWL/CSL/01 revision B), which combined provide sufficient information.

6.13 The mix proposed by the applicant of 6 rent and 2 intermediate is in line with the agreed S106 agreement. The location of the affordable units is acceptable and property types A2 and F meet Nationally Described Space Standards.

Staffordshire Police

First Response

6.14 There is some indication that designing out crime considerations have been factored into the proposals. As such, Staffordshire Police are broadly supportive of

them, although not without some minor reservation, with recommendations provided to address a specific perceived layout weaknesses.

6.15 On a positive note, space appears to be well defined in the main with the housing arranged loosely in two largely outward facing blocks - the retention of two large trees, the sewer easement and need to provide buffers with existing development including Pickwood Hall being obvious constraints in this regard. The principle of rear gardens backing onto one another to provide mutual security has been employed reasonably well. The provision of habitable rooms at the front of properties and configuration of properties generally including some which are dual aspect allows for a reasonable level of natural surveillance within the development including over the road network and internal access roads. The connection to the community park extension should be well overlooked. Any subsequent formal footpath connection from this development to Pickwood Rec will also need to be well overlooked. A good standard of white light evenly distributed from street columns will be required to aid the natural surveillance that exists from properties and to assist with community safety. This should be supplemented by dwelling-mounted lighting at the front of the properties and over parking provision.

6.16 Set back garages and parking at the side of properties has necessitated that rear garden boundaries are in most cases well set back, even beyond the building line. Even so, at least the boundaries are 1.8m high and gating is provided to deny unauthorised access from the front to the rear gardens. Of note, the Proposed Boundary Treatment Details drawing suggests some with heights above 1.8m. Where rear access paths are shown on the drawings, these are gated at the entrance to the path (for example, adjacent to plot 18). The applicant will need to ensure these will be lockable with a key, operable from either side. The inclusion of some brick walls within the development is welcomed.

6.17 Of particular note within the detailed landscape proposals is the inclusion of some defensive buffer planting, especially the Hornbeam hedge for the garden boundaries surrounding the two large retained central trees and the planting along the developed eastern edge. Once established these should reduce opportunities for negative interaction with and opportunities for intrusion into these rear garden boundaries and in one case with a blank gable wall. Extending the Hornbeam hedge round to protect the blank gable wall of dwelling 17 should be considered.

6.18 Secured by Design Homes 2019 guidance recommends "Where parking is designed to be adjacent to or between units (as will be the case here), a gable end window should be considered to allow residents an unrestricted view over their vehicles". Alas there are a number of locations within this development where this will not be the case and parking at the side of certain properties will not be overlooked, which potentially assists criminal opportunity. This would seem to apply to the following plots – 3, 4, 5, 6, 8, 14, 21-22 and 25. It is recommended that some minor house type design amendments are undertaken to address this issue. The parking for plot 15 will not be overlooked from the property, but will benefit from natural surveillance provided by plot 3 opposite. The scope to extend this principle should be explored for the first floors (side elevations) of plots 18 and 25 to provide some informal surveillance opportunities over the strip of land between the new and existing Milltown Way developments and thus deter any anti-social behaviour that

this poorly overlooked area might conceivably attract. Similarly a first floor window for the non-road gable wall of plot 17 could be considered.

6.19 The applicant is advised that from the viewpoint of Staffordshire Police and undoubtedly for the long-term benefit of the future residents, it would be highly desirable for the properties to meet the minimum physical security requirements contained within the Secured by Design Homes 2019 design guide. Specifically this would be installing external doorsets and ground floor windows (and ideally garage doorsets), which have been tested and possess third party certification from a UKAS-accreditation body to a recognised manual attack-resistant security standard. This would be one further significant way in which the applicant could seek to design out criminal opportunity. Such third party certified doors and windows are widely available and provide a proven and demonstrable level of manual attack resistance, whereas non certified products offer no such assurance, thus introducing an easily avoided and unnecessary vulnerability.

6.20 As well as providing comprehensive information about aspects of physical security and aforementioned security standards, the design guide contains a raft of other information including security-related layout considerations, which could benefit the applicant.

6.21 Should this application ultimately meet with approval, it is requested that an informative note for the applicant is attached to the bottom of the decision notice directing them to advice on construction site security. Wording along the lines of the following would be ideal - 'For online advice on construction site security, the applicant's attention is directed to the following publications from recognised bodies - The British Security Industry Association's 'Construction Site Security – A Guide' and Secured by Design's 'Construction Site Security Guide 2021'.'

Second Response

6.22 The revised site layout to extend the proposed hornbeam hedge to provide a protective buffer for the blank gable wall of plot 17 is noted and welcomed. Some increased garden sizes should reduce any potential claustrophobic feel, aiding a sense of resident wellbeing. Other than this, Staffordshire Police's comments, advice and recommendations remain those previously submitted.

Staffordshire Wildlife Trust

First Response

6.23 No objection subject to further information and revision regarding drainage, landscaping, greenspace management infrastructure and potentially housing layout.

Second Response (following submission of Revised Plans)

6.24 No objection. Further details will be provided through conditions attached to the Outline permission.

SMDC Tree/Landscape Officer

First Response

6.25 All landscaping as proposed is sufficiently specified in terms of planting sizes and numbers/densities, and subject to a few amendments and additions (which would necessitate submission of amended plans and schedules where applicable) can be approved as reserved matters landscaping details. A further condition relating to implementation and maintenance would be needed in the event of approval.

Second Response (following receipt of Revised Plans)

6.26 In response to the submission of amended plans, the Tree Officer raised a few further comments. However, he stated that subject to appropriately and satisfactorily addressing/clarifying these points, the proposed layout, landscaping and related issues (drainage) are otherwise considered acceptable.

Third Response

6.27 The Tree Officer noted that the dwelling and garden boundary of Plot 10 have now been moved to a just about acceptable minimum distance away from the existing hedgerow and trees along the southwest boundary of Pickwood Recreation Ground, by relocating the parking and garage of Plot 9 to the south side of that plot, as now shown on the Rev B layout plan and the Rev D landscape proposals. He therefore considers that the landscaping scheme (and layout) is acceptable to approve under Reserved Matters subject to the imposition of Conditions and Informatives.

SCC Minerals & Waste

6.28 The team has no comment to make on the application.

SMDC Leisure & Recreation

Active Design/Open Space

6.29 There are no comments regarding the layout of the development from an Active Design view.

6.30 It is noted that the development includes the new 'Community Park' and pedestrian access to this area is welcomed. The availability of the new open space for both new and existing residents to utilise will allow for increased local walking and recreation.

6.31 It would be advisable to provide an access point from the existing Pickwood Recreation Area to the new Community Park as this will encourage the residents to link the two areas and increase their exercise. If no formal access is provided it is feared that unauthorised access points will be established which may result in broken perimeter fencing.

6.32 The access point (to be agreed with SMDC) should be located either on the southwest or northwest boundary line where an appropriate gap in the current hedgerow exists. The access should be in the form of a self-closing pedestrian gate, opening inwards to the new Community Park, ideally with some hardstanding to reduce the access point becoming a muddy mess.

Off Site Contributions

6.33 It has been noted that as part of the previous submission and Unilateral Undertaking the off-site contributions for both play provision and playing pitches has been agreed.

7. OFFICER COMMENT AND PLANNING BALANCE

7.1 The main issues relate to:

- Whether the proposed housing layout, scale and appearance is acceptable.
- Impact on neighbouring amenity.
- Impact on the setting of the adjacent heritage asset.
- Whether the proposed landscaping scheme is acceptable.

Principle of Development

7.2 The principle of the development has been accepted by the approval of Outline permission that was allowed on appeal in 2017. It is therefore not necessary to re-visit the principle of the development or the development's impact on the Site of Biological Importance (SBI) or the existing landscape.

7.3 This Reserved Matters application is solely concerned with the layout, scale, appearance and landscaping of the proposed development.

Affordable Housing

7.4 The Outline application (SMD/2016/0413) was subject to a s106 legal agreement, which included the provision of affordable housing. The legal agreement specified that 33% of the units will be affordable, which will be made up of 70% affordable rented housing and 30% intermediate housing.

7.5 Eight dwellings are proposed to be affordable (in line with the 33% requirement contained in the legal agreement) with 6no. proposed as affordable rented housing and 2no. proposed as intermediate housing. Of the affordable units, 6no. will comprise 2-bedroom semi-detached or terraced properties and 2no. will comprise 3-bedroom semi-detached properties.

7.6 The Housing Officer has confirmed that the number, size and location of the proposed affordable housing is acceptable and the dwellinghouses comply with the Nationally Described Space Standards.

Design

7.7 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.

7.8 Policy H1 of the Local Plan (2020) requires new housing developments to provide for a mix of housing sizes, types and tenure including a proportion of affordable housing; and they should be at the most appropriate density compatible with the site and its location, and with the character of the surrounding area.

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. The Council's Design Guide SPD outlines the Council's expectations in respect of design.

7.10 The proposed development will comprise 25 dwellinghouses (including 33% affordable housing, as required by the s106 agreement). They will comprise a mix of detached, semi-detached and terraced properties. Five different house types are proposed which will comprise 6no. 2-bedroom properties, 8no. 3-bedroom properties and 11no. 4-bedroom properties. The proposed development will therefore comply with policy H1 of the Local Plan (2020) in that a mix of housing sizes and types are proposed.

7.11 All of the properties will be two-storeys in height. Each dwellinghouse will be constructed of red brick with either a brown or grey tiled pitched roof. Four of the properties (Type BB) will also include 'feature' render to the front elevation and on 1no. side gable. All dwellings will have stone quoins, white UPVC windows and rear doors, an Anthracite front door, black rainwater goods and white fascia boards. Each house type also includes the provision of a chimney. 11no. dwellings will be served by a single garage as well as off-street parking, whilst the remainder will be serviced solely by off-street parking.

7.12 The adjacent Milltown Way housing estate is characterised by two-storey dwellings comprising a mix of house types. They are constructed of a mix of red and buff brick, some with mock-tudor panelling, whilst others have 'feature' rendering. The dwellings have pitched roofs and are covered in a mix of brown and grey tiles. The proposed housing development will therefore have a similar appearance to the adjacent housing estate and will therefore have an acceptable appearance and scale.

7.13 The proposed housing development has a varied density given the mix of house types and sizes proposed. However, they are reflective of the housing

development at Milltown Way and therefore it is considered sympathetic to the local character.

7.14 Staffordshire Police has assessed both the initial layout and the revised layout of the proposed housing development in respect of Secured By Design principles. Some of the comments raised resulted in amendments being made, including:

- Extending the Hornbeam hedge around the property boundaries that encompass the open area of space within the centre of the site where 2no. existing trees are to be retained;
- Including a ground floor window within the side elevation of House Type AA to provide parking areas with natural surveillance; and
- Including 2no. ground floor windows within the side elevation of House Type E1 to provide parking areas with natural surveillance.

7.15 In respect of the outstanding matters raised by Staffordshire Police, these include:

- Adding additional windows in the side elevations of plots 6, 14, 21, 22 to increase surveillance of parking areas; and
- Adding additional first floor windows to plots 18 and 25 and a first floor window in the non-road gable wall of plot 17 to increase surveillance over proposed open spaces.

7.16 In response to these outstanding matters:

- Additional ground floor secondary lounge windows could be added to House Type BB (plots 6 and 21);
- Plots 14 and 18 (House Type A2) already have a ground floor WC window and a first floor landing window within their side elevation. A further ground floor secondary lounge window could be added however, the provision of further first floor windows is not possible due to the positioning of built-in wardrobes which could not be located elsewhere;
- Plot 25 (House Type AA) has been amended to include an additional ground floor window in the side elevation. Further first floor windows would be impractical as it would lead to little wall space being available within two of the bedrooms;
- Plot 17 (House Type E1) has been amended to include 2no. ground floor windows in the side elevation. Additional first floor windows would be impractical as one would serve an en-suite and therefore would be obscure glazed, and built-in wardrobes are proposed in the bedroom which could not be located elsewhere.

7.17 It is concluded that the proposed development has a sufficient level of surveillance given the amendments that have been made. However, if Members are minded to further increase surveillance on the site, then a Condition could be attached that requires revised drawings to be submitted and approved for the insertion of additional windows in the side elevations of plots 6, 14, 18 and 21.

7.18 For the reasons outlined above, the proposed development (as shown in the revised drawings) complies with policy DC1 of the Local Plan (2020), the Design Guide SPD and the NPPF (2021) in respect of design.

Heritage

7.19 Policy DC2 of the Local Plan seeks to safeguard, and where possible, enhance the historic environment, resisting development which would harm or be detrimental to the special character and historic heritage of the District's towns and villages.

7.20 Paragraph 199 of the NPPF (2021) 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

7.21 Paragraph 200 of the NPPF (2021) states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification

7.22 Leek Conservation Area is located north/north west of the application site. However, the Conservation Area will be sited approximately 330 metres from the proposed housing development, with a community park separating the two. Given the separation distance between the proposed housing and the Conservation Area, it is not considered that the proposed development will cause harm to its setting. This view was held by the Council in refusing the previous Outline application, that was subsequently allowed on appeal.

7.23 Pickwood Hall is a Grade II Listed Building. It is located approximately 80 metres west/southwest of the closest part of the application site, with a woodland/trees positioned between the two. The property dates back to the mid-19th Century and embodies elements of an earlier building, with extensions and interior modelling in the 1890s. The main aspect of the house is to the south and is accessed via a private driveway that leads off Milltown Way and passes through, and also provides access to, the appeal site.

7.24 The Planning Inspector in determining the appeal decision for the Outline application stated:

'12. During my site visit I observed that the listed building was visible from numerous points from within the appeal site. Whilst there are existing trees on the boundary between the appeal site and the house, which would likely aid in screening the house when they are in leaf, at the time of my visit there were no leaves on the trees and views of the house were relatively clear.

13. I did not have access to the listed building. However, it is likely that the appeal site can be readily seen from the house. Furthermore, given the openness of the appeal site and the lack of boundary treatment on its eastern boundary, the housing to the east of the appeal site would also be readily visible from the house. The appeal site has an open rural quality to it and

provides a clear separation between the urban development of the housing estate to the east and the more rural setting of the listed building and its surrounding grounds to the west. Overall, the site makes a positive contribution to the significance of the listed building and its setting.

14. The proposed development would significantly erode this separation, extending the built form of the settlement closer to the listed building, which has historically been set within a spacious setting. Given the nature of the proposal this erosion would be permanent and would result in a harmful effect on the setting of the listed building, which is agreed by both parties. Both parties also agree that this harm would be less than substantial. The crux of the dispute is to what degree of harm there would be.

15. In their evidence, both parties rely heavily on the findings of the previous Inspector, who found that there would be a moderate amount of harm to the significance of Pickwood Hall. Whilst I am not bound by the findings of the previous Inspector, his decision is a significant material consideration and based on the evidence before me I find no reason to disagree with his findings.

16. In response to the previous decision and the findings regarding the harm to Pickwood Hall, the scheme has been reduced to up to 25 dwellings and the built form has been pulled back from the listed building. Furthermore, an open area has been retained between the recreation ground and the listed building and there would be planting on the eastern boundary of the access drive between the development and the listed building.

17. As with the previous scheme, the built form of the development would still occupy the open space between Pickwood Hall and the existing edge of the settlement. This open space and its rural character would be significantly reduced. The proposed planting would provide some mitigation and would reduce the harshness of the boundary walls of the existing residential development. However, it would not have any appreciable effect on the loss of the openness of the site.

18. Overall, even though the scheme is significantly smaller in scale than the previous scheme, up to 25 dwellings as opposed to 90 dwellings, I find that there would be moderate harm to the setting of Pickwood Hall.

32. Paragraph 134 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.

34. I note the Council's argument that the previously dismissed scheme was for 90 dwellings and therefore its public benefit would be greater than the current proposal. I share this view. Nevertheless, I find that the public benefits of the proposal would still outweigh the moderate harm to the significance of Pickwood Hall.'

7.25 In conclusion, the Planning Inspector held that the principle of 25 houses on the application site would lead to moderate harm to the setting of Pickwood Hall. The development therefore comprised less than substantial harm, but the public benefits identified outweighed the moderate harm to the significance of the Listed Building.

7.26 The approved planning application was in Outline with all matters reserved except for access. The Planning Inspector was therefore not aware of the scale or layout of the proposed dwellings, when determining the level of harm. However, the Planning Inspector did not impose a condition requiring the proposed dwellinghouses to be restricted in their number of storeys or siting. In addition, the internal road layout approved as part of the Outline application, gave the Planning Inspector a clear indication as to where the proposed dwellinghouses would likely be sited and their proximity to the Listed Building.

7.27 A Heritage Statement has been submitted to support the planning application. The statement indicates that the vegetation that screens the Listed Hall from the application site has thickened since Outline permission was granted, with views of the hall having been reduced. The proposed development also follows the parameters of the Outline proposal. It concludes that there has been *'a lack of change to baseline conditions'* and as such, *'no greater level of harm than that identified by the Inspector in the 2018 decision is anticipated'*.

7.28 The proposed dwellinghouses are all two-storeys in height and are of a similar scale to those within the adjacent housing estate. The existing trees and hedgerows along the western boundary of the housing development will be retained. A gap of 24 metres will be maintained between the proposed houses and the western boundary, in which additional trees and hedgerows will be planted as part of the landscaping scheme. Therefore any views of the proposed housing development will be further filtered in the Listed Building's setting. It is therefore agreed that the proposed development will not result in any greater harm than that previously identified by the Planning Inspector. That harm, was also weighed against the public benefits of the development and it was concluded that the public benefits outweighed the less than substantial harm identified.

7.29 It is for these reasons that the proposed development will comply with policy DC2 of the Local Plan (2020) and the NPPF (2021), in respect of heritage assets.

Amenity

7.30 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.

7.31 Policy H1 of the Local Plan (2020) seeks to ensure that all new dwellings must be of sufficient size to provide satisfactory levels of amenity for future occupiers of the dwellings whilst respecting the privacy and amenity of occupiers of existing dwellings; and that all new dwellings should aim to provide flexible accommodation which is capable of future adaptation by seeking to achieve adequate internal space for the intended number of occupants in accordance with the Nationally Described Space Standards.

7.32 The Space About Dwellings SPG outlines separation distances between dwellings, both proposed and existing, and details the minimum garden size for dwellings in order to provide a sufficient level of private amenity space.

Amenity of Future Occupiers

7.33 Revised plans were received during the course of the application to amend House Type E1 as it did not comply with the Nationally Described Space Standards.

7.34 Each house type now complies with the Nationally Described Space Standards and therefore they will provide adequate internal space for the intended number of occupants, in compliance with part 3(d) of policy H1 of the Local Plan (2020).

7.35 The Space About Dwellings SPG indicates that dwellinghouses with 3 or more bedrooms should have a private garden measuring a minimum of 65 square metres and have a mean length of 11 metres, whilst 1-2 bedroom dwellings (where permitted development rights have not been removed) should have a minimum private garden measuring 85 square metres and a mean length of at least 14 metres. This area does not include any part of the garden that is occupied by a garage or an outbuilding.

7.36 House Type A2 comprises a 2-bedroom terrace dwellinghouse. The proposed private gardens associated with these properties on plots 11, 12, 13, 18 and 19 do not comply with the requirements of the Space About Dwellings SPG. They each have a length of 11 metres or more, but the garden size falls below the SPG requirement, with the smallest garden at plot 19 comprising 50 square metres. Although not in compliance with the Space About Dwellings SPG, the garden sizes are sufficient for a two-bedroom, 4 person dwellinghouse. However, it is recommended that permitted development rights are removed from these plots for extensions and outbuildings to ensure that sufficient private amenity space is retained and the amenity of adjoining neighbours is not adversely affected.

7.37 The proposed dwellings will comply with the 45-degree guideline, as detailed in the Space About Dwellings SPG and therefore it is not considered that the proposed dwellings will have an overbearing effect on one another. In addition, the proposed layout ensures that the dwellings will either comply with, or exceed, the separation distances outlined in the Space About Dwellings SPG. Therefore the proposed housing is not considered to have a detrimental effect on the light or privacy of future occupiers. The position of windows within the elevations of the proposed dwellings will also ensure that the privacy of neighbouring properties will be protected.

7.38 It is for these reasons that the layout of the proposed housing development will have an acceptable impact on the amenity of future occupiers, in compliance with policies DC1 and H1 of the Local Plan (2020).

Amenity of Existing Occupiers

7.39 The application site lies to the west of the dwellinghouses on Milltown Way, with No. 32, 33 and 52 Milltown Way all sharing a boundary with the application site.

The proposed layout indicates that there will be a 12 metre wide landscape buffer with a new hedgerow planted alongside the proposed houses.

7.40 The proposed dwellinghouses closest to Milltown Way (plots 15, 16, 18 and 25) have all been orientated so that their principle habitable windows do not directly face No. 32, 33 and 52 Milltown Way or their private rear gardens. In addition, the proposed dwellings will either meet or exceed the separation distances outlined in the Space About Dwellings SPG and will comply with the 45-degree guideline.

7.41 It is for these reasons that the proposed development will not adversely affect the amenity of the nearest existing neighbouring properties, in compliance with policies DC1 and H1 of the Local Plan (2020).

Conclusion

7.42 It is for the above reasons that the development (as detailed on the revised drawings) will comply with policies DC1 and H1 of the Local Plan (2020) and the NPPF (2019) in respect of amenity.

Landscaping/Trees

7.43 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.

7.44 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'*.

7.45 The Council's Tree Officer has assessed the application and requested alterations to the Landscaping Scheme as originally submitted, as well as additional information in respect of a number of points he raised. He has also liaised with Staffordshire Wildlife Trust to ensure that their comments complement one another.

7.46 Revised drawings have been submitted during the course of the application that resulted in the request for further alterations being made. These were duly undertaken, which has resulted in the Tree Officer supporting the revised Landscaping Scheme subject to the imposition of Conditions and Informatives.

7.47 Subject to the imposition of such conditions and Informatives, the proposed development will comply with policy NE2 of the Local Plan (2020) and the NPPF (2021).

Biodiversity

7.48 Policy NE1 of the Local Plan (2020) seeks to protect and enhance site biodiversity and expects all development, where possible, to deliver a net gain in biodiversity proportionate to the size and scale of the development.

7.49 The planning application has been assessed by Staffordshire Wildlife Trust (SWT) who liaised with the Council's Tree Officer in respect of the submitted landscaping proposals.

7.50 SWT initially raised no objection to the proposed development, subject to additional information being submitted and amendments being made to the submitted landscape proposals, including:

- The central retained trees would be surrounded by high fences in the current layout. Could the southern house frontages face inwards around the central green area, while maintaining a secure design? This would create more of a 'village green' sense of place and reduce hardstanding.
- An amended layout could also seek to retain the third central tree, T1, which has bat potential and is suitable for retention.
- Hedge 2 on the north-western boundary is the most species-rich hedgerow on the site, and a section is proposed to be removed, for a footpath. This need not be as wide and should be avoided by creating a narrow gap as possible to allow access.
- The layout also does not show any sustainable drainage features, which need to be incorporated now as this may influence the design.
- Tree 9 in the Ecological Appraisal is one of the 3 trees within the housing area identified as having bat potential and is the only of these to be shown to be felled on the plans. This is T1(C) in the Tree Retention Plan; it is not unsuitable for retention and is to be removed purely to facilitate the development. This tree has been subject to some further bat survey but the Ecological Appraisal advises if such trees are to be lost further survey may be necessary- given the 5 years since the last survey the tree should be checked before removal. Ideally this should be retained in the layout to avoid this issue.
- The seed mixes are suitable for an urban parkland situation, although local seed would be preferable.
- Some native woodland planting will likely need to change as drainage features will be included on the western side. This and the native hedgerow mix should be amended to be more locally characteristic – remove *Pinus sylvestris*, *Prunus avium*, *Euonymus europaeus* and *Viburnum opulus* and replace with species listed in the Ecological Appraisal.
- Boundaries with the housing and gardens should include hedgehog passage holes as hedgehogs have been recorded in the area.
- Although the housing area will result in the loss of some grassland within the Local Wildlife Site (LWS), it is poor quality and there is adequate area of other poorer grassland within the application site to enhance and provide a net biodiversity gain. As the site is a LWS however, a commercial seed mix should not be used. Green hay or seed collected from a local diverse meadow should be specified.
- The poor diversity areas of the community park would need active enhancement through seeding into existing grassland, whereas the ecological

management area may only need positive management, so seeding can be removed from the southern area. Detailed prescriptions would be provided by the Landscape and Habitat Enhancement & Management Plan required by Condition 7 of the outline permission SMD/2016/0413 and this should be informed by a Biodiversity Impact Assessment using the latest Defra metric to calculate the biodiversity units provided. However, the landscape and layout at this stage need to broadly accord with the Ecological Appraisal.

- The plans need to include infrastructure to allow effective management of the greenspaces by cutting and grazing, in accordance with the landscaping proposals and the Ecological Appraisal. Appropriate vehicle access points, gates, fencing, water supplies for livestock etc. should be specified.

7.51 Revised drawings and information were provided to SWT for comment. SWT therefore raises no objection to the proposed development, with any outstanding matters to be dealt with by the submission of a Discharge of Condition application for those relevant conditions attached to the Outline permission. SWT's second consultation response stated:

- Tree T1 will still be removed. As it has bat potential, it will need to be surveyed before removal as per the requirements of Condition 18 of the Outline permission. If bats are present, a licence will need to be sought. Given the size of the tree, any bat roost will be small and adequate mitigation to conserve bat populations will be possible as part of measures specified by Condition 19.
- The section to be removed from Hedge 2 on the north-western boundary has been minimised which reduces impact. All woody material should be retained and used to create habitat piles adjacent the hedge or in tree planting areas – to be specified in the Landscape and Habitat Enhancement & Management Plan required by Condition 17 of the Outline permission.
- The plans provided appear to be adequate in terms of an outline surface water design. The surface water pipe connection to the swale would appear to impact on part of H2, so this would need to be avoided/minimised. Source control measures such as permeable paving and water butts should be included. Any outfall to an existing watercourse should be as natural as possible, avoiding engineered headwalls in favour of a channel or wet flush mimicking existing wetland features locally.
- Requested amendments have been included in the revised Landscape Proposals. Detailed prescriptions would be provided by the Landscape and Habitat Enhancement & Management Plan required by Condition 17 of the outline permission SMD/2016/0413 and this should be informed by a Biodiversity Impact Assessment using the latest Defra metric to calculate the biodiversity units provided.
- The plans state that fencing details for the habitat areas will be included in the management plan. This would also need to include access points and water supplies for livestock etc. to enable future grazing management.

7.52 SWT are therefore satisfied that the proposed development (as shown on the revised drawings) can be undertaken in accordance with policy NE1 of the Local Plan (2020) and the NPPF (2021).

Highway Safety

7.53 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, whilst Appendix 2 outlines the Council's Parking Standards.

7.54 The Outline application (SMD/2016/0413) sought permission for the access into the site, as well as the layout of the proposed internal access roads. These aspects of the development have therefore been approved and do not need to be re-visited by the Reserved Matters application. The submitted site plan follows the approved access and internal road layout.

7.55 The Highway Engineer assessed the application and sought confirmation that the parking spaces and garages shown on the submitted drawings comply with the required dimensions as detailed in Appendix 2 of the Local Plan (2020), as he was unable to accurately scale from a 1:500 drawing. Confirmation was provided to the Highway Engineer and therefore he was satisfied that the development is able to comply with the Council's Parking Standards.

7.56 The Highway Engineer therefore has raised no objection to the application subject to the imposition of conditions in respect of:

- The provision of parking and turning areas in accordance with the submitted drawing;
- Garages to be retained for the parking of vehicles;
- No plot to be occupied until access to that plot has been completed; and
- Drainage interceptors to be placed adjacent to the highway boundary of any plot whose driveway falls towards the highway.

7.57 The Highway Engineer noted that the Outline approval required pedestrian and cycle links in addition to the approved main site access at Milltown Way to be provided and noted that this did not seem to have been included as part of the Reserved Matters application. However, this requirement formed Condition 6 on the Outline approval and did not require details to be provided at the Reserved Matters stage. Instead this is a matter to be dealt with by a subsequent Discharge of Condition application. The provision of such matters therefore falls outside the scope of this application.

7.58 For the reasons outlined above, it is not considered that the proposed development will have a detrimental effect on highway safety and it will comply with policies DC1, T1 and Appendix 2 of the Local Plan (2020) and the NPPF (2021).

Planning Balance & Conclusions

7.59 The development, as shown on the revised drawings, is considered to have an acceptable layout, scale and appearance which will reflect the adjacent housing development on Milltown Way to the east of the application site. The proposed development will not adversely affect the amenity of future occupiers or existing occupiers of those dwellings closest to the application site on Milltown Way.

7.60 Following revisions sought by both the Council's Tree Officer and Staffordshire Wildlife Trust, the proposed landscaping scheme for the housing area, as well as the Community Park and Ecological Area is considered acceptable.

7.61 The level of harm to the setting of the adjacent Grade II Listed Building remains as 'moderate', and as identified by the Planning Inspector who allowed the Outline permission, the public benefits outweigh the less than substantial harm.

7.62 The revised layout ensures that off-street parking will be in line with the requirements of Appendix 2: Parking Standards of the Local Plan (2020) and therefore the proposed development will not adversely affect highway safety.

7.63 It is for these reasons that the proposed development is recommended for approval subject to conditions.

8. RECOMMENDATION

A. That planning permission be APPROVED subject to conditions.

- 1. This notice constitutes an approval of matters reserved under Condition 2 of Planning Permission SMD/2016/0413 and does not by itself constitute a planning permission.**
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans:**
 - G/MTWL/CSL/01-Rev C
 - G/MRL/HT/AA-Rev A
 - G/MRL/HT/E1-Rev B
 - G/MRL/HT/K
 - G/MRL/HT/F
 - G/MRL/HT/C
 - G/MRL/HT/A2
 - G/MRL/HT/BB
 - 5122-L-200-F
 - 5122-L-201-F
 - 5122-L-202-F
 - 5122-L-203-F
 - 5122-L-204-F
 - 5122-L-205-F
 - 5122-L-206-F
 - 5122-L-03-B
 - G/MWL/BTD/01
 - G/MTWL/BT/01-B
- 3. The development hereby permitted shall not be commenced until samples/details of types and colours of all facing materials and hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

- 4. The scheme for the retention and protection of trees required as part of the Arboricultural Method Statement to be submitted and approved under Condition 23 of outline planning permission SMD/2016/0413 shall specifically make provision for the implementation of temporary tree protection measures, and where applicable temporary ground protection measures, in accordance with British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations, and as generally described in the FPCR Arboricultural Assessment report dated July 2016 accompanying the outline application.**
- 5. The landscaping scheme shown on FPCR Landscape Proposals Drgs. Nos. 5122-L-200 Rev F (Key Plan), 5122-L-201 Rev F and 5122-L-202 Rev F (On-Plot Sheets 1 and 2), and 5122-L-203 Rev F, 5122-L-204 Rev F, 5122-L-205 Rev F and 5122-L-206 Rev F (Public Open Space Sheets 1 to 4) 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, shrubs, bulb plants and grassland planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting, and this shall include provision for suitable protection of new trees, shrubs and hedgerows from any grazing livestock within the community park . 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. In addition, and beyond this 5 year establishment period, all landscaping and habitat shall where applicable be maintained thereafter fully in accordance with the provisions of the Landscape and Habitat Enhancement and Management Plan required to be submitted and approved under Condition 17 of the outline planning permission SMD/2016/0413.**
- 6. The boundary treatments to the dwellinghouses hereby approved (as shown on drawing G/MTWL/BT/01-B and G/MWL/BTD/01) shall be constructed prior to the occupation of each dwellinghouse and shall be undertaken in accordance with the approved details unless first submitted to and agreed in writing with the Local Planning Authority.**
- 7. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plan G/MTWL/CSL/01-Rev C. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.**
- 8. The garages indicated on the approved plan G/MTWL/CSL/01-Rev C shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.**
- 9. No individual plot on the development hereby permitted shall be brought into use until the access to that individual plot has been completed.**

- 10. Drainage interceptors shall be placed immediately to the rear of the highway boundary of any plot where the driveway falls towards the highway.**
 - 11. 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.**
 - 12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) A or E (other than those expressly authorised by this permission) shall be carried out on Plots 11, 12, 13, 18 or 19 without express planning permission first being obtained from the Local Planning Authority.**
- 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

