

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

Date 8th June 2023

Application No:	SMD/2023/0085	
Location	Land on NE side of, Rivendell Lane, Leek, Staffordshire	
Proposal	Erection of 1no. detached bungalow	
Applicant	Birchendel Holdings Ltd	
Agent	Rob Duncan Planning	
Parish/ward	Leek East	Date registered 14 th February 2022
If you have a question about this report please contact: Declan Cleary, dcplanningconsultancy@gmail.com Tel: 07976272142		

REFERRAL

The application is brought before Planning Committee due to previous applications on this plot and surrounding area having been determined by members of the Planning Committee.

1. SUMMARY OF RECOMMENDATION

Approve, subject to conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site relates to a vacant parcel of land which lies at the junction of Rivendell Lane and Birchall Lane, within the Development Boundary for Leek, as defined by the Local Plan Policies Map.

2.2 The site lies at the junction of Rivendell Lane and Birchall Lane, and is enclosed by security fencing. A hedgerow is positioned between the security fence and the highway. There are significant land level changes within the site and between the site and the surrounding area. Land level changes generally rise from southwest to north east.

2.3 Adjacent to the site is a relatively recent new-build dwelling, known as Haven View, the application site forms part of the approved curtilage of that dwelling, albeit the land is separated from the dwelling and does not appear to be in residential use. Dwellings opposite the application site are on a lower level than the road behind their respective roadside boundaries. The character of the area is predominantly residential comprising detached dwellings of varying

sizes, design and scale set within spaciousness plots, all with private amenity spaces and off road parking.

3. DESCRIPTION OF THE PROPOSAL

3.1 This is a full planning application for the erection of a single storey detached dwelling with outdoor amenity space and off-road parking. The dwelling would provide an open plan kitchen/lounge, utility room, bathroom, 3x bedrooms and one en-suite. Vehicular access would be from Birchall Lane with driveway parking at the side of the house. External amenity space would comprise gardens and patios and includes land level changes. A retaining wall is proposed to the rear boundary.

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

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSe archServlet?PKID=168486>

4. RELEVANT PLANNING HISTORY

4.1 The following is a summary of the relevant planning applications relating to the site.

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

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

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

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

NMA/2020/0022 - Non-material amendment relating to SMD/2018/0321. Repositioning of the vehicular access, additional planting and erection of dwarf wall & provision of visibility splay of 2.4m x 27m from the proposed access to the south east across the frontage. Approved.

SMD/2021/0145 – Erection of 1No. Detached Dwelling. Refused

APP/B3438/W/21/3284785 - Appeal against refusal of application SMD/2021/0145 erection of 1No. Detached Dwelling. Appeal Dismissed.

5. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Local Plan (Adopted 2020)

SS1 - Development Principles
SS1a - Presumption in favour of sustainable development
SS5 - Leek Area Strategy
SS11 – Churnet Valley Masterplan Area
DC1 - Design Considerations
SD1 – Sustainable Use of Resources
SD3 – Sustainability measures in development
SD4 - Pollution and Flood Risk
H1 – New Housing Development
NE1 - Biodiversity and Geological Resources
NE2 – Trees, Woodlands and Hedgerows
T1 - Development and Sustainable Transport

Supplementary Planning Guidance/Documents

Staffordshire Moorlands Design Guide (2018)
Space About Dwellings
Design Principles for Development in the Staffordshire Moorlands: New Dwellings and Extensions to Dwellings.

National Planning Policy Framework

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 9: Promoting Sustainable Transport
Section 12: Achieving Well-designed Places
Section 15: Conserving and enhancing the natural environment

6. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 17/03/2023
Neighbour letters	Expiry date for comments: 15/03/2022
Press notice	N/A

Public Comments:

21 representations of objection received on following grounds:

- Conditions remain outstanding on SMD/2018/0321, application should not be considered until resolved
- Loss of garden for Haven View
- Overdevelopment of plot
- Out of character with open and spacious appearance
- Previous refusals dismissed at appeal – issues not addressed
- Roof line no lower than Haven View, with wider front elevation

- Detrimental to views to plot and for residents
- Planting would not provide effective screening
- Gate on Birchall Lane is still existing and should be removed
- Birchall Lane is narrow, poor visibility, impact on road and pedestrian users
- Lack of on site turning space
- Site of insufficient size
- Contrary to local and national planning policies which seek good design
- Area is characterised by large, imposing and spacious dwellings, proposal would be removed from existing character as small and single storey
- Scheme has no garage
- Access/egress would be difficult
- Incongruous development
- Overbearing on street and properties opposite
- Relationship with Links View, as detailed on plans, is incorrect
- Not in keeping with local vernacular
- Prominent plot for a basic dwelling
- Links View is plotted incorrectly and does not look away from the site
- Impact on biodiversity/ecology
- Underground drainage works have been carried out
- Young oak tree not retained
- Approved landscaping incorrect/not completed
- Light pollution
- Loss of privacy
- Lack of on site storage – items would be clearly visible
- Parking on Rivendell Lane – affect existing accesses
- Laurel hedge would not be mandatory to maintain
- Front facing garden looks onto properties
- Greenspace is important for wildlife, loss of greenspace and impact on biodiversity
- Is the driveway big enough
- Is there a legal right to access from private road
- Unneighbourly development
- Overlooking
- Extremely prominent development
- Impact from cumulative effect of garden grabbing
- No ecology or tree statements submitted

Consultee	Comment
Cllr Stephen Wales	Submission: Objection Comments: The positioning of an additional dwelling on the site results in an overdeveloped plot which is out of keeping

	<p>with the identified spacious character and appearance of the surrounding area.</p> <p>The main issue is the effect of the proposed development on the character and appearance of the area.</p> <p>Overly intense development is inconsistent with the character of the area.</p> <p>Any additional dwelling would appear overly imposing and overbearing on this prominent open corner, causing lasting visual harm.</p> <p>Earlier applications were refused and subsequent appeals were unsuccessful</p> <p>This planning application is materially the same in its aims and should therefore be marked for refusal</p>
Leek Town Council	<p>At a meeting of Leek Town Council Planning Committee on Monday 20th March 2023, the committee resolved to object to the application for a detached dwelling on land at Rivendell Lane, Leek for the reasons listed below:</p> <ol style="list-style-type: none"> 1. Planning permission in 1970's was not passed, it went to appeal and failed again. A single house with a mature garden was passed. 2. The location is a prominent corner on a tight road with a tight drive and is set in a green landscape which should be preserved to be in character of the area. 3. Evidence was presented to the Town Council which showed that planning permission building regulations were breached as mature trees have been felled which were in the original specification to make space for this new application. 4. Evidence was also presented to the council that there are inaccuracies in the measurements of the architect's drawings. These need to be checked. 5. Please could the officers check the 'Space around Dwellings Policy' The minimum requirement is based on a flat plot of land whereas this is on a slope and the drawing does not clearly show this accurately. <p>Leek Town Council resolved to object to this application based on misleading information and incorrect and inaccurate drawings.</p>
AES Waste	No issues regarding waste collections
SCC Highways	No objection, subject to conditions. The proposal is to construct a detached bungalow on a parcel of land located

to the northeast of Rivendell Lane, Leek. The proposed bungalow will comprise of a kitchen / lounge area, 3 bedrooms, bathroom, hallway and utility.

The proposed property will be accessed via a new access off Birchall Lane.

The proposed property will have off highway parking. Staffordshire Moorlands Parking Standards state: Detached/Semi-detached property of 3 bedrooms will require 2 spaces (2.4 x 4.8m each space) for residents and visitors within the curtilage of the dwelling. The proposal meets with the Parking Standards providing off highway parking for 2 vehicles as detailed on submitted Drawing Ref:1797-02.

Birchall Lane is approximately 4.2 metres wide at the section of the proposed access point, it continues in a north-easterly direction and serves several residential properties. It is noted in Appeal Decision APP/B3438/W/18/3210497 for SMD/2018/0168, the inspector did not consider access to be an issue, it was simply noted that Birchall Lane is narrow. Appeal Decision APP/B3438/W/21/3284785 for SMD/2021/0145 no highway issues were raised by the inspector.

There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:-

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.

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

The development hereby permitted shall not be brought into use until the parking area has been provided in accordance with submitted Drawing Ref:1797-02. The parking area shall thereafter be retained unobstructed as parking area for the life of the development.

Notwithstanding any details shown on the submitted plans no development shall be commenced until the following is submitted: A plan detailing visibility splays of 2.4m x 43m drawn from the centre of the proposed access to the nearside kerb in both directions.

REASONS; ALL To comply with NPPF; to comply with

	SMDC Core Strategy policy DC1; in the interests of highway safety.
Environmental Health	<p><u>Potential Areas of Environmental Concern.</u></p> <ol style="list-style-type: none"> 1. Construction Impacts (Condition) 2. Lighting (condition) 3. Land Contamination (Condition) 4. Drainage (Building regulations) <p><u>General Comments</u> The proposed development is close to residential properties so we would advise the following timings and pollution control measures are placed on any permission granted in order to protect local neighbourhood amenity and environmental quality.</p> <p><u>Recommendation</u> There is no objection from Environmental Health subject to condition.</p> <p><u>Construction & Demolition</u></p> <ol style="list-style-type: none"> 1. <u>Construction & Demolition works: Time of operations</u> Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations. <ul style="list-style-type: none"> • 08:00 - 18:00 hours (Monday to Friday); • 08:00 - 13:00 hours (Saturday) • No working is permitted on Sundays or Bank Holidays. <p>In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.</p> <p>Reason: <i>To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.</i></p> 2. <u>Construction & Demolition: Pollution Control</u> <ol style="list-style-type: none"> I. 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. All waste transfer records should be retained for inspection by officers of the Local Planning Authority; II. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive

uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority

Reason: *To protect the amenities of the area during construction*

3. Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared, and is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Soil Importation

No soil or fill material 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 or fill material 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.

	<p>Reason (common to 3-4): - <i>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.</i></p> <p>5. Lighting</p> <p>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 development commencing.</p> <p>Reason: <i>To protect the local amenities of the local residents by reason of excess of illuminance</i></p>
Severn Trent Water	<p>I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:</p> <ul style="list-style-type: none"> • 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, and • The scheme shall be implemented in accordance with the approved details before the development is first brought into use. 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.

7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE

Planning Policies

7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material

considerations." The Development Plan currently consists of the Staffordshire Moorlands Local Plan (Adopted 2020).

7.3 Paragraph 11 of the National Planning Policy Framework (NPPF) explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay; or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

7.4 The NPPF seeks to proactively drive and support sustainable economic development through the delivery the homes, business and industrial units, infrastructure and thriving local places that the country needs. High quality design should be sought and a good standard of amenity provided for all existing and future occupants of land and buildings.

7.5 Section 5 of the NPPF relates to delivering a wide choice of high quality homes. Paragraph 60 identifies the need to boost significantly the supply of housing meeting the needs of groups with specific housing requirements. Planning policies should identify a sufficient supply of housing land and identify a five year supply of housing land. The Council does not have a five year housing land supply and therefore the housing supply policies are not up-to-date. The Development should therefore be considered in the context of the presumption in favour of sustainable development and in accordance with paragraph 11.

Principle of Development and background

7.6 The site is located within Birchall, which lies within the Development Boundary for Leek, as defined by the Local Plan Policies Map. Policy SS2 of the Local Plan sets out the settlement hierarchy for the District and identifies Leek as being one of the three identified towns where the spatial strategy seeks to focus future growth and to strengthen their role as service centres. Policy SS3 relates to the future distribution of development and confirms that provision will be made for at least 6080 dwellings over the plan period, to be distributed in accordance with the spatial strategy, where Leek will provide 30% of housing provision.

7.7 Policy SS5 sets out the Leek Area Strategy and confirms that the Council will continue to meet the housing and community needs of Leek and its rural hinterland through, inter alia, supporting the development of new housing on sustainable sites within the Development Boundary. Policy H1 states that housing development on sites not allocated for such purposes, will be supported within the development boundaries of

the towns and larger villages, subject to compliance with the Spatial Strategy and wider Local Plan policies.

7.8 The principle of housing development on this site, which lies within a sustainable location within the Development Boundary for Leek, is considered to be acceptable. In this instance, as detailed above in the Planning History, the application site has been subject to a number of planning applications for the erection of a dwelling.

7.9 The most recent application, SMD/2021/0145, proposed the erection of 1 detached dwelling on the land. That application was considered at the Planning Applications Committee on 12th August 2021, with Officers recommending refusal. Members determined to agree with the recommendation and the application was subsequently refused for the following reason:

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

7.10 This decision was subsequently appealed. The Inspector dismissed that appeal on 29th April 2022 finding that the development would have an unacceptable effect on the character and appearance of the area.

7.11 An earlier application for two dwellings on the site (and adjacent land) was considered under planning application SMD/2018/0168. The application was considered at the Planning Applications Committee on 12th April 2018, with a recommendation to refuse the application. Members agreed with the Officer Recommendation and refused the application on the following grounds:

The positioning of two dwellings on the site results in an overdeveloped plot which is out of keeping with the identified spacious character and appearance of the surrounding area. By reason of the bulk (including height) and positioning of the dwelling within Plot 1 the application would result in a development which would fail to improve or enhance the visual amenities of the surrounding area. The proximity of the Plot 1 dwelling house to the highway, together with the wide road frontage and raised site land levels would result in the proposed development appearing as an incongruous and imposing built feature within an otherwise open and spacious area to the detriment of the street scene and character of the surrounding area. The application is therefore contrary to policies SS1a and DC1 of the Core Strategy Development

Plan Document (26th March 2014) and the National Planning Policy Framework including chapter 7 'Requiring Good Design.'

7.12 That decision was also the subject of an appeal with the Inspector dismissing the appeal on 28th January 2019 due to the impact on the character and appearance of the area arising from Plot 1 (the application site). Prior to the decision of the Planning Inspector, planning permission was granted for the erection of a dwelling on the adjacent land (Plot 2 – known as Haven View), under planning permission SMD/2018/0321.

7.13 As detailed above, the principle of housing development on this site is in accordance with the Development Plan. The prevailing issue surrounding development on this land is the effect that the development would have on the character and appearance of the area.

Design Considerations

7.14 Policy DC1 requires all development to be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area. Development should *“be of a high quality and add value to the local area”* and *“be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance”*.

7.15 Policy H1 states that all development will be assessed according to the extent to which it provides for high quality, sustainable housing and to which it meets identified housing needs, having regard to the location of the development, the characteristics of the site and the economics of provision.

7.16 The NPPF, within section 12, states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect sustainable development. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Section 12 also seeks developments which are sympathetic to local character and history, including the surrounding built environment and landscape setting.

7.17 The application proposes the construction of a detached dwelling on the site. The site, and the adjoining parcel of land, has been the subject of much planning history. The construction of a dwelling on this parcel of land has been refused, and dismissed at appeal, for reasons of impact on the character and appearance of the area. It is clear that the application site is a prominent plot on the junction of Birchill Lane and Rivendell Lane, and due to its land levels, any development needs to be sensitively incorporated into the site.

7.18 The most recent appeal decision (Ref: 3284785), in relation to planning permission SMD/2021/0145, was for a single detached dwelling on the site. This is considered to be the most relevant planning history relating to the site. As this decision is a material consideration it is considered necessary to assess the proposed development against the main points of concern raised.

7.19 At paragraph 7, the Inspector observed that the dwellings *“T shaped design results in the proposed dwelling being located closer to Rivendell Lane. The sites frontage with Rivendell Lane is particularly wide and exposed, and as a result the proposed dwelling would appear as an overly dominant feature within the streetscene when viewed from Rivendell Lane”*. In an attempt to address this point, the footprint and design of the dwelling has been amended. The scheme no longer proposes a T shaped design, which pulls the proposed development further away from the boundary with Rivendell Lane. Consequently, the siting of the proposed dwelling would be more consistent with the building line of Haven View. This would be reinforced by the proposed pitched roof design, like Haven View, which is perpendicular with Rivendell Lane, and which reduces the overall bulk of the development.

7.20 At paragraph 8, the Inspector observed that the *“ridge height of the proposed dwelling would be 6.9 metres, marginally lower than that of the adjacent haven View. However, whilst the ridge heights would be comparable, Haven View is located significantly further away from the junction of Rivendell Lane and Birchall Lane and consequently does not appear as imposing or take up a prominent position within the streetscene as the appeal proposal.”* The overall ridge height of the dwelling now proposed is set at 5.7m. In addition, the finished floor level was previously proposed to be set at 181AOD, while this has now been proposed to be reduced to 180.450AOD. In addition, the eaves height of the proposed dwelling would be at a consistent height of 2.5m while the refused scheme had varying eaves heights of 2.6 and 3.5m. It is considered that these reductions in heights, coupled with the layout, reduction in overall mass, and revised roof design, as outlined above, would result in a less imposing development which would not be unduly imposing or significantly prominent within the streetscene.

7.21 At paragraph 9, the Inspector observed that *“ground levels would be lowered slightly, the dwelling would still retain an elevated position above both the highway and existing properties”*, and that, *“the corner plot location and wide frontage.....exacerbates the imposing and overly dominant nature of the development, which would be at odds with the prevailing character and appearance of nearby residential properties”*. At paragraph 10, the Inspector considered that *“The proposed dwelling would stand proud and be visible above the height of the current security fencing”*.

7.22 Clearly the sites relationship with the public highway has not changed and there remain land level changes within the plot, public

highway and nearby dwellings. However, the submitted land levels indicate that the hardstanding around the dwelling would be set at 180.3 AOD, while existing Rivendell Lane levels, along the sites boundary are between 177.86 and 178.74AOD. The dwelling would be set between 1.56 and 2.44m above Rivendell Lane land level. In addition, the dwelling would be set back into the plot by circa 12m, compared to its previous proximity of 6.5m. Comparatively with Haven View, the hardstanding area which is closest to the application site is set 2m above the highway. It is also noted that this property is sited much closer to Rivendell Lane than the dwelling proposed.

7.23 In addition, the proposed dwelling is now single storey of significantly reduced scale and bulk. The proposed eaves height, due to changes in the proposed land levels, would be set below the land level of the rear boundary and as such is set lower than the base of the boundary hedge.

7.24 It is noted that the Inspector observed the existing character as being properties which are *“generally secluded, and lay behind their roadside boundaries, mature hedging and planting”*. While this is noted, it is considered that the proposed dwelling would be sited within a plot that is comparative with surrounding properties, particularly with those along Rivendell Lane. The proposed scheme includes sufficient space and gap between the dwelling and its roadside boundaries to reinforce the spacious pattern of development in the area. A detailed landscaping scheme can be secured via condition and there is opportunity, given the land between the dwelling and Rivendell Lane, to provide a significant uplift in landscaping.

7.25 Concern has been raised that the dwelling would be too small, however, there are examples of bungalows within the surrounding area which are varied in design and appearance. Furthermore, the dwelling width and depth is considered to be comparatively similar with other dwellings within the area. The plot size is also similar to its surroundings and is in no way out of character.

7.26 It is considered that the reasons for refusal/dismissal of the most recent application/appeal have been addressed through the proposed redesign of the proposals. It is considered that the scale, siting and design of the proposed dwelling, along with its relationship with the adjacent public highways would integrate more sympathetically within the area and would be respect the pattern and grain of development. Consequently, it is not considered that the development would cause harm to the character and appearance of the area. It would be necessary for the certain permitted development rights for extensions, roof alterations and outbuildings to be removed, to ensure that the LPA retains control over further development at this site in the interests of the character and appearance of the area.

Amenity

7.27 Policy DC1 requires development to “*protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution*”.

7.28 No concerns have been raised with regard to earlier applications on the basis of amenity issues relating to overbearing, overshadowing, loss of light, overlooking or privacy. The dwelling is proposed within a similar location to that previously considered, albeit at a smaller scale. Given the reduction in scale it is not considered that amenity issues would arise through overbearing, overshadowing or loss of light.

7.29 Notwithstanding the above, the proposed dwelling includes principal windows within the Rivendell Lane fronting elevation. This would face towards Links View on the opposite side of the road. The Councils Space About Dwellings standards states that a distance of 22m should be achieved between facing principal front elevations. The spacing between the application dwelling, and Links View, at its closest, would be in the region of 28m which exceeds this spacing standard. Even taking into consideration the land level changes between the properties, it is considered that this distance is sufficient to ensure an appropriate standard of amenity is retained.

7.30 With regard to garden areas, while the development would reduce the garden space approved for Haven View, the level of provision retained for that dwelling is sufficient to exceed amenity space standards. Furthermore, the level of amenity space for the application dwelling is also sufficient to exceed standards. In addition, plot sizes and density are consistent with those of the surrounding area.

Highway Safety

7.31 Policy DC1 requires development to make provision for ‘safe and satisfactory access’ and requires development proposals to ‘make a contribution to meeting the parking requirement arising from necessary car use.’ Policy T1 states that ‘all new development should be located where the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development,’ and consideration should be given to ‘appropriate parking provision on a case by case basis with recourse to the parking guidance set out in Appendix 2.’

7.32 The vehicular access is shown to be off Birchall Lane as previously proposed. This point of access has previously been determined to be acceptable and would provide an appropriate means of access to serve the development. The scheme shows provision for at least two off street parking spaces which is considered to be appropriate for the three bedroom dwelling proposals and is in accordance with the

standards set out in Appendix 2 of the Local Plan. Consequently, the Highways Authority have raised no objection to the development in this regard, subject to conditions. The proposals are therefore considered to be acceptable in highways terms.

7.33 The concern of residents with regard to highway matters is noted, however earlier applications for the same quantum of development have not been refused on such grounds and there have been no objections from the Highways Authority to the current scheme.

Trees and Ecology Matters

7.34 Comments have been raised with regard to the impact that the development would have on trees and ecology. During the consideration of the earlier refusal no concerns with raised with regard to these matters and it is not considered that there are material considerations to indicate that this position has changed.

7.35 A landscaping scheme along with ecological enhancements can be secured through conditions attached to any approval.

Other Matters

7.36 Concern has been raised with regard to the conditions attached to planning permission SMD/2018/0321 not being complied with. While some of the obligations regarding landscaping and boundary treatment have not been completely fulfilled any permission on this land would supersede those requirements where additional, updated landscaping and boundary treatment details could be secured. In any event non-compliance with a permission has no planning policy basis to refuse an application.

7.37 Concern has also been raised with regard to the accuracy of the plans submitted. This appears to primarily relate to the plotting of Links View on the southwestern side of Rivendell Lane. Third party information suggests that Links View is sited further away from the application site while the angle of the property is marginally off. Any planning permission relates to land within the application site only and the plans are accurate in this regard. In any event Officers have their own available mapping systems which detail the position of buildings. Any discrepancy with off site plotting on the submitted plans is not considered to be determinative in this regard given the relationship, and that earlier, larger dwellings, has been determined to be acceptable with regard to this matter.

7.38 Matters regarding drainage, land contamination, disturbance during construction, and site lighting can all be secured via condition.

8. PLANNING BALANCE AND CONCLUSIONS

8.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision making this means that amongst other things, that local planning authorities should positively seek opportunities to meet the development needs of their area unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits and to secure a development that improves the economic, social and environmental conditions of the area.

8.2 The principle of the proposed dwelling is acceptable in this sustainable location. It is acknowledged that residential development has been refused on this site, and subsequently dismissed at appeal. The proposals were refused/dismissed solely on design grounds. It is considered that this proposal has addressed the areas of concern previously raised and now represents acceptable design which can be incorporated within the area sympathetically. Furthermore, the proposals do not give rise to any concerns relating to amenity, highway safety, ecology, trees, subject to conditions where appropriate.

8.3 Accordingly, the proposal is considered to comprise sustainable development under the terms of the NPPF, and is in general conformity with the Policies of the Staffordshire Moorlands Local Plan 2020 when considered as a whole. The development would provide some economic and social benefits, and contribute towards the Councils shortfall in housing.

9. RECOMMENDATIONS

That approval be GRANTED subject to the following conditions:

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

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

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

Location Plan

- 1448-31 – Site Plan and Sections as Existing
- 1797-02 – Plans and Elevations
- 1797-03 – Site Sections

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

3. The development hereby permitted shall not be commenced until samples and details of the types and colours of all roofing, facing and hardstanding materials including all drives, patios and outside stairs, 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, completed in full prior to first occupation and retained for the lifetime of the development.

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

4. Prior to the commencement of development, joinery details of all external windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Details shall include materials, finish, opening mechanisms and recess depth within the aperture. The development shall be carried out in accordance with the approved details, be completed in full prior to first occupation of the dwelling and be retained for the lifetime of the development.

Reason:- In the interests of good design and visual amenity.

5. The development hereby permitted shall not be commenced until details of all walls (including retaining walls/structures), fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site.

Reason:- To provide adequate privacy and an acceptable external appearance.

6. 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:- In the interests of highways safety.

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

Reason:- In the interests of highways safety.

8. The development hereby permitted shall not be brought into use until the parking area has been provided in accordance with submitted Drawing Ref:1797-02. The parking area shall thereafter be retained unobstructed as parking area for the life of the development.

Reason:- In the interests of highways safety.

9. The development hereby permitted shall not be brought into use until visibility splay of 2.4m x 25m from the proposed access to the south east across the frontage of the site has been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason:- In the interests of highways safety.

10. All construction works, including deliveries, shall take place between the following times:

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

11. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exist to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, and is subject to the approval in writing of the Local Planning Authority.

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. 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.

13. 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.

Reason: To protect the amenities of the area.

14. Within 3 months of the commencement of the development a comprehensive landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall make provision for biodiversity/habitat enhancement measures, and shall include full details of all new trees, shrubs and 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, shrubs and other plants provided 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 visual appearance and biodiversity gain.

15. The development hereby permitted shall 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 and thereafter be retained.

Reason:- 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.

16. Prior to the installation of any external lighting, full details of its siting, design and illuminance levels, shall be submitted to the Local Planning Authority for approval. Any external lighting shall be installed in strict accordance with the approved details and shall thereafter be retained.

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

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

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

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 Plan

