

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**10th August 2023**

Application No:	SMD/2021/0155	
Location	Land to rear of Rosedale 403 Cheadle Road Cheddleton	
Proposal	Erection of 4 dwellings (demolition of existing attached garage to create access)	
Applicant	Mrs T J Bode	
Agent	Sammons Architectural Ltd	
Parish/ward	Cheddleton	Date registered: 25 <sup>th</sup> March 2021
If you have a question about this report please contact: Benjamin Hurst tel: 07738506367 <a href="mailto:benjamin.hurst@staffsmoorlands.gov.uk">benjamin.hurst@staffsmoorlands.gov.uk</a>		

## **REFERRAL**

The application is before committee because, with the number of objections, it has become locally contentious.

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

## **APPROVAL**

### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The application site comprises a broadly L shaped parcel of land which extends to some 0.3126 ha. The site lies on the eastern side of Cheadle Road, Cheddleton. The land includes the dwelling known as 403 Cheadle Road and its curtilage. From the rear of the dwelling the site runs at right angles between north and south and includes the land that has linear orientation cross the rear of numbers 403-411 Cheadle Road.

2.2 The site is located in a predominately residential area within the defined settlement boundary of Cheddleton village. There is a recent development of four detached houses which abut the northern boundary of the application site at 'The Oaks'. The land to the east of the application site, the other side of the settlement boundary, is designated as open countryside and Green Belt. Pointon's Park lies to the south whilst the rear gardens of 403-411 Cheadle Road bound the site to the west.

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

3.1 A full planning application to erect four detached dwellings along a linear shared private drive access. Each dwelling would have two driveway and a garage

parking space to the side. A separate communal bin store would be provided adjacent to the highway entrance.

3.2 To provide access to the site, which takes some of the garden from 403 Cheadle Road and predominantly forms a strip of 'land locked' grass land between the rear garden boundaries of the Cheadle Road dwellings and the Green Belt boundary, it is necessary to demolish the garage at the side of 403. A driveway would run through that space, pass the side of the house, alongside a reduced garden area, and run around across the rear of the gardens.

3.3 Each dwelling would have four bedrooms, their front elevations would be parallel to roof ridge and there would be a front facing gable turn on the principal elevations providing a bay window at ground floor. Each dwelling would be presented at an angled orientation to the private drive to fit them on the slim dimensions of the plot and provide ample rear amenity space.

3.4 The scheme includes proposal to plant boundary hedgerow, sett surfaced driveways, tarmac access road. Dwellings would be built from a brown old English brick and plain clay tiles the plans detail – chimney stacks, soldier course lintels and cills, grey window casements, and corbelled eaves.

3.5 During the course of the application, revised plans were submitted to demonstrate improved visibility at the access, an increased driveway width, set back bin storage, and increased garage space dimensions. Additional information was also submitted in the form of comprehensive ecology surveys (particularly in respect of protected species, including bats and great crested newts) and a net gain biodiversity metric.

3.6 Details of the application scheme can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=146546>

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

None

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

5.1 The Development Plan comprises of:

- The Local Plan Development Document (adopted Sep 2020)

Adopted Staffordshire Moorlands Local Plan - Sep 2020

5.2 The following Local Plan policies are relevant to the application:-

- SS1 Development Principles
- SS2 Settlement Hierarchy

- SS4 Strategic Housing and Employment Land Supply
- SS8 Larger Village Spatial Strategy
- H1 Housing Supply
- DC1 Design Considerations to protect residential amenity
- DC3 Landscape Character
- NE1 Biodiversity and Ecology

Supplementary Planning Document (SPD)

Staffordshire Moorlands Design Guide 2018

National Planning Policy Framework (NPPF) revised.

## **6. CONSULTATIONS**

### **Public response to consultation**

6.1 Notification letters were sent to Neighbours on the 7<sup>th</sup> April 2021. A site notice was posted on the 20<sup>th</sup> April 2021, all periods of consultation expired on the 11<sup>th</sup> May 2021.

6.2 11 objections have been received. A petition against the development with 17 names from 9 different households has been signed and submitted. The following comments are made:

- Poor visibility at the proposed access with the highway at a 50mph limit, another access onto the highway could create a highway danger
- Would ruin a feature property and grazing land when there are other brownfield sites available
- There is wildlife in the garden and the areas including bats , specialist birds including buzzards, the house and the garage is a haven for bats.
- The proposed houses will detract from the privacy and views currently enjoyed by the properties in front and will have a detrimental impact on the available light into their houses and gardens.
- The proposed houses would not be affordable properties or meet the needs of local people, they would be built only for the profit of the landowner.
- There would be increased pressures on existing infrastructure as the village is already at capacity due to expansion.
- The garden outlook onto green and pleasant countryside acts as mitigation for the negative experiences of living near to the protein processing factory.

- Developing the land puts the area at a higher risk of flooding or the very least higher surface flooding on the road.
- The development would adversely affect property values
- The access road and plot 1 would be very close to 1, The Oaks, intruding on its privacy and blocking sunlight.
- Developing green sites within the open countryside continually chips away at the fabric of the Moorlands.

### **Cheddleton Parish Council**

6.2 Cheddleton Parish Council: Objection. Access is not wide enough for vehicles to pass, washed over by Green Belt, countryside intrusion, and overdevelopment.

### **Staffordshire County Council Highways**

6.3 **Site visit 28/04/2021** No Objection subject to conditions. Revised comments following the submission of amended plans to address concerns over layout and highway safety. This response is based on revised drawings submitted 28/05/2021 and 03/08/2021 following discussion with agent. Visibility splays are stated on the drawing and should be provided. Access width has been increased to 5m for minimum 10m rear of the carriageway edge. Beyond this access is 4.5m wide which is acceptable. Minimum 4.2m is required. Garages have been increased in size to minimum 6m x 3m per car, in line with SMDC Local Plan Appendix 2. Access to existing dwelling Rosedale is now off the proposed private drive with the second access permanently closed. This is a benefit to highway safety by reducing the number of points of conflict. Permanent reinstatement of the crossing at the kerblineline is recommended as a condition. Bin collection point is now proposed. Current records show there were no personal injury collisions on A520 Cheadle Road within 160m of the property access in the last 5 years.

### **Staffordshire Wildlife Trust**

6.4 No Objection subject to conditions requiring development to be undertaken in accordance with the biodiversity net gain report and the GCN report; bat and bird protection and enhancement measures as specified in report; amphibian friendly road and drainage design; and hedgehog access holes.

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

### **Principle of Development**

7.1 The whole of the application site, including part of the garden to 403 Cheadle Road and the narrow parcel of land that runs across the western garden boundary of the Cheadle Road dwellings, is within the 'larger village' of Cheddleton (Cheddleton South II), as defined and contained by the adopted Local Plan and the settlement boundary. The 'larger village' of Cheddleton includes two separately defined

settlement groupings, the main area to the north, and 500m to the south, a smaller area that contains the row of dwellings along Cheadle Road and Folly Lane. Both areas are surrounded by Green Belt. The application site is in the smaller area to the south.

7.2 The narrow land parcel that forms the majority of the application site is deliberately included within the settlement boundary. It forms a linear band of land between the southern end of 'The Oaks' development to the north and the factory access to the south. The existing private drive development at 'The Oaks', sets a certain precedent, running a second row of houses, or a line of development, behind the principal development that fronts Cheadle Road. The land provides an opportunity to continue that form and line of development to the south, right up to the factory access, without making any encroachment into the land to the east. The development boundary was adopted in these respects, following full consultation, as part of the currently adopted Staffordshire Moorlands Local Plan 2020.

7.3 The Local Plan must deliver a 5 year supply of housing to accord with the requirements identified in Local Plan Policy SS3 and it sets a strategy for achieving this aim. Policy SS4 states that 25% of the supply must come from the rural areas through a mix of allocated and smaller windfall sites. In the 'larger village' areas strategy SS8 applies. These settlements shall retain and enhance their role as rural service centres, providing for the bulk of the housing requirement of the rural areas. There are no sites that have been allocated for housing development in Cheddleton, which means that all of its contribution to housing supply must come from 'windfall' opportunity. The strategy supports and provides for windfall sites subject to other local plan policies.

7.4 The proposal would provide less than 10 dwellings on an area of less than 0.5ha, and therefore there is no special requirement under policies H1 or H3 for the development to provide a mix of housing in terms of size, type and tenure. The development would be within an identified 'larger village' settlement on an undeveloped 'windfall' site, it would not be located in the Green Belt and there is no policy constraint in these circumstances that would, in principle, prohibit an area of garden or undeveloped land from making a contribution. There would be no conflict with the development plan and the spatial strategy in these regards.

7.5 Moreover, with regard to the delivery of housing, the Council currently has an undersupply of less than 5 years. In these circumstances paragraph 11d) of the NPPF and the 'tilted balance' is engaged. Local Plan housing policies must be considered out of date and planning permission should be granted without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The economic and community benefits associated with the contribution to housing supply of four dwellings provided within designated village settlement, must be considered significant.

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

7.6 All housing development should be at the most appropriate density compatible with the site and its location, and with the character of the surrounding area. Higher densities will generally be appropriate in locations which are more accessible by public transport and which have good access to services. In all cases the development will not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character and appearance of the countryside.

7.7 All development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD. In particular, new development should:

1. be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area;
2. 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.

7.8 The application site comprises a broadly L shaped parcel of land and located in a predominately residential area where the prevailing dwelling type is that of red brick houses and cottages with sections of decorative render. There is a recent development ('The Oaks') that provides a linear row of four detached houses which abut the northern boundary of the application site. These properties are built in red brick with traditional cottage style detailing and present front gable projections.

7.9 The application site forms a linear band of land between 'The Oaks' development to the north and the factory access to the south. The existing private drive development of 'The Oaks', sets a certain precedent of running a second row of houses or a line of development behind the principal development that fronts Cheadle Road. The land provides an opportunity to continue that form of development and fill the gap to the south and the edge of the settlement boundary. The proposed dwellings would essentially replicate and repeat the design and dwelling type from 'the Oaks' development with a scale, spacing and arrangement that would be complimentary to the existing pattern, density and character of the existing settlement. In these regards, the development, which would be enclosed to the east by mature hedgerow, would not result in an intrusion or encroachment into the countryside and there would be no harm to the character of the landscape or settlement setting. There would be no conflict with Staffordshire Moorlands Local Plan Policy DC1 and DC3, or the Council Design Guide in these regards.

## **Amenity of future and existing occupiers of dwellings**

7.10 The submitted site plan includes a survey of the existing dwellings and their gardens, a comparison with the digital O.S. plans and aerial photographs verifies the plan as accurate. All four of the neighbouring Cheadle Road dwellings, not including 403 which belongs to the applicant, have generous gardens with a depth of 20-25m from rear elevation to boundary hedge and the edge of the application site, with considerable width, providing spacing between the large properties.

7.11 The rear elevations of the semi-detached dwellings 409 and 411 Cheadle Road would be facing the two storey end/side gable elevation of Plot 4, approximately 24metres away. The rear elevations of 405 and 407 would be more than 24m from the front elevations of Plots 2 and 3, which would in any event be at an indirect angle with an orientation to optimise their positioning on the site. All of these distances and relationships are well in excess of the standards set out in the Council's long standing 'Space About Dwellings' guidance. In these regards, the existing dwellings would have ample outlook, privacy and sunlight within their properties and gardens – the amenity of these residents would not be unreasonably affected.

7.12 The applicant's dwelling at 403 would have a much reduced garden area. Their additionally large garden, compared to its neighbours, would provide space for the access drive and proposed Plot 1, actually making the total size of the rear garden closer to that of its neighbours. The access drive would take an angled line across the width of the garden. However, the still very wide garden would have a depth of 9m at its shortest, extending to 22m at its deepest. The distance between the rear elevation of 403 and the angled front elevation of plot 1 would, at its closest, be 21m.

7.13 To space and arrange the four dwellings along the land strip the layout would angle their orientation along the row providing them with broadly triangular shaped rear gardens running to the field boundary behind. Each rear garden would have a maximum depth of 10m with considerable width and generous space between properties providing ample private amenity space.

7.14 Slightly weaker elements of the layout can be identified where Plot 4 at the end of the private drive would have front outlook facing an angled side elevation of Plot 3 (15m away) and the front of Plot 3 would be set behind plot 2 with the side wall of plot 2 flanking outlook from the living room window at Plot 3. In both respects the dwellings would have otherwise spacious out look into large driveways and front lawns and there would not be significant or direct conflict with any of the standards set out in the Council's Space About Dwellings guidance. These relationships do not raise matters of harm that outweigh the benefits achieved by an otherwise successful layout.

7.15 The development would protect and provide adequate standards of amenity and living conditions for all existing and future occupants and would be compliant with Local Plan Policy DC1 in these regards.

### **Impact on ecology and Biodiversity Net Gain**

7.16 Policy NE1 in the Staffordshire Moorlands Local Plan Adopted September 2020, expects that 'all development where possible seeks to deliver a net gain in biodiversity proportionate to the size and scale of the development. In circumstances where adverse impacts are demonstrated to be unavoidable, developers will be required to ensure that impacts are appropriately mitigated, with suitable compensation measures towards loss of habitat used only as a last resort where there is no alternative'

7.17 The applicant has engaged with ecology consultants and submitted new reports and surveys to address the Local Plan policy requirements and the holding objection of Staffordshire Wildlife Trust. The Trust have confirmed that subject to conditions they have no objection, they comment now as follows:

*The updated Biodiversity Net Gain Report, Biodiversity Metric Calculation and New Habitat Map - Off-Site all dated February 2023 are now adequate to show that a net gain is achievable via enhancement of the off-site field to the east of the proposal site. The report includes habitat creation details and a 30-year management and monitoring plan.*

*Overall, habitat provisions are good and will mitigate losses, however, alterations may be necessary as required by a Great Crested Newt license. The revised Drainage Plan 2020-2541-10A now shows soakaways avoiding tree Root Protection Areas. Details of amphibian-friendly road and drainage design could be secured via condition. The sycamore tree (TN2) with bat roost potential has been confirmed to be retained unaffected and is outside the red line boundary. No further action required other than tree protection measures.*

*The revised Great Crested Newt Environmental DNA (eDNA) Survey Report (June 2023) by Elite Ecology states that a GCN licence is required, and sets out precautions to be applied to work within the site. These are suitable for the site itself, however any works such as pond excavation nearer to the GCN pond may need further action such as fencing/ trapping. Proposed work to enhance habitats within the adjacent field would involve pond excavation within 50m of the existing pond- licensable impacts would be reduced if habitat disturbance works could be avoided within 100m of the pond, i.e. pond locations moved to the northern end of the habitat mitigation field. Overall the development impacts to GCN can be managed and that proposed habitats will be better for GCN post-construction. A development licence for the site will be required.*

## **Highway Safety**

7.18 The site layout has been revised in response to Highway Authority comments. The revised layout demonstrates that adequate visibility can be provided, increases parking provision to be standard complaint with three spaces per dwelling, the geometry of the access has increased so two vehicles can pass, a dedicated area of bin storage would be provided clear of parking and access areas, and garage internal dimensions have been increased.

7.19 With the submission of a revised layout plan the Highway Authority have confirmed that they have no objection to the development. Concerns over highway safety would no longer be a sustainable reason to refuse the application.

## **CONCLUSION / PLANNING BALANCE**

7.20 The proposed development would deliver four new dwellings and contribute to housing supply by providing development on an area of land that is included within



the village settlement boundary and available to make 'windfall' addition to housing supply.

7.21 The dwellings would relate well to the pattern, density and character of the existing development in terms of their scale, spacing, arrangement, design and use of materials. Adequate standards of amenity and living conditions would remain for existing householders and be provided for future residents with a scheme that would be compliant with the separation distances set out in the Council's Space About Dwellings guidance. With improvements to access visibility and the width of the private drive, there are no objections from the County Highway Authority. The applicant's ecology consultant demonstrates to the satisfaction of Staffs Wildlife Trust that a biodiversity net gain is achievable via enhancement of the off-site field to the east of the proposal site and would not harm protected species.

7.22 Overall the development is compliant with the policies of the SMDC Local Plan listed above. The development would not result in any adverse impacts that would significantly and demonstrably outweigh the significant economic and community benefit associated with the development and its contribution to housing supply.

## **8. RECOMMENDATION**

**A. That planning permission be APPROVED for the development, subject to the following condition(s):**

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

**Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)**

**2. The development hereby permitted and described above shall only be carried out in accordance with the following approved plans referenced and numbered as:**

### **Plans submitted with the application**

**2020-2541-08 PLANNING PROPOSAL - LOCATION PLAN(1)  
2020-2541-03A PLANNING PROPOSAL - PLOT 1 HOUSETYPE(1)  
2020-2541-04A PLANNING PROPOSAL - PLOT 2 HOUSETYPE(2)  
2020-2541-05A PLANNING PROPOSAL - PLOT 3 HOUSETYPE(1)  
2020-2541-06A PLANNING PROPOSAL - PLOT 4 HOUSETYPE(2)  
Revised Plan submitted on the 29<sup>th</sup> June 2021**

**2020-2541-07B PLANNING PROPOSAL - GARAGE PLANS AND ELEVATIONS**

### **Revised Plans submitted on the 28<sup>th</sup> March 2023**

**2020-2541-02E- SITE PLAN  
2020-2541-10A PLANNING PROPOSAL - DRAINAGE PLAN**

**Reason:- For the avoidance of doubt and in the interests of proper planning, in**

accordance with the National Planning Policy Framework.

3. The development hereby permitted shall only be carried out using 'Ibstock Birtley Old English' facing brick work and Staffordshire blue plain clay roof tiles. There shall be no variation without the prior consent in writing of the Local Planning Authority.

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

4. The development hereby permitted shall not be brought into use until the visibility splays shown on revised site plan 2020-2541-02 E have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

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

5. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the revised site plan 2020-2541-02 E. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.

Reason:- To comply with SMDC Local Plan Appendix 2 Parking Standards.

6. The Garages to be provided as part of the development shall only be of a minimum internal length of 6m and minimum internal width of 3m per vehicle in accordance with revised site plan 2020-2541-02 E and revised garage plan 2021-2541-07 B. Garages shall thereafter be retained for the purposes of parking of motor vehicles and cycles for the life of the development.

Reason:- To comply with SMDC Local Plan Appendix 2 Parking Standards.

7. The development hereby permitted shall not be brought into use until details of the reinstatement of the existing site access to footway with full height kerb, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development have been first submitted to and approved in writing by the local planning authority. The existing site access made redundant as a consequence of the development hereby approved shall thereafter be reinstated as footway with full height kerb in accordance with the approved plans.

Reason:- To avoid a proliferation of redundant access crossings.

8. Before the proposed development is brought into use, the collection day bin store clear of the highway, shown on approved drawing 2020-2541-02 E shall be provided. The bin store area shall thereafter be retained as such for the life of the development.

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

9. The development hereby permitted shall not be brought into use until the improved access to the site has been completed in accordance with approved drawing 2020-2541-02 E.

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

**10. The development shall only be carried out in accordance with, and full observation of, the Biodiversity Net Gain Report (February 2023) produced by Elite Ecology and submitted on the 28<sup>th</sup> March 2023, unless otherwise agreed in writing by the Local Planning Authority or required by the terms of the Great Crested Newt measures.**

**Reason:- To secure a biodiversity net gain with the development as required by the terms of the NPPF.**

**11. The development shall only be carried out in accordance with, and full observation of, the Great Crested Newt Environmental DNA (eDNA) Survey Report (May 2022/June 2023) produced by Elite Ecology updated and submitted on the 19<sup>th</sup> July 2023, unless otherwise required by a European Protected Species licence subsequently issued by Natural England. Agreed features for GCN shall be permanently installed in accordance with the approved details.**

**Reason:- To ensure that the development does not adversely affect protected species.**

**12. The development shall only be carried out in accordance with, and full observation of, the bat and bird protection and enhancement measures as specified in the Bat Activity Report, (July 2022) produced by Elite Ecology and submitted on the 28<sup>th</sup> March 2023.**

**Reason:- To ensure that the development does not adversely affect protected species.**

**13. The rear garden boundaries to be installed as rough sawn timber panel fencing shall include hedgehog access holes.**

**Reason:- To protect and safeguard wildlife habitat**

**14. Within the first available planting season of the development being completed or brought into use, the hard and soft landscaping and planting scheme that is detailed on the approved site plan 2020-2541-02E shall be carried out and implemented on site. The landscaping and planting shall thereafter be retained and maintained in accordance with the approved site plan.**

**Reason:- To protect the character and appearance of the development and to provide ecology habitat.**

**15. 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, G and H and/or Part 2 Class(es) 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 protect and control the quality, character and appearance of the development.**

**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.



