

ADDENDUM REPORT

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL PLANNING APPLICATIONS COMMITTEE

30 August 2018

Application No:	SMD/2018/0045	
Location	Tearne Quarry Main Road Hollington	
Proposal	Demolition of existing offices and workshop buildings and redevelopment for nine dwellings	
Applicant	Mr R Oldham	
Agent	G J Perry Planning Consultant	
Parish/ward	Checkley	Date registered 20/2/18
If you have a question about this report please contact: Jane Curley tel: 01538 395400 ex 4124 Jane.curley@staffsmoorlands.gov.uk		

1. INTRODUCTION

This application was deferred by the PAC at the July meeting for further negotiations to take place between the applicant and Officers to address specifically the issues of

- a) The amenity of plot 1 with regard to the extant quarry permission,
- b) The bunding at the rear and
- c) The outstanding objection from the Environment Agency.

These matters are considered under the various sub headings below. This report should be read on conjunction with the attached Committee report.

2. POLICY UPDATE

The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was “sound”. Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public will now be held this Autumn in order to determine whether the Local Plan is sound and legally compliant. Subject to the findings of the appointed inspector, the Local Plan is expected to be adopted in the Spring of 2019. At his point, it will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the Council has submitted it to the SoS for examination
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question. The Officer Comments section of this report identifies the level of outstanding objections to each policy and recommends the amount of weight to be given to them at this stage in the process
- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

Emerging Policies

The following policies are considered to be relevant to this application:

- Policy SS1 Development Principles
- Policy 1a Presumption in favour of sustainable development
- SS2 Settlement Hierarchy
- SS9 Smaller Villages Strategy
- SS10 Other Rural Areas Strategy
- Policy H1 New Housing Development
- Policy DC2 Historic Environment

3. OFFICER COMMENT

Amenity of plot 1

3.1 Discussions have taken place with the applicant's agent on this issue. The advice was to consider the deletion of a plot to free up space and provide an acceptable relationship with plot 1. The applicant chose not to do this but has presented three schemes, only one of which Officers felt worthy of pursuing with the others being discounted on design/street scene impact grounds. The revised scheme replaces the two pairs of semi detached houses (plots 1-4) with a block of 4 terraces but in order to free up land. Parking for 3 of the units is provided on the opposite side of the internal access i.e. on part of the land that the applicant indicated he intended to donate to the village hall albeit that Members were advised not to attach any weight to this. The plans also show the quarry access road increased to 5m in width with space achieved between this and the boundary of plot 1 for landscaping. The plans also show the bund extended to enclose the rear garden of plot 1.

3.2 Although the scheme is a compromise, it is felt to be an improvement for a number of reasons. Firstly the increased width of the quarry access road is more appropriate for the type of vehicles and plant associated with the quarry.

At the same time it remains at a suitable distance from the mature trees/hedgerow along the western boundary i.e. still contained laterally within the footprint area of the existing workshop buildings to be removed. Secondly the combined effect of the increased space created by the terracing of the units and parking opposite, the increased width of the quarry access road and the extension of the bund to the side rear garden of plot 1 (see further discussion below) is considered to result in a better relationship and amenity for future occupiers of plot 1. The drawback is that a parking area for 6 cars is provided in a prominent part of the site. However with suitable boundary treatment and landscaping it is considered that an appropriate finish can be achieved which does not detract from the character and appearance of the area. An amended plan has now been received to include both this land and the land between these spaces and the road within the application site. The concern being that this latter area could, if not provided for within this application become 'left over' land which could detract from the amenity of the village. This area is now shown as an open landscaped area. Further publicity has been carried out on this amended plan, including the Local Highway Authority and Members will be updated at the meeting.

3.3 The design of the terrace block has been subject to negotiation. As a result of the narrow frontages, the initial design was considered to be too cluttered. Amendments have been secured which have resulted in a greater solid to void ratio and simpler fenestration. The side gables remain unfortunately deep at circa 10m as with units 5- 8 (see discussion in attached Committee report) but as these have a limited public view and are relieved with windows, they are not considered to be so disproportionate as to be fatal to the scheme.

3.4 The revised scheme is considered to be an improvement in terms of the impact on the amenity of plot 1 and subject to conditions achieves compliance with Policies DC1, DC4 and Policy 3.2 of the Minerals Local plan

Proposed bunding to rear to mitigate noise

3.5 Members agreed with the concerns expressed in the Officer report that a) it had not been demonstrated that the proposed bunding would provide an acceptable feature in its own right or b) that it would physically achieve its primary objective which was to mitigate noise from the adjacent quarry.

3.6 Following further discussions with the applicant's Agent, an amended plan has been received. This has been reviewed by the Trees and Woodland Officer. The plan shows the overall bund now at 8m in width. It is considered that this will provide greater space to accommodate more practical, gentler – sloping faces whilst also providing a flat top for siting the fence and space for landscaping. The bund also now appears to wrap around the rear garden of plot 1 terminating just northwards of the rear elevation of this dwelling. Whilst planting is only shown indicatively, it too has been revised to show a new hedgerow outside the fenceline. Whilst appropriate the Trees and Woodland Officer comments that this could equally be mixed native shrubs planted at c.1m centres to cover the southern face and crest of the bund and achieve an

informal scrubby bank, rather than a formal hedge planting pattern along the top of the bund. Also shown are indicative new trees both outside the plots (to break up the fenceline and development roofline in views from open countryside to the south) and within the plot gardens (to soften the visual impact of the combined 2m high fence plus 2m high bund). As the applicant has not provided a detailed landscaping plan this will need to be conditioned but the Trees and Woodland Officer is satisfied that the approach indicated is a suitable and achievable approach. The landscaping plan should include full details of the bund – its construction, levels, sections etc.

3.7 This aspect of the proposal is now considered to be acceptable and with conditions to secure full details of the bund, the fencing and landscaping and details of the future maintenance/management thereof there is considered to be compliance with Policies DC 3.

3.8 Another matter which had been raised by Officers and discussed in the attached Committee report although not specifically raised by Members was the relationship of plot 9 garage and the adjacent hedgerow. The revised plans have omitted this detached garage thus avoiding the need for a vehicle access drive around the eastern side of the dwelling. A narrower pedestrian path now runs round the dwelling, allowing more space to accommodate the ground level drop down to the site's eastern boundary line within the existing hedgerow. The Trees and Woodland Officer has considered this also and advises that this arrangement will better accommodate retention/reinforcement of this hedgerow itself, which is important to maintain/improve screening and therefore to achieve an acceptable boundary treatment and setting for the proposed development. The downside of course is that parking spaces for 3 vehicles are shown across the site frontage. Boundary treatment (low stone wall) and landscaping would help to soften this. The view of the Local Highway Authority on these spaces is awaited and will be reported at the meeting.

Outstanding objection from the Environment Agency

3.9 The Environment Agency (EA) had objected to the application on the grounds that insufficient information was provided to demonstrate that the risk of pollution to controlled waters had been assessed and was acceptable.

3.10 The applicant subsequently submitted a Preliminary Risk Assessment which has been considered by the EA. They confirm that they are satisfied with the assessment and that subject to a condition requiring a remediation strategy to deal with the risks associated with contamination of the site, their objection is withdrawn.

3.11 With this condition in place there is compliance with Policy SD 4 and this matter is now considered to be acceptable.

Other matters

3.12 The revised plans still seem to be insisting on tarmac for the internal road and drives which Officers maintain is a poor design response to this village location. A 'notwithstanding' materials condition is therefore recommended to ensure that appropriate hard surfacing is achieved. Similarly with respect to boundary treatment the plans continue to refer to a combination of 1m and 2m high timber feather edged fencing. Again in this rural village location it is considered that a more appropriate boundary treatment should be secured. Whilst timber fencing at the rear would be appropriate and acceptable, a low stone wall should be considered for the front boundaries. This can be conditioned.

4. PLANNING BALANCE & CONCLUSION

4.1 As advised above and since the July meeting the Submission Version of the Local Plan has been referred to the Secretary of State. For the smaller villages such as Hollington there is no longer to be an infill boundary within which limited development may be permissible. Emerging Policy SS9 sets out the Smaller village strategy which is one of strictly controlling development in such locations so as not to undermine the character and life of the settlement and recognising that development on a large scale would be unsustainable in the smaller villages due to limited services and facilities. Emerging Policy H1 refers to development in smaller villages being acceptable where it is well related to the existing pattern of development, where it will not create or expand ribbon development nor lead to a sporadic pattern of development. On the face of it the application site would largely meet these criteria. However in light of the number of objections to both this emerging policy and emerging policy SS9 only limited weight can be attached to them at this stage.

4.2 The NPPF is a material consideration of significant weight in this application. Section 5 of the NPPF refers to delivering a wide choice of high quality homes. Paragraph 59 sets out the importance of supporting the Government's objective to significantly boost the supply of homes. The Council can not currently demonstrate a 5 year deliverable supply of housing land in accordance with paragraphs 73 and 74 of the NPPF and therefore housing supply policies are out of date. Because the application is for housing, these are the most important policies for the determination of the application and accordingly Paragraph 11, the 'tilted' balance as it has become known, is therefore triggered in this case. Paragraph 11 says that planning permission should in these circumstances be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The Revised Framework sets out a presumption in favour of sustainable development. It identifies three dimensions to sustainable development i.e. economic, social and environmental and says that these roles should not be undertaken in isolation.

4.3 The proposed development would provide some short-term economic benefits, principally through the construction of the dwellings to which

moderate weight is attached. There would be social benefits arising from the provision of 9 houses in circumstances where there is a substantial shortfall in the District, to which significant weight is attached. Weighing against the proposal is the conflict with the spatial strategy of the Core Strategy and poor accessibility to services and facilities thus conflict with adopted Policies SS1, SS6b, H1 and the NPPF. Previous concerns about the amenity of plot 1 (Policy DC1 and Policy 3.2 of the Minerals Local plan), the landscaping of the site (Policy DC3) and potential pollution from contamination (Policy SD4) are addressed in the revised plans/documentation as discussed and analysed above. This leaves therefore the outstanding reason regarding the limited services and facilities in Hollington and consequently its poor accessibility and conflict with SS6b and SS1. However in the overall balance in addition to the benefits outlined above, this is a brownfield site, it is well related to the existing pattern of development, the design is good and the impact on the wider landscape is acceptable.

4.4 A distinction can be drawn with recent appeal decisions in Hollington referred to in the attached report. In these cases the Inspector agreed with the Council that Hollington was not an accessible location but in each case there was, in addition, landscape harm. The sites were greenfield, not brownfield and did not relate well to the existing settlement. Together these matters in those cases were sufficiently harmful when applying the tilted balance to warrant withholding permission.

4.5 In this case, when assessed against the policies in the NPPF as a whole, the judgement is now reached is that the adverse impacts arising from the poor accessibility of the site relative to services and facilities is no longer so significant and demonstrable to outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. The 'tilted' balance (applied because this is an application for housing) is now in favour of the scheme and results in a change of recommendation to one of approval subject to conditions.

5. RECOMMENDATION

Delegate Authority to the Operations Manager – Development Services in consultation with the Chairman to grant planning permission subject to no new and substantive issues being raised on or before 5th September.

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

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

Contamination

3. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A site investigation scheme, based on the findings of the AJS Structural Design Ltd Phase 1 Desk Study (report no. 74418/57878) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To ensure the protection of controlled waters.

Removal of Permitted development

4. 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, B, C, D, E and Part 2 Class A, 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:- The application has sought relief from the provision of affordable housing on the basis of the Ministerial statement of 28th November 2014 (upheld by the Court of Appeal 13/5/16) and the restriction of gross floor space to no more than 1000 square metres and in the interests of the character and appearance of the area.

Design

5. Notwithstanding any details shown on the approved plans, the development hereby permitted shall not be commenced until full details of the following have been provided and approved in writing by the Local Planning Authority :-

- Samples of external facing materials (the expectation being that these are Staffordshire blue clay tiles and natural stone as per the application form and plans)
- Hard surfacing
- Eaves and verge details (avoiding bargeboards and fascia's)

- Frontage boundary - Window and door detail (including materials, recess depth within the aperture and glazing bar subdivisions)
 - Boundary treatments/ means of enclosure including internal subdivision of plots
- The development shall thereafter be carried out in accordance with the approved details and thereafter retained.
Reason:- To ensure a high quality external appearance in the interests of the character and appearance of the area

Landscape/Visual impact and Biodiversity

6.No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development, unless otherwise approved by the LPA. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), unless otherwise agreed by the LPA and in this case only following careful inspection by a competent person to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds.

Reason:- In the interests of the character and appearance of the area and biodiversity

7, Before the commencement of development (including any demolition, site clearance, site stripping or site establishment) temporary protective fencing and advisory notices for the protection of the existing trees and hedgerows to be retained shall be erected in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and shall be retained in position for the duration of the period that development takes place, unless otherwise agreed by the LPA. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed by the LPA.

Reason:- To protect trees and hedgerows which contribute to the character and appearance of the area

8. Any mature tree to be removed or to have substantial crown pruning operations carried out shall first be carefully inspected for the potential to provide bat roosting opportunities. Any tree which has such potential (which could include cavities, splits, decay pockets, hollow stems or branches, areas of loose bark, dense ivy cover or dense epicormic shoots) shall be subject to a further detailed and if necessary climbing inspection by a licensed bat worker immediately prior to felling or pruning, and all felling or pruning of such trees shall take place in the presence of the bat worker who can then immediately advise on appropriate measures if bats are encountered during dismantling, felling or pruning operations.

Reason:- In the interests of biodiversity

9. Before the commencement of development (including any demolition, site clearance, site stripping or site establishment) a landscaping scheme shall be submitted to and approved by the LPA. Such a scheme 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 and shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason:- To protect the character and appearance of this rural area and ensure an acceptable external finish to the development

Highways

10. Notwithstanding the submitted details, the development hereby permitted shall not be commenced until details of the 2.4mx43m visibility splay at the access adjacent to Highlands have been submitted to and approved in writing by the Local Planning Authority showing the existing wall replaced behind the visibility splay. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development being brought into use.

Reason:- To comply with NPPF paragraph 32; to comply with SMDC Core Strategy policy DC1; in the interests of highway safety.

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

- means of discouraging use of the easternmost access as an exit;
- details of signage to discourage use of the easternmost access as an exit;
- narrowing of the access including works within the highway;
- details of forward visibility around the two 90 degree bends;

The details shall thereafter be carried out in accordance with the approved details and the forward visibility shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level and be completed prior to first occupation and shall thereafter be retained as such for the lifetime of the development.

Reason:- To comply with NPPF paragraph 32; to comply with SMDC Core Strategy policy DC1; in the interests of highway safety.

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

Reason:- To comply with NPPF paragraph 32; to comply with SMDC Core Strategy policy DC1; in the interests of highway safety.

13. The development hereby permitted shall not be brought into use until details of a surface water drainage interceptor, connected to a surface water outfall or draining to SUDS principles, preventing surface water from flowing off the site onto the highway from the easternmost access, has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

Reason:- To prevent surface water flowing off the site onto the highway.

14. No development shall take place until full details of the finished floor levels above ordance datum, of the ground floors of the proposed dwellings in relation to existing ground levels have been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved levels.

Reason:- To ensure an acceptbale external appearance

Informative

1. Your attention is drawn to the advice contained in the letter from the Environment Agency dated 13th July 2018