

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

30 August 2018

Application No:	SMD/2018/0240	
Location	2 Breach Road Brown Edge	
Proposal	Outline permission with some matters reserved (except access, layout and scale)- Resubmission scheme of SMD/2017/0697 to provide a single storey, detached, two bedroom bungalow.	
Applicant	Chatterton Construction. Mr A. Chatterton.	
Agent	A-Z Design	
Parish/Ward	Brown Edge	Date registered 14/06/2018.
If you have a question about this report please contact: Mrs L. Jackson lisa.jackson@staffsmoorlands.gov.uk		

SUMMARY OF RECOMMENDATION

REFUSE

REFERRAL

The application is brought before Planning Committee at the request of Cllr Worthington for the following reasons;

1. There is a demand for affordable housing, which this would be as it is small;
2. Demand for bungalows;
3. Is within the village boundary;
4. Lack of 5-year housing supply;
5. Planning permission approved on a smaller plot in Cheadle;
6. Fall-back position is a mobile caravan which would look out-of-keeping.

1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 1.1 The application site is a currently unused parcel of land sitting at the junction of Breach Road and Leek Road. The plot is roughly rectangular in shape; it is very visually prominent from the public domain, it sits behind a drystone wall and is bounded on two sides by a pavement. Land levels slope downwards towards the northern boundary and frontage of number 2 Breach Road.
- 1.2 The site is located within the Brown Edge Village Development Boundary, within a well-established residential settlement. Property styles/designs/ages vary within the area. Two-storey dwellings of more

modern appearance are located to the west. To the south, on the opposite side of Leek Road, are Heaton Villas, a row of terraced cottages, raised and set back from the road behind an array of planting and retaining walls. To the south-east is Poolfields Court, a simple development of mainly two-storey semi-detached dwellings in a cul-de-sac arrangement. Breach Road itself is set back from, and is lower in level to, Leek Road and was designed as the front of an estate (leading to Chestnut Road and Spring Crescent) with an open plan, green buffer entry, lined with trees. The trees to the south-east of the site along the green buffer have a blanket Tree Preservation Order upon them. This open plan estate entrance arrangement is replicated further to the south-east at the Greenfield Avenue entrance.

2. DESCRIPTION OF THE PROPOSAL

- 2.1 This is an Outline planning application for the erection of a two bedroom, detached bungalow with consent also being sought for matters of access, layout and scale. Matters of appearance and landscaping are reserved for later determination. The submitted plan shows a pitched roof bungalow of gable design, orientated with its principal elevation facing towards the east with the side gable wall facing towards Leek Road at 90 degrees. The building is shown to have an 'L' shaped footprint, includes a projecting gable at the front of the dwelling and a ridge height ranging from between approximately 4.0m to 4.6m due to the sloping land levels. The bungalow would be set 2.0m away from the southern (Leek Road) boundary and 1.2m away from the western boundary. Land to the front of the bungalow near to the Leek Road/Breach Road junction is intended to be used for garden and parking space. There is an existing vehicular access drive leading to 2 Breach Road, this would be shared and used by any future occupant of the proposed bungalow.
- 2.2 The application is accompanied by a Design and Access Statement within which the applicants provide a brief history and assessment of the site. Details about layout, scale, appearance and access are also provided. 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/ApplicationSearchServlet?PKID=122356>

3. RELEVANT PLANNING HISTORY

SMD/2014/0788	Outline planning permission with some matters reserved (except access) for a two storey house
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and garage with parking spaces and associated works. Refused.

SMD/2015/0411 Outline planning permission with some matters reserved (except access, layout and scale) for two storey dwelling and garage with parking spaces and associated works (resubmission of SMD/2014/0788). Refused.

APP/B3438/W/16/3142723 Appeal against refusal of SMD/2015/0411. Appeal dismissed.

SMD/2017/0697 Outline permission with matters reserved (except access, layout and scale) for dormer bungalow with two parking spaces. Withdrawn.

4. PLANNING POLICIES RELEVANT TO THE DECISION

4.1 The Development Plan comprises:-

- Saved Staffordshire Moorlands Local Plan Proposals Map/Settlement Boundaries (Adopted 1998);
- The Staffordshire Moorlands Core Strategy Development Plan Document (Adopted 26th March 2014)

Staffordshire Moorlands Core Strategy Development Plan Document (Adopted March 2014)

4.2 The following Core Strategy policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS6a Larger Villages Area Strategy
- SD1 Sustainable Use of Resources
- H1 New Housing Development
- H2 Affordable and Local Needs Housing
- DC1 Design Considerations
- T1 Development and Sustainable Transport

Emerging Staffordshire Moorlands Local Plan

National Policy Guidance

Paragraph 48 of the newly adopted NPPF states that:

“...decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Local Plan Process

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 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 and their weighting are considered to be relevant to this application:

SS1	Development Principles (Moderate)
SS1a	Presumption in Favour of Sustainable Development (Significant)
SS2	Settlement Hierarchy (Limited)
SS3	Future Provision and Distribution of Development (Limited)
SS8	Larger Villages Areas Strategy (Limited)
SD1	Sustainable Use of Resources (Limited)
H1	New Housing Development (Limited)
DC1	Design Considerations (Moderate)
T1	Development and Sustainable Transport (Moderate)
T2	Other Sustainable Transport Measures (Moderate)

National Planning Policy Framework (NPPF July 2018)

The following NPPF sections are relevant;

- 5: Delivering a sufficient supply of homes.
- 6: Building a strong, competitive economy.
- 9: Promoting sustainable transport.
- 11: Making effective use of land.
- 12: Achieving well-designed places.

National Planning Policy Guidance

Supplementary Planning Guidance

Space About Dwellings.

Design Principles for Development in the Staffordshire Moorlands: New Dwellings and Extensions to Dwellings.

Supplementary Planning Document

Staffordshire Moorlands Design Guide

Communities and Local Government:

Technical housing standards – nationally described space standard.

4 CONSULTATIONS CARRIED OUT

5.1 A Site notice has been displayed and neighbouring properties notified.

Site Notice	Consultation period expires: 31/07/2018.
Neighbour Notification	Consultation period expires: 06/07/2018

Public Comments: One letter of representation received which can be summarised as follows;

- Building a house in front of another on a bad corner and bad pull out to a main road is not practical;
- No space for the cars and lorries that would have to be there when delivering materials;
- Space is too small and not level;
- Damage to underground cables;
- Would cause a lot of hassle, disruption and noise.

Brown Edge Parish Council: Councillors agreed to object to this proposal on the following grounds:

1. Dangerous Access on corner of B5051 main Breach Road and entrance to Breach Road estate.
2. Over Development of site. The new dwelling would appear cramped within the site.
3. The distance of 11 metres between properties is too small and materially harmful to Nos. 2 & 4 Breach Road.]

Severn Trent Water: The proposal has minimal impact on the public sewerage system therefore there are no objections to the proposals and no drainage condition is required.

Staffordshire County Council Highways: No objections on highways grounds subject to conditions. Severn Trent Water advise that there may be a public sewer located within the application site. STW's statutory sewer records do not show any public sewers within the area specified but there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

5 OFFICER COMMENT AND PLANNING BALANCE

Policy Context and Principle of Development

5.1 The Local Planning Authority is required to determine planning applications in accordance with the development plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations.

5.2 Paragraph 73 (NPPF July 2018) requires the council to identify a five-year supply of deliverable housing land, including a 5% buffer to allow for

choice and competition in the market or, in this instance, 20% where there has been a significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply. It is acknowledged that the council cannot demonstrate a five year housing land supply and as of 31st March 2017 the figure was 1.99 years.

5.3 Paragraph 11 of the National Planning Policy Framework (July 2018) states that plans and decisions should apply a presumption in favour of sustainable development. For decision-takers this means: “(c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies, which are most important for determining the application are out-of-date, granting planning permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole”. NPPF para 8 identifies the three dimensions to sustainable development as economic, social and environmental. The National Planning Policy Framework is a material consideration in planning decisions.

5.4 Policy SS1 of The Staffordshire Moorlands Core Strategy identifies that development should contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. Core Strategy policy SS1a establishes a ‘Presumption in Favour of Development’ in line with National Planning Policy where (1) planning applications that accord with policies within the Core Strategy will be approved without delay and (2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:-

- I. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework (NPPF) taken as a whole, or,
- II. Specific policies in within the Framework indicate that development should be restricted.

5.5 Core Strategy policy SS6a identifies the larger villages within the District of which Brown Edge is one. Within these settlements encouragement is given to retaining and enhancing their role as service centres including providing for the bulk of housing need. This application is for a single dwelling and therefore the affordable housing/tenure requirements are not triggered in accordance with the requirements of Core Strategy policy H2.

5.6 The site is within an identified settlement boundary and previous applications (including a dismissed appeal, discussed later in the report) have accepted that it is within a sustainable location. However, for the reasons outlined within this report the application is not considered to be

acceptable. Matters of appearance and landscaping are reserved for later consideration.

Design and Visual Impact (Character and Appearance)

- 5.7 Core Strategy policy H1 'New Housing Development' states that 'all development will be assessed according to the extent to which it provides for high quality, sustainable housing' and having regard to the location of the development and the characteristics of the site. Policy DC1 requires that all developments shall be well designed and reinforce local distinctiveness by positively contributing to, and complementing the character and heritage of, an area. Development should be of a high quality, adding to the value of a local area, be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, density, layout, siting, landscape, character and appearance.
- 5.8 The NPPF (July 2018) places great importance to the design of the built environment, in particular paragraph 130 clarifies that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area. Approval of access, layout and scale is sought; access matters are discussed later in the report. Consideration must be given to the way in which the new dwelling and any open space is provided and how the dwelling is situated and orientated in relation to surrounding buildings and spaces. Consideration must also be given to the dimensions of the proposed bungalow and the resultant impact of the building in relation to its surroundings.
- 5.9 Members will note that there have been three previous applications for residential development on this site. Two have been refused (one dismissed at appeal) and one withdrawn. The two refused applications were outline schemes proposing a two-storey, detached dwelling. The reasons for refusal included location, scale, siting, impact on the openness of Breach Road, over-development of a restricted site, lack of private amenity space and neighbour amenity impact. The scheme has now been reduced to a single storey development and, in its own right, there are no objections to the design of the dwelling. It is acknowledged that the applicant has tried to address the Inspectors concerns of scale by reducing the scheme to a single storey property but in doing so has introduced new concerns about the design and scale of the building in relation to its surroundings. No other single storey dwellings are seen in close proximity to the application site. A bungalow on this plot would be at odds with its surroundings and seen in the context of two storey developments. It is noted that matters of appearance are reserved but it is highly likely that a very similar design of dwelling (in terms of windows/door arrangement) would come forward. Details such as materials/windows/doors would all be dealt with at Reserved Matters stage.

5.10 The application site is partly separated from 2 Breach Road by a timber panel fence. The plot is not a logical infill site; nor is it large enough to accommodate a dwelling and suitable external amenity space. The site originally formed part of a larger domestic curtilage resulting from the original, planned layout of Breach Road; the character of which is terraced and semi-detached dwellings fronting the highway across their respective front gardens/parking areas. There is an identifiable building line along Breach Road and the placement of a dwelling in the location identified would significantly undermine the design of the estate and the openness of the area at this point, which was achieved by setting the estate back from the road and behind open space. The development would appear as a visually intrusive and incongruous form of development within the streetscene. Newer houses to the west and south-east are seen as separate developments to the Breach Road properties. Indeed, the new dwelling would turn its back on the properties to the west and it would undoubtedly be seen as an out of context continuation of the Breach Road estate. Whilst the applicant has reduced the size of the dwelling from a two-storey to a single storey property it is still considered that the development would appear cramped due to the bungalow footprint within the restricted/small plot size and at odds with the arrangement of surrounding properties

Residential Amenity

5.11 There are two aspects of residential amenity to consider. Firstly, amenity matters in respect of the proposed dwelling (future occupants) and secondly the resultant impact of the development upon existing, surrounding residents. The submitted plan clearly shows the intended location, size, positioning and height of the bungalow. The plan also shows the layout of amenity/parking space. The dwelling would have its own off-road parking area (sufficient from a highways perspective and discussed later in the report) and external amenity space. The rear wall of the bungalow would be sited only 1.2m away from the western boundary. There would only be a 1.2m separation distance between the northern site boundary and the side, gable wall. A 2.0m strip of land would separate the southern boundary with the gable wall fronting onto Leek Road. These narrow areas would not provide any meaningful amenity space; they simply allow pedestrian circulation around the outside of the property. The main amenity space is to the front of the house, the part of the plot which is near to the junction of Breach Road and Leek Road; the application plan labels this area as 'garden and parking areas as required.'

5.12 The amenity standards (detailed in the Space About Dwellings Supplementary Planning Guidance) concerning garden lengths and garden areas are noted. If Permitted Development Rights have not been removed then the applicable amenity space area standard would be at least 85 square metres (14m long garden). If Permitted Development Rights are removed the standard is then 65 square metres (11m garden length). The proposed amenity area is approximately 86 square metres.

However, the Space About Dwellings standards require this to be garden area, not an area which would be shared with parked vehicles, as would be the case here. It must be a meaningful, useable space and must not be overlooked other than by immediate neighbours. It is considered that the plot is too small to accommodate a dwelling and the required satisfactory amenity space. Furthermore the positioning of the plot at the Leek/Breach Road junction would result in an amenity space which was very much visible and overlooked from the public domain. During consideration of the dismissed appeal the Planning Inspector noted that the proposed outdoor amenity space would suffer an unacceptable degree of overlooking from the adjacent pavement which is at a higher level. This is still the case. There is also consideration of overlooking from the Breach Road footpath to further render the amenity space unsatisfactory. The plans show the intent to erect a 1.8m high fence to the rear of the newly aligned wall along the Leek Road boundary (following on from the footpath widening). Whilst boundary details would be considered at Reserved Matters stage (landscaping) it is considered that in order to provide any meaningful privacy the boundary screening would have to be substantial, having street scene, visual impact implications and providing a poor amenity space.

5.13 The plan shows principal windows being located to the southern and eastern elevations. Although the window positioning/arrangement/sizes would fall under the remit of 'appearance' at reserved matters stage, the plan does again assist in demonstrating that the plot is not of a suitable size for a dwelling. The indicative principal kitchen window would only be 2.0m away from the southern boundary which conflicts with the 'Site Boundary or Solid Obstructions' standards within the 'Space About Dwellings' SPG. In the case of this application the standard requires a 6.0m separation distance between a principal window and any site boundary or solid obstruction which is higher than the top of the window, this standard is in place to secure satisfactory outlook and daylight into principal living spaces. It demonstrates that the only suitable elevation for containing principal windows is to the front (eastern facing elevation) as it would not be possible to reposition the dwelling a further 4.0m to the north.

5.14 Not only are there concerns regarding the external amenity spaces, the internal arrangement is also unsatisfactory. Consideration must be given to the Technical Housing Standards – Nationally Described Space Standard (Department for Communities and Local Government-DCLG). The application is for a detached, two-bedroom bungalow where, in accordance with the DCLG standards a dwelling such as this should provide 61 square metres of internal floor space. The proposal is for a dwelling with approximately 48.6 square metres of internal floor space which is significantly below the nationally described standards. The shortfall of internal amenity space results in a proposal which would not be able to offer high standards of amenity; it is a further indicator that the plot is unsuitable for residential development, contrary to Core Strategy policy DC1 and paragraph 127 of the NPPF.

5.15 Previous applications raised objections to the resultant amenity impact upon occupants of surrounding properties; the Inspector upheld this objection in dismissing the appeal. It is recognised that the applicant has reduced the scale and overall bulk of the dwelling in an effort to overcome the concerns. However the presence of a dwelling directly in front of principal windows is unacceptable, it would be intrusive, overbearing, unneighbourly and bring the comings and goings of everyday life closer to the front door and windows of a neighbour by reason of an unconventional relationship and unnecessary development. It is noted that the two-storey dwelling to the side of the site (west) will not have its current level of amenity compromised due to the application site being lower in level. There would be no impact upon the Heaton Villas terrace across the road due to the separation distance (intervening road) and the fact that these dwellings are at a higher level.

Highways / Access

5.16 The NPPF and Core Strategy policies DC1 and T1 require that all development proposals secure safe and suitable access to a site whilst making a contribution towards meeting parking requirements and ensuring that all new development can be satisfactorily accommodated within the highway network. Development should be located within areas that are accessible by sustainable travel modes. It is clear that the application site is located within a sustainable area. The scheme proposes the shared use of the current vehicular access to number 2 Breach Road and would also involve widening part of the Leek Road pavement which runs alongside the southern boundary. The County Highways officer raises no objections to the scheme subject to compliance with conditions.

Drainage

5.17 Connections would be made to the existing foul drainage system and surface water would be drained to the main sewer. Severn Trent Water (STW) have commented on the scheme, confirming that they do not have any objections to this arrangement and that they do not require any further drainage condition to be applied. STW do advise that there may be a public sewer located within the application site and although their statutory records do not show any public sewers there may be some that have been recently adopted under the Transfer of Sewer Regulations 2011. STW also comment that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent.

Section 106 Matters

5.18 The scheme for 1 dwelling does not trigger the requirement for any S106 contributions.

Conclusion and Planning Balance

5.19 The Framework sets out a presumption in favour of sustainable development. Paragraph 8 of the National Planning Policy Framework (July 2018 NPPF) identifies three dimensions to sustainable development i.e. economic, social and environmental, which should not be undertaken in isolation. Approval of the application would result in a small contribution towards housing land requirements at a time when the council cannot demonstrate a 5 year supply of deliverable housing land. NPPF paragraph 11 sets out the presumption in favour of supporting sustainable proposals (where there are out-of-date policies) unless the adverse impacts of doing so would demonstrably outweigh the benefits. This is an amended scheme following on from refusals and a dismissed appeal. It is acknowledged that the applicant has made alterations to the proposal in an attempt to address the previous objections. In its favour, the application site is located within a sustainable area; it can easily be accessed and is within reasonably close proximity to a number of services and facilities. However, it is considered that the provision of a single dwelling which does not achieve the nationally described living space standards would not outweigh the resultant adverse impacts of the development (as outlined above) and although the footpath would be widened as a result of the scheme this does not outweigh the identified harm.

6 OFFICER RECOMMENDATION

A) Outline Planning Permission is refused for the following reason(s):-

- 1. The proposed development by reason of its layout, scale and location would constitute overdevelopment of the plot and compromise the openness of the Breach Road frontage to the significant detriment of the character and appearance of the site and its immediate surroundings. It would introduce a building which would be at odds with the scale of its surroundings by being seen in the context of two-storey developments. The application is therefore contrary to policies SS1, SS1a, SS6a, H1 and DC1 of the Core Strategy Development Plan Document (26th March 2014), Staffordshire Moorlands Design Guide and the National Planning Policy Framework (July 2018) section 12**
- 2. The proposal would significantly lack internal amenity space and can not demonstrate sufficient suitable, private, external amenity space by reason of its corner plot location and would result in an ability for unacceptable overlooking from the public domain and would therefore provide an insufficient standard of amenity for future occupants. The application is therefore contrary to policies SS1, SS1a, SS6a, H1 and DC1 of the Core Strategy Development Plan Document (26th March 2014), Space About Dwellings (SPG), the National Planning Policy Framework (July 2018) section 12 and**

Department for Communities and Local Government: Technical housing standards – nationally described space standards.

3. The new dwelling would have an intrusive, overbearing and unneighbourly relationship with numbers 2 and 4 Breach Road and would result in a detrimental impact on their residential amenity. The application is therefore contrary to policies SS1, SS1a, SS6a, H1 and DC1 of the Core Strategy Development Plan Document (26th March 2014), Space About Dwellings (SPG) and the National Planning Policy Framework (July 2018) section 12.

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 Executive Director (Place) 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.

