Rob Duncan
Planning
Consultancy

PLANNING STATEMENT

LEEK CRICKET CLUB

JUNE 2016

Site Address:
Leek Cricket Club, Macclesfield Road, Leek, Staffordshire, ST13 8SG

Applicant:
Leek Cricket Club

Proposal:
Erection of 2no. detached dwellings and creation of new vehicular access (Outline)

Planning Statement:
Date Issued: 14th June 2016
Job Reference: RDP/2016/047

Report Prepared By:
Rob Duncan BSc(Hons) MA MRTPI
Rob Duncan Planning Consultancy Ltd

Contact Details:
Rob Duncan Planning Consultancy Ltd.
70 Ferndale Road, Lichfield, Staffordshire, WS13 7DL
Email: rob@robduncanplanning.co.uk
Tel. 07779 783521

1 Introduction

1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Leek Cricket Club to seek planning permission for the erection of two dwelling on land at Leek Cricket Club, along with the creation of an improved vehicular access onto the Macclesfield Road. The application is submitted in outline and seeks approval of matters of means of access and layout. All other matters are reserved for subsequent approval.

1.2 The layout plan submitted to accompany the application shows the provision of two detached dwellings on the site, each encompassing a footprint of 91.94m^2, with access taken via the existing driveway that serves the Cricket Club and a cluster of existing residential properties nearby. The proposed alterations to the site access incorporate the provision of a new spur to the south of the access drive to create an in/out arrangement. In doing so the existing bottleneck created by the stone gateposts on the existing access will be eased.

1.3 Pre-application discussions have been entered into between the applicant and the Local Highway Authority, who have confirmed that the provision of a new access would be required owing to the substandard nature of the existing access point.

1.4 The application is accompanied by an Arboricultural Report prepared by Tree Heritage, which should be read in conjunction with this Planning Statement.

2 Site & Surroundings

2.1 The application site is located within the rural area, and comprises a rectangular parcel of land extending to some 0.23 hectares. It is accessed via

a long existing vehicular access that stems from the Macclesfield Road to the southwest. To the northwest of the proposed dwellings lie two detached dwellings, beyond which lies further residential development in the form of Highfield House, Home Farm, Home Farm Cottage, The Barn, Highfield Cottage and Bumble Bee Cottage. To the southwest of the site lies the existing vehicular access, beyond which is the cricket pitch, whilst to the east there is a bank of mature trees. These trees extend around the northeastern boundary providing a strong sense of enclosure to the site. An aerial photograph showing the site in its surrounding context is shown in Figure 1.

Figure 1 – Aerial Photograph of Site



Source: Google Earth

3 Planning Policy

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan taking

into consideration any material considerations relevant to the determination of the application. The Development Plan for this area comprises the Stafford Moorlands Core Strategy DPD (2014) of which the following policies are of relevance:

3.2 Policy SS1 of the Core Strategy relates to Development Principles and states that the Council will expect development to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands in terms of delivering, amongst others, easy access to jobs, shops and transport services by all sections of the community; development which maintains the distinctive character of the Staffordshire Moorlands, its individual towns and villages and their settings, and development that secures high quality, sustainable environments.

3.3 Policy SS1a of the Core Strategy states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in the Core Strategy will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole;*

or

- *specific policies in that Framework indicate that development should be restricted.*

3.4 Policy SS2 of the Core Strategy states that provision will be made for 6000 additional dwellings (net of demolitions) to be completed in Staffordshire Moorlands (excluding the Peak District National Park) during the period 2006 to 2026.

3.5 Policy SS3 of the Core Strategy states that development will be located in accordance with the Spatial Strategy and will be distributed between the towns and rural areas. It identifies that some 30% of the total residential provision outlined in policy SS2 will be allocated within Leek.

3.6 Policy SS5a of the Core Strategy states that the Council will seek to consolidate the role of Leek as the principal service centre and a market town through a number of actions. These include, allocating a range of deliverable housing sites both within the urban area and, on land adjacent to the urban area. Sites within the urban areas shall be in locations across the town which have good accessibility to serves and facilities with encouragement given to previously developed sites.

3.7 Policy SS6c of the Core Strategy states that the Rural Areas will provide only for development which meets an essential local need, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside. The policy goes on to state that the Council will meet essential local needs by (amongst others):

- *restricting new build housing development in the countryside to that which is essential to local needs.*

3.8 Policy R2 of the Core Strategy relates to Rural Housing and states that only the following forms of housing development will be permitted in the rural areas outside the settlement and infill boundaries of the towns and villages:

- *Affordable Housing;*

- *A new dwelling that meets an essential local need, such as accommodation for an agricultural, forestry or other rural enterprise worker, where the need for such accommodation has been satisfactorily demonstrated and that need cannot be met elsewhere;*

- *Proposals for replacement dwellings, provided they do not have a significantly greater detrimental impact on the existing character of the rural area than the original dwelling or result in the loss of a building which is intrinsic to the character of the area;*

- *Extensions to existing dwellings provided they are appropriate in scale and design and do not have a detrimental impact on the existing dwelling and the character of the rural area;*

- *The conversion of non-residential rural buildings where the building is suitable and worthy in physical, architectural and character terms for conversion and it can be demonstrated that agricultural or commercial use is not viable or suitable.*

3.9 Policy DC1 of the Core Strategy states that new development should be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area. Proposals should be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance. Development should also protect the amenity of the area, including residential amenity in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

3.10 Policy NE1 of the Core Strategy relates to 'Biodiversity and Geological Resources' and states that development should ensure that it produces a net gain in biodiversity, and ensure that any unavoidable impacts are appropriately mitigated for. Proposals should also protect and enhance habitats and species of principal importance for the conservation of biodiversity.

4 Other Material Considerations

National Planning Policy Framework

4.1 The National Planning Policy Framework places a strong emphasis on promoting sustainable development and seeks to significantly boost the supply of housing nationally. It furthermore states that housing applications should be considered in the context of the presumption in favour of sustainable development. The content of the National Planning Policy Framework is explored in more detail, where relevant, in the Planning Assessment below.

Staffordshire Moorlands Housing Land Supply Statement (March 2015)

4.2 This document sets out the Local Authority's performance in respect of housing land supply and housing delivery. It confirms that the Local

Authority has a deliverable supply of housing land equivalent to 1.84 years supply.

Appeal Decision APP/B3438/A/14/2223254

4.3 This appeal decision related to the erection of 11no. dwellings on a parcel of land some 140 metres to the south/southeast of the site. The application had been refused by the Local Authority's Planning Application Committee (contrary to Officer recommendation) on the grounds that the proposal would have an adverse impact on the character of the area. The Planning Inspector, who concluded that the site was a sustainable location for new housing, subsequently allowed the appeal. A copy of the appeal decision is enclosed as Appendix A and is discussed in more detail within the Planning Assessment below.

Appeal Decision - APP/B3438/A/14/2217581

4.4 This appeal decision relates to the erection of a detached dwelling within the Green Belt at Gillow Heath, and was found to be acceptable to the Planning Inspector in that it would derive a number of benefits and the Local Authority was unable to demonstrate a five year supply of housing. A copy of this appeal decision is enclosed as Appendix B and is referred to in more detail within the Planning Assessment below.

5 Planning Assessment

Principle of Development

5.1 The application seeks outline consent for the erection of a two detached dwellings on a vacant parcel of land located within the grounds of Leek Cricket Club, along with alterations to the site access. The site as a whole lies within the Rural Area, wherein policy SS6c of the Core Strategy states that new housing development will be restricted to that which is essential to local

needs, or involves the conversion, extension of replacement of an existing rural building. In addition to the above, policy R2 of the Core Strategy sets out a number of specific types of housing development which will be considered acceptable in the rural areas.

5.2 The proposed development would not constitute one of the forms of development considered to be acceptable within the aforementioned policies and would therefore be technically contrary to the provisions of policies SS6c and R2 of the Core Strategy. Nevertheless, whilst this conflict is acknowledged, I submit that there are a number of material considerations that serve to demonstrate that this proposal is acceptable in planning terms, and should therefore be permitted.

5.3 Paragraph 49 of the National Planning Policy Framework states that:

> *"Housing applications should be considered in the context of the presumption in favour of sustainable development".*

5.4 Paragraph 49 of the NPPF goes on to state that:

> *"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites"*

5.5 The latest housing land supply figures for Staffordshire Moorlands, as set out in the Local Authority's Housing Land Supply Statement (March 2015), demonstrates that the Local Planning Authority is only able to demonstrate a 1.84 year supply of deliverable housing. This falls significantly short of the 5 year supply required by paragraph 49 of the NPPF, and represents a continued decline in the Council's housing land supply position over the last

few years. As a consequence, the provisions of paragraph 14 of the NPPF become relevant.

5.6 Paragraph 14 of the NPPF confirms that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. It goes on to state that for decision taking this means:

> *"where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
>
> - *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; or*
>
> - *specific policies in this Framework indicate development should be restricted".*

5.7 These provisions are reflected in policy SS1a of the Core Strategy. The absence of a five year deliverable supply of housing means that the adopted policies of the Core Strategy, insofar as they relate to the supply of housing e.g. policies SS6c and R2, have to be afforded less weight. By comparison the provisions of the NPPF are a material consideration of the highest weight and in the absence of any specific policies to indicate that permission should be refused it is concluded that permission for this proposal should be granted unless any adverse impacts of doing so would *substantially and demonstrably* outweigh the benefits of the development.

5.8 The proposed dwellings will be located in an area that is characterised in part by residential development, being closely associated with the existing cluster of dwellings to the northwest of the site. The site furthermore occupies a sustainable location, with the numerous services and facilities on offer within the town, in particular those on the nearby Sainsbury's development, being accessible on foot or by bicycle. As such the development would not result in the creation of an isolated dwelling in the context of paragraph 55 of the NPPF. I reach this conclusion having regard to the conclusions of the Planning Inspector who conducted an appeal into a housing site close by (SMD/2013/1099), where it was concluded that:

> *"The site lies close to services and facilities in the town of Leek and its development would in this respect represent a sustainable form of development" (paragraph 10 refers).*

5.9 It is also considered that the proposal will derive a number of benefits, notably helping the Local Authority to meet its housing delivery targets, contributing to the local economy, and generating employment during the construction phase. Such benefits are considered to be worthy of significant weight and in this regard I would draw the Local Authority's attention to comments made by a Planning Inspector in the appeal decision enclosed as Appendix B (APP/B3438/A/14/2217581). In allowing an appeal for the erection of a dwelling within the Green Belt near Biddulph, the Planning Inspector commented that:

> *"15. At the heart of the Framework is the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. These roles are mutually dependant and should be jointly sought to achieve sustainable development"*

> *"16. The Council have confirmed they cannot demonstrate a five-year supply of deliverable housing sites. The proposal would add to the local housing stock and make a positive, albeit modest, contribution towards reducing the current deficit of housing in the area. This is a clear economic and social benefit associated with the scheme to which I attach significant weight"*
>
> *"17. The appeal scheme through the construction of the dwelling and expenditure associated with an additional household in the area would deliver further economic benefits. I afford modest weight to these considerations.*

5.10 Having regard to the above considerations, I submit that the principle of development is wholly acceptable on this site and that the proposal constitutes a sustainable form of development. Planning permission should therefore only be refused if any adverse impacts of doing so will *significantly and demonstrably* outweigh the aforementioned benefits (paragraph 14 of the NPPF and policy SS1a refer).

Design & Layout

5.11 Policy DC1 of the Core Strategy states that new development should be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area. Proposals should also be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance. These provisions are reinforced by paragraphs 56 and 58 of the NPPF.

5.12 The application is submitted in outline and seeks approval of means of access and layout at this stage. The detailed design of the dwellings is therefore not

known at this present time. However, it is envisaged that the dwellings will be two storey in nature to reflect the character of the properties which lie immediately adjacent. The submitted layout plan furthermore demonstrates that two dwellings can be adequately accommodated on site in a manner that reinforces the character of the area and without giving rise to harm to neighbouring amenity. The dwellings sit comfortably within their respective plots, with distances to site boundaries commensurate with that exhibited by the properties adjacent. Each dwelling will benefit from a private area of amenity space in the order of 100m^2, and will furthermore benefit from sufficient space to accommodate a minimum of two parking spaces per dwelling. The proposal will also avoid any adverse impact on existing trees (as discussed below).

5.13 In terms of visual impact, this site and the wider Cricket Club grounds are strongly enclosed by mature landscaping which serves to restrict views into the site from the wider area. The eastern / northeastern boundaries of the site in particular benefit from substantial mature planting. There are furthermore no public footpaths within the immediate vicinity from where views of the development will be afforded. As a consequence I submit that the proposed development will not have an adverse impact on the character and appearance of the surrounding area. In reaching this conclusion I am mindful of the conclusions of the Planning Inspector who conducted the appeal into application SMD/2013/1099 (Appendix A). In allowing that appeal the Inspector commented in respect of visual impact that:

> *"Notwithstanding the proposals for screening, which may take some time to mature, it is clear that housing on the site will be visible from some vantage points around the town. It would also adjoin a Landscape Character Area, albeit it lies outside this area and it is not clear how many of the viewpoints from which the*

site can be seen identified by either the appellants or objectors are within this area. However, once the trees and shrubs have matured, the visual impact of development on the site will be mitigated. Indeed, development on the top of hills is a feature of the town of Leek, whose town centre itself occupies such a location. As such it would be neither unusual nor detrimental for further development to occur in such a location". (my emphasis)

5.14 The site under consideration by the Planning Inspector was far more visually conspicuous than the current application site, and as such I consider the aforementioned conclusions to support my assertion that the proposed development will not give rise to substantive and demonstrable harm to the character and appearance of the surrounding area and is therefore acceptable. For these reasons the application is considered to accord with considered to accord with the provisions of policy DC1 of the Core Strategy.

Impact on Trees

5.15 Policy NE1 of the Core Strategy relates to 'Biodiversity and Geological Resources' and states that development should ensure that it produces a net gain in biodiversity, and ensure that any unavoidable impacts are appropriately mitigated for. Proposals should also protect and enhance habitats and species of principal importance for the conservation of biodiversity.

5.16 The application is accompanied by two tree surveys prepared by Tree Heritage. The first of these relates to the part of the site where the new dwellings are to be located. The survey has assessed the important trees within and around the site, and sets out proposed tree protection measures to ensure that all of the trees are safeguarded during construction. The proposed dwellings to not result in any incursion into the root protection

areas of the existing trees, and as such the proposal will not have any adverse impact on them.

5.17 In terms of the revisions to the site access, the tree survey has assessed a total 17 trees and 2 groups of trees and concludes that in order to accommodate the proposed access a number of Category C (Low Quality) trees will need to be removed, along with one Category B tree (Moderate Quality) (T14). The loss of these trees is considered to be warranted in order to facilitate an enhancement to the existing site access, which will derive benefits to highway safety for all users, not just the dwellings proposed. The applicant is furthermore agreeable to undertaking replacement tree planting elsewhere within the site to compensate for the loss of these trees, and some additional planting to secure an enhancement to overall biodiversity. The access drive has been designed to avoid any incursion into the root protection areas of the important Category A and B trees adjacent to the existing site entrance and a layout plan is incorporated showing where tree protection measures will be installed during the construction phase. A suitably worded condition can be imposed to require these tree protection measures to be carried out.

5.18 Having regard to the conclusions of the tree surveys I submit that the proposed development will not give rise to substantive and demonstrable adverse harm to important trees, and accords with the provisions of policy NE1 of the Core Strategy.

Highway Safety

5.19 The application proposes the creation of a new access spur onto the Macclesfield Road in order to improve highway safety conditions in the locality that are derived from the narrow gate posts at the existing site

entrance. Paragraph 32 of the NPPF is of particular relevance in this regard and confirms that:

> *"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". (my emphasis)*

5.20 I submit that this proposal will not give rise to substantive and demonstrable harm to highway safety, and would in fact amount to betterment. The provision of an in/out arrangement will avoid queuing of traffic to get through the existing bottleneck created by the gateposts, and will therefore avoid the potential for vehicles to stop on the carriageway. The provision of suitable signage to direct traffic can be secured by way of condition. The new access has been designed to afford good visibility in both directions on egress, which is feasible given the wide highway verge at this point. This leads me to conclude that the proposed development is acceptable from a highway safety perspective.

6 Conclusion

6.1 Paragraph 186 of the NPPF states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. It goes on to state in paragraph 187 that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

6.2 The proposal is considered to constitute a sustainable form of development that is acceptable in planning terms having regard to the following conclusions:

- The Local Authority is unable to demonstrate a five year deliverable supply of housing;

- The NPPF is clear that there should be a presumption in favour of applications for new housing and that where policies for the control of housing are out-of-date (as is the case here) that planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits;

- The proposed development will generate a number of benefits associated with the economic, social and environmental dimensions of sustainable development;

- The proposal will not result in any significant adverse harm to the character and appearance of the surrounding area;

- The proposed development will not result in harm to neighbouring residential amenity and will provide a satisfactory level of amenity for future occupiers of the dwelling;

- The proposal will not give rise to any significant adverse impact to existing trees on the site;

- The proposal will result in a betterment to highway safety in the locality;

- The proposal will provide sufficient off-street parking spaces to meet the Local Authority's informal parking standards and will not have an adverse impact on highway safety;

6.3 It is therefore considered that the proposed development accords with the provisions of policies SS1 and DC1 of the Staffordshire Moorlands Core Strategy and guidance contained within the National Planning Policy Framework. The conflict of the proposal with policies SS6c and R2 of the Core Strategy is acknowledged, but is considered to be clearly outweighed by the provisions of the National Planning Policy Framework as discussed in the Planning Assessment above.

6.4 The Local Planning Authority is therefore respectfully requested to grant outline planning permission for the proposed development.