

Rob Duncan
Planning
Consultancy



PLANNING STATEMENT

LAND AT ORCHARD COURT, LEEK

JULY 2016

Site Address:

Land at Orchard Court, Leek, Staffordshire, ST13 8LA

Applicant:

Mr. P. Richardson

Proposal:

Erection of detached dwelling

Planning Statement:

Date Issued: 25th July 2016

Job Reference: RDP/2016/107

Report Prepared By:

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1 Introduction

- 1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr. P. Richardson to seek full planning permission for the erection of a detached dwelling on land at Orchard Court, Leek. The application represents a re-submission following the previous approved planning application on this site (SMD/2013/0026).
- 1.2 The proposed dwelling will encompass a footprint of approximately 141m² and stand to a maximum ridge height of 7.3 metres. The accommodation will comprise of an integral double garage, library, w.c. and store at lower ground floor level with a lobby and stairwell leading up to the first floor where there will be an open plan lounge/kitchen/diner, four bedrooms (two ensuite), family bathroom and utility room.
- 1.3 The applicant has brought forward this revised application in order to make more beneficial use of the site, and to address some interior height issues associated with the previously approved scheme.

2 Site & Surroundings

- 2.1 The application site lies within the settlement boundary of Leek and comprises a greenfield site that benefits from consent for the erection of a detached dwelling under application SMD/2013/0026. The site is bordered to the west by a cluster of detached residential properties, whilst the land to the south slopes steeply up to Kiln Lane, beyond which there are further residential properties arranged in a ribbon fashion along the road. Residential development also lies to the east of the site, with Leek Football Club located to the north. The site as a whole occupies a sustainable location

within easy walking and cycling distance of the numerous services and facilities on offer within the town.

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 SS5 of the Core Strategy confirms that Leek, along with Biddulph and Cheadle, will accommodate the bulk of the District's housing growth, with Leek to accommodate some 1800 new dwellings up to 2026.

3.7 Policy SS6a of the Core Strategy states that the Local Authority will continue to meet the housing and community needs of Leek and its rural hinterland by (amongst others):

- *increasing the range of available and affordable house types, especially for first time buyers and older people;*
- *allocating a range of deliverable housing sites both within the urban area and, on land adjacent to the urban area. Sites within the urban area shall be in locations across the town which have good accessibility to services and facilities with encouragement being given to previously developed (brownfield) sites.*

3.8 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. Proposals should also protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping. Development should also provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use.

3.9 Policy SD4 of the Core Strategy states that development proposed within the floodplain will be guided to first make use of areas at no or low risk of flooding before areas at higher risk, where this is viable or possible and compatible with other policies aimed at achieving a sustainable pattern of development. Development deemed acceptable within areas at risk of flooding due to national or other policies or other material considerations, must be subject to a flood risk assessment. Additionally, approved schemes must be designed and controlled to mitigate the effects of flooding on the site and the potential impact of the development on flooding elsewhere in the floodplain.

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. It also sets out guidance in respect of the delivery of high quality design. The content of the National Planning Policy Framework is explored in more detail, where relevant, in the Statement of Case 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.

5 Statement of Case

Principle of Development

- 5.1 The application proposes the erection of a detached two storey dwelling on a site that lies within the established settlement boundary of Leek. The site has furthermore previously benefitted from planning consent for the erection of a detached dwelling under application SMD/2013/0026. Policies SS1, SS2, SS3, SS5 and SS6a of the adopted Core Strategy set out the Council's preferences for the delivery of new housing and confirm that of the 6000 new dwellings to be built within the District over the plan period, some 30% (equivalent to 1800 dwellings) are to be built within and around Leek. The application site lies within the settlement boundary of Leek and the proposal accords with the development strategy for the District as set out in policies

SS1, SS2, SS3, SS5 and SS6a of the Core Strategy. The principle of development is therefore considered to be acceptable.

Design & Layout

- 5.2 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.
- 5.3 The previous permission on this site encompassed a part-two storey dwelling arranged in a similar layout to that proposed in this current application, but with a lesser footprint. The submitted proposal embraces a similar design approach to that previously approved, with modest front projection, facing brickwork with gabled tiled roof, raised eaves line above front projecting window, and inclusion of an integral garage. The dwelling however is larger in footprint than that previously approved owing to the building being longer in length and nominally wider. The proposed dwelling nevertheless maintains a ridge height broadly commensurate with that previously approved. These changes have enabled a double integral garage to be accommodated within the design, whilst also enabling the first floor to be laid out over one level, whilst also avoiding an unacceptably low ceiling height to the store room and stairwell associated with the approved scheme (see section drawings enclosed as Appendices A and B).
- 5.4 The additional size of this dwelling is not considered to be harmful to the character of the area, as the dwelling will occupy a similar position within its plot to the previous approval. Its distance to the western and southern

boundaries will remain comparable to that which has been previously approved, as will the distance between the front (north) of the dwelling and the existing highway. The main difference between the two schemes is the overall length of the building which will serve to reduce the distance between the dwelling and its eastern boundary. However, that is the longest boundary on the site, and will be circa 19 metres away from the proposed dwelling. The open and spacious character of the corner section of the curtilage (facing Grace Street on approach from the north) will be preserved, and along with the proposed landscaping within the site, will serve to avoid a significant and demonstrable adverse impact to the character and appearance of the local area.

5.5 The increase in the length of the building has served to reduce the area of private domestic curtilage available to the property, but the section contained by the proposed new post and rail fence, incorporating the garden and patio area (and excluding the areas of amenity space in front of the dwelling and to its rear) extends to approximately 80m². This is in excess of the 65m² required by the Local Authority's informal amenity standards, and as such future occupiers of the proposed dwelling would be afforded an appropriate level of private amenity space.

5.6 In terms of neighbouring amenity, the relationship of the proposed dwelling to its western and southern boundaries will be unaltered compared to that which has previously been found acceptable to the Local Authority. The increased length of the property will result in the side facing lounge/dining/kitchen patio doors being positioned closer to the eastern boundary than they otherwise would have been under the previous permission, but the nearest domestic curtilage to the east of the site lies some 18-20 metres away. There are no facing principal windows, and the proposal is more than sufficient distance to avoid direct overlooking of the

residential amenity space to the east, having regard to the Local Authority's requirement to achieve a distance of 6m between a principal window and a site boundary. This leads me to conclude that the proposed development will not give rise to harm to neighbouring residential amenity.

- 5.7 The proposal is considered to afford an appropriate level of parking provision to meets the needs of its occupants. The previously permitted scheme on the site encompassed a single integral garage plus two frontage parking spaces to serve a three bedroomed property. This revised proposal encompasses a double integral garage, along with two frontage parking spaces, which is considered to represent more than adequate parking provision for a property of this nature. The site furthermore occupies a sustainable location within easy walking and cycling distance of the numerous services and facilities on offer within the town, including the nearby Sainsbury's development. The access will benefit from good visibility in each direction on egress, and as a consequence I do not consider this revised proposal to give rise to any material highway safety concerns. The proposal therefore accords with the provisions of policy DC1 of the Local Plan.

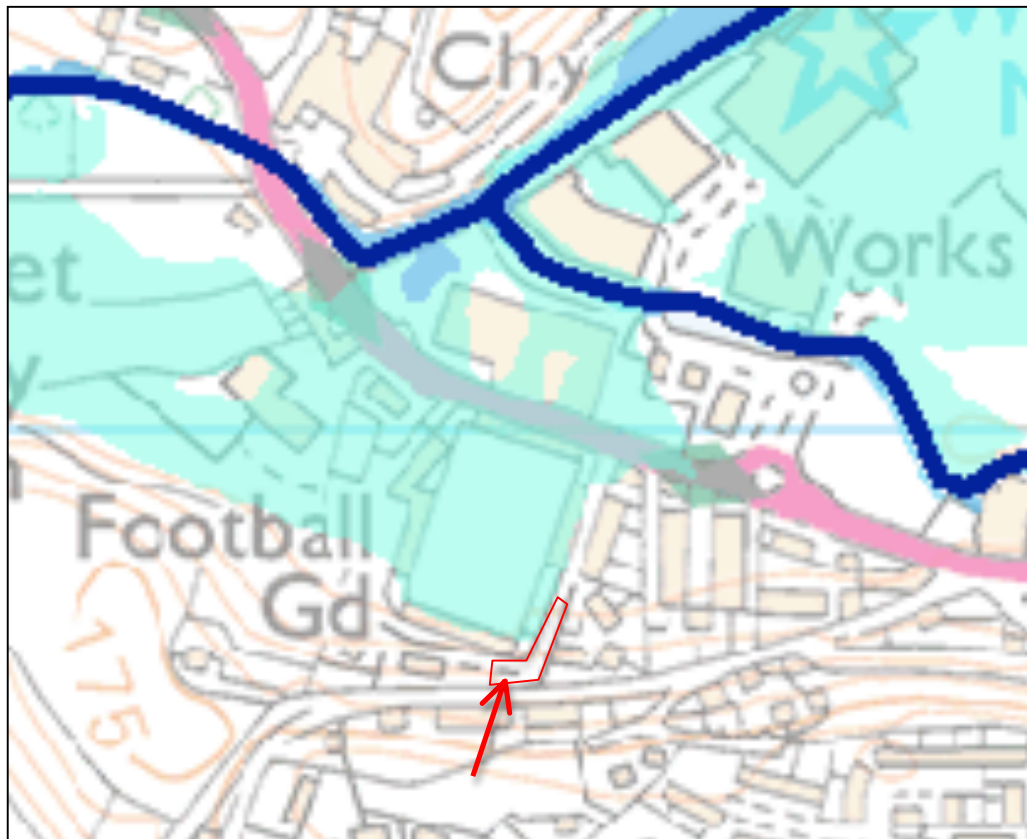
Flood Risk

- 5.8 Policy SD4 of the Core Strategy states that development proposed within the floodplain will be guided to first make use of areas at no or low risk of flooding before areas at higher risk, where this is viable or possible and compatible with other policies aimed at achieving a sustainable pattern of development. Development deemed acceptable within areas at risk of flooding due to national or other policies or other material considerations, must be subject to a flood risk assessment. Additionally, approved schemes must be designed and controlled to mitigate the effects of flooding on the

site and the potential impact of the development on flooding elsewhere in the floodplain.

- 5.9 The developable area of this site does not lie within flood zones 2 or 3, nor indeed does the proposed means of vehicular access off Grace Street. This is confirmed by the extract of the Environment Agency's Flood Map in Figure 1 below.

Figure 1 – Extract of Environment Agency Flood Map



Source: Environment Agency

- 5.10 The Local Authority's mapping database however suggests that the vehicular access to the site along Grace Street does lie within flood zones 2 and 3. It would appear that the dataset being used on the Council's website may be out of date having regard to what is displayed on the Environment Agency's

own mapping (or vice versa). In any event it is considered that the proposed development will not give rise to any adverse impacts in respect of flooding.

- 5.11 As with the previously approved scheme the development proposes the creation of an emergency pedestrian access onto Kiln lane in order to provide occupants of the dwelling with a safe means of escape in the event of the access to the site being flooded. The first floor nature of the principal accommodation also means the dwelling is unlikely to be occupied by persons with restricted mobility and therefore the proposed access onto Kiln Lane will provide an appropriate means of emergency escape / access by emergency services should the need arise. The dwelling itself will be located within flood zone 1 which is acceptable in principle, and as such will not give rise to any significant and demonstrable adverse flood impacts. The proposal is therefore considered to meet the requirements of policy SD4 of the Core Strategy.

Other Material Considerations

- 5.12 There are also other material considerations that weigh in favour of the proposed development, notably the provisions of the National Planning Policy Framework (NPPF). Paragraph 49 of the NPPF states that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development”.

- 5.13 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”

5.14 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 as a consequence, the provisions of paragraph 14 of the NPPF become relevant.

5.15 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”.*

5.16 The proposed development will deliver a number of material benefits when assessed against the policies of the Framework taken as a whole. Paragraph 7 of the NPPF identifies three dimensions to sustainable development: economic, social and environmental. These roles are mutually dependant and should be jointly sought to achieve sustainable development.

5.17 In terms of the economic dimension of sustainable development it is considered that the proposal will derive significant benefits to the local economy, both to local tradesmen during the construction phase, and through the expenditure associated with the creation of an additional household. The New Homes Bonus is a further economic benefit of the development. In terms of the social dimension of sustainable development the proposal would secure the delivery of a new dwellings that will contribute to the supply of housing within the Borough and in turn help the Local Authority to meet its substantial shortfall in housing delivery. Such economic and social benefits are considered to be worthy of significant weight.

5.18 In this regard I would draw the Local Authority's attention to the conclusions of the Planning Inspector in determining appeal reference APP/B3438/A/14/2217581 at a site in Gillow Heath where the Planning Inspector, in granting consent for a single dwelling, commented as follows:

"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"

(my emphasis)

5.19 This appeal decision demonstrates the degree of weight that should be attributed to the aforementioned benefits and weighs heavily in favour of the proposed development. The conclusions of the Planning Inspector in that appeal are furthermore reinforced by the conclusions of another Planning Inspector in their determination of an appeal at a site in Rookery, Newcastle-

under-Lyme (APP/P3420/A/14/2222484 – copy enclosed as Appendix C)
where it was concluded that:

“11. The development would provide a new house, which would be capable of providing accommodation for a family. This is a significant benefit of the scheme. The Framework seeks to significantly boost the supply of housing”. (my emphasis)

5.20 In terms of the environmental dimension of sustainable development, the site occupies a sustainable location, within easy walking and cycling distance of the various services and facilities on offer within the village, including the nearby Sainsbury’s supermarket. The site also benefits from close proximity to regular public transport connections to the wider area, which connects with Leek Town Centre and Congleton. Future occupiers of the dwelling will therefore have a choice of means of transport to access services, facilities and employment. This is a significant environmental benefit that should be afforded substantial weight in the determination of this application.

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 application site lies within the settlement boundary of Leek which is a target for significant housing growth up to 2026;
- The site lies within easy walking and cycling distance of local services and facilities;
- The principle of residential development on this site has already been established through the previous planning application on the site;
- The provisions of the NPPF mean that the proposal should be determined in accordance with the presumption in favour of sustainable development;
- The proposed dwelling is of a scale, massing, layout and design that respects the character of the surrounding area and that of the previously approved scheme;
- The submitted proposal demonstrates that the amenity of neighbouring residential occupiers will not be adversely affected by the proposed development;
- The submitted proposal demonstrates the future occupiers of the dwelling will be afforded an appropriate level of residential amenity;
- The proposed dwelling will be afforded an appropriate level of off-street parking and thus avoid any severe adverse impacts to highway safety;

- The proposed dwelling is not located within the flood plain and an appropriate means of emergency escape can be achieved onto Kiln Lane in the event of Grace Street flooding;
- There are not considered to be any adverse impacts to substantially and demonstrably outweigh the benefits of the proposed development;

6.3 The proposed development therefore accords with the provisions of policies SS1, SS1a, SS2, SS3, SS5, SS6A, SD4 and DC1 of the Staffordshire Moorlands Core Strategy DPD, and guidance contained within the National Planning Policy Framework.

6.4 The Local Planning Authority is therefore respectfully requested to grant planning permission for the proposed development in accordance with the presumption in favour of sustainable development.