DELEGATED DECISION REPORT

SMD/2017/0629 **Valid 01/11/2017**	**HILL TOP COTTAGE STAR BANK OAKAMOOR**	**CREATE NEW GATED ACCESS WITH DROPPED CURB TO EXISTING PARKING AREA AND VEHICLE ACCESS TO PADDOCK LAND.** **(FULL - MINOR)**

MAIN ISSUES

- Highway Safety

DESCRIPTION OF SITE

The application site comprises two separate parcels of land within the same ownership associated with Hill Top Cottage, between Star Bank to the west, and Ribden Road to the east. The two roads meet at a junction immediately to the north of the site.

Hill Top Cottage is a two storey dwelling contained within the larger parcel of land subject to this application which is situated immediately east of Star Bank and has an existing access from this road which measures 3m in width and has poor visibility at the junction due to the camber of the road.

The majority of this larger part of the site is covered by natural vegetation; however there is a rough track which has been cleared up towards a sporadic hedgerow with Ribden Road to the east.

Immediately to the south of Hill Top Cottage stands a second dwelling, Three Lows Cottage, which currently uses and has rights of access to this same vehicular access from Star Bank. To the south of Three Lows Cottages is the smaller strip of land which contains an existing paddock and an access point to Star Bank approximately 35m south of the existing access.

PROPOSAL

The application seeks consent to create 2 x new vehicular access points with the public highway. As shown on the submitted Site Plan (Drawing Ref: 00725 AL (0) 01 Rev A) one access is proposed east of Hill Top Cottage off Ribden Road with a second access being created off Star Bank into the existing paddock immediately south of Three Lows Cottage.

The justification for the application is to create a safer improved access into Hill Top Cottage and create a second access which could potentially, subject to civil matters, result in a safer access for Three Lows Cottage. A gate would be installed on the

existing access off Star Bank, but would continue to serve Three Lows Cottage until any subsequent civil matters are resolved. It has been stated by the applicant that the long term solution would be to close this access and thereby improve Highway Safety for both properties and users of the public highway.

Due to the visibility splay for the proposed access at Star Bank crossing third party land, the applicant was advised to remove this part of the proposal at this time and apply for permission for this access, once an agreement had been reached with the neighbouring property, to ensure that the visibility splay could be maintained and is enforceable by condition.

A revised plan was duly submitted and as such this application is now seeking consent for a singular access on to Ribden Road.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory 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 local development plan for this site comprises the Saved Policies of the Staffordshire Moorlands Local Plan (1998); Staffordshire Moorlands Core Strategy (adopted 26th March 2014) and any relevant Supplementary Planning Documents (SPD's).

The National Planning Policy Framework (NPPF) published in March 2012 sets out the Governments planning policies for England and how these are expected to be applied. As stated in paragraph 2 of the NPPF, the document is a material consideration which must be taken into account in planning decisions.

Core Strategy Development Plan Document (Adopted 2014)

S01 Spatial Objectives
SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS6c Other Rural Areas Strategy
T1 Development and Sustainable Transport

National Planning Policy Framework

Achieving Sustainable Development	Paragraphs 1-17
Promoting Sustainable Transport	Chapter 4

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

No relevant history

CONSULTATIONS

Publicity

Site Notice expiry date: 6th December 2017
Neighbour consultation period ends: 4th December 2017
Press Advert: N/A

Public Comments

One letter of objection has been received from Emma Wragg of the neighbouring property Three Lows Cottage as follows:

- Stated on the submitted plan that the existing and only (as stated in deeds) access currently to the my property will be 'cut off' as part of the access solution which comes with this development

- The strip of land 'the paddock', which runs parallel with my property has been stated as my access to my drive. However, the plans state that it is intend to be used for parking of the applicants vehicles. This would cause an obstruction, blocking my vehicles onto my property. The current access solution has been in place for around 200 years and It works fine as it is.

- It appears on the plans that the applicants also want to take out my hedge as part of the access solution; this would threaten my privacy from passing traffic such as that which flows towards Alton Towers. I also do not want to be staring out the front of my property at many parked cars.

Town / Parish Comments

Cotton Parish Council – No comments received

SCC Minerals and Waster

No comments to make

Severn Trent Water

No objections and no drainage condition required

Staffordshire County Council Highways

No objections subject to appropriate conditions

OFFICER COMMENTS

Principle of Development

Policy SS1a of the adopted core strategy reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay 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 indicate development should be restricted.

The site is located outside of the development boundary as defined on the Saved Policies Map (1998) and as such is subject to the Rural Areas spatial strategy set out within Policy SS6c of the Core Strategy.
There are no parts of this spatial strategy which are relevant to the determination of this application.

The site is not located within any sensitive statutory designation and as such is not subject to any of the restrictive policy areas set out at footnote 9 to paragraph 14 of the NPPF. The presumption in favour of sustainable development is therefore engaged.

Given the nature of the development and the policy context set out above, it is considered that the principle of development is acceptable subject to accordance with relevant national and local planning policies relating to Highway Safety.

Highway Safety

Policy DC1 of the adopted core strategy states that development should provide a safe and suitable access in line with paragraph 32 of the NPPF.

Policy T1 of the core strategy refers to development and sustainable transport and states that development should be permitted where it can be safely accommodated within the existing highway network.

Paragraph 32 of the NPPF states that local authorities, in determining applications, should consider whether safe and suitable access can be achieved. Applications can only be refused on Highways grounds where the residual impacts are found to be severe.

The existing vehicular access from Star Bank which serves both Hill Top Cottage and Three Lows Cottage has poor exit visibility. The creation of an access off the eastern boundary to Ribden Road, which is straighter, flatter and has excellent visibility in both directions, would result in a safer access into the site and improve Highway Safety for both occupiers of the two properties and for users of the public highway.

The proposed vehicular access off Star Bank into an existing paddock to the south of Three Lows Cottage will provide an additional access, which may, in time, be used

by the occupiers of Three Lows Cottage subject to any civil and access rights being resolved.

If in time, civil matters are resolved, this would mean that the existing vehicular access to the north of Hill Top Cottage off Star Bank could be disused which would see an overall improvement upon Highway Safety.

Notwithstanding the above, due to the northern visibility splay at the junction with Star Bank going through land owned by the neighbouring property Three Lows Cottage, there would be no guarantee that the required visibility splay could be achieved, as it could not be enforced by condition.

As such the applicant was advised that they remove this part of the proposal from the application by submitting revised plans, and submit a new application once the access point and adjoining land are linked, to ensure that the necessary visibility splay can be achieved and enforced.

A revised plan has been submitted (Drawing Ref: 00725 AL(0) 01 Rev B) which shows that this access to Star Bank has been removed.

The Highways Authority has no objections subject to conditions. Clarification has been sought with regards to the proposed condition 3 on the Highways comments which relates to visibility splays. It has subsequently been agreed that a condition should ensure that visibility splays are maximised and maintained on all land owned by the applicant, and that a further condition should ensure that any gate installed at the existing access to the north, opens inwards.

The objection received from the neighbouring property states that the current access will be ‘cut off’. This is factually incorrect as the access will remain open until such time as civil matters have been resolved that would allow the southern access to be utilised.

The concern is also raised with regards to the off street parking on what is currently a paddock, being an obstruction. This would not be the case as the existing access would continue to be utilised until such time as civil matters are resolved.

With regards to the third point relating to the cutting of hedgerows, as stated above, the necessary visibility splays for the proposed access with Star Bank cannot be achieved as it passes through land owned by Three Lows Cottage. This access has since been removed from the scheme.

In light of above, it is considered that the proposed vehicular access to Ribden Road would improve Highway Safety for occupiers of Hill Top Cottage and therefore in its revised form the application falls in line with policies T1 and DC1 of the core strategy and paragraph 32 of the NPPF.

CONCLUSION / PLANNING BALANCE

The application has sought consent to create 2no. vehicular access points on two separate parcels of land associated with Hill Top Cottage, Star Bank, Oakamoor.

Following issues regarding visibility over 3rd party land, this has been revised to a singular access off Ribden Road.

The current access to Hill Top Cottage is off Star Bank and is used by the occupiers of neighbouring Three Lows Cottage who have access rights.

The site is not subject to any restrictive NPPF policies and therefore the presumption in favour of sustainable development is engaged.

Based on a review of the proposed plans, a site inspection, and subsequent comments from the Highways Authority, it is considered that this proposal as revised would result in a positive improvement in highway safety terms for the current occupiers of both properties and users of the public highway, in line with policies DC1 and T1 of the core strategy and paragraph 32 of the NPPF.

The application, in its revised form, is therefore considered to represent a sustainable form of development which accords with all relevant local and national planning policies. In line with policy SS1a of the core strategy and paragraph 14 of the NPPF, the application is recommended for approval, subject to appropriate conditions.

OFFICER RECOMMENDATION: Approve with Conditions

Case Officer: James Stannard
Recommendation Date: 3rd January 2017

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council