Rob Duncan
Planning
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PLANNING STATEMENT

LAND OFF RIVENDELL LANE, LEEK

MARCH 2018

Site Address:
Land off Rivendell Lane, Leek, Staffordshire, ST13 5RH

Applicant:
Birchendel Holdings Ltd.

Proposal:
Erection of 2no. Detached Two-Storey Dwellings

Planning Statement:
Date Issued: 14th March 2018
Job Reference: RDP/2018/021

Report Prepared By:
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1 Introduction

1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Birchendel Holdings Ltd. to prepare a revised planning application for the erection of two detached dwellings on a parcel of land to the east of Rivendell Lane, Leek.

1.2 The application represents a re-submission following the refusal of application SMD/2017/0038, which had proposed the erection of two detached dwellings on the site. The application was refused by the Local Authority for the following reason:

1. *The positioning of two dwellings on the site results in an overdeveloped plot which is out of keeping with the spacious character and appearance of the surrounding area. Furthermore the Plot 1 dwelling is considered to be of a poor design with the combination of squat, shallow pitched roofs, oddly positioned windows and excessive building proportions (width and depth) resulting in a development which would fail to improve or enhance the visual amenities of the surrounding area. The close proximity of the dwellinghouse to the highway, together with the wide road frontage and raised site land levels would result in the proposed development appearing as an incongruous and imposing built feature within an otherwise open and spacious area to the detriment of the streetscene and character of the surrounding area. The application is therefore contrary to policies SS1a and DC1 of the Core Strategy Development Plan Document (26th March 2014) and the National Planning Policy Framework including chapter 7 'Requiring Good Design.'*

1.3 Following receipt of that decision the applicant has commissioned revisions to the design, scale and massing of the proposed development with a view to

addressing the previous reason for refusal. The revised Plot 1 will occupy a footprint of 148sq.m. and be set within a plot that extends to 813sq.m. As with the previous submission it encompasses a bespoke, split-level design and has been revised in its design and proportions to address the previous reason for refusal. The dwelling will encompass a garage at basement level, accessed via a new driveway off Birchall Lane, with a lounge, dining room, kitchen, hallway and cloakroom at ground floor, and four bedrooms (two ensuite), utility and family bathroom at first floor.

1.4 Plot 2 will comprise of a dwelling with a footprint of 107sq.m. set within a plot of some 712sq.m. in area. The design and appearance of the dwelling is largely unaltered from that which was considered under the previous application, with the exception of a new lean-to addition on the northwest elevation to provide a porch. The dwelling will encompass a lounge, kitchen, dining room, hallway, utility and integral garage at ground floor, with three bedrooms (one ensuite) and family bathroom at first floor. As with the previous application, access to this plot is to be taken off Rivendell Lane towards the northernmost end of the site, beyond the existing electricity sub station.

2 Site & Surroundings

2.1 The application site comprises part a vacant parcel of land that is laid to grass, and which occupies an elevated position above the adjacent highway, particularly at its southernmost end. The site furthermore slopes up gradually in an easterly direction towards its boundary with The Moorings. The site as a whole extends to just under 0.15 hectares and lies within the residential development boundary of Leek. The site is surrounded by residential development in an area which has evolved greatly over the years with numerous instances of infill development having taken place.

2.2 Dwellings within the locality vary in terms of their scale, massing and appearance, with plot sizes also of varying sizes, including large spacious plots, particularly to the east/southeast, and much smaller, tighter plots, particularly to the west/southwest. The site occupies a sustainable location within easy walking and cycling distance of the numerous services and facilities on offer within Leek and furthermore lies within the established settlement boundary for 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 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 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.

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 2017)

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 1.99 years supply.

5 Planning Assessment

Principle of Development

5.1 The application site lies within the settlement boundary for Leek wherein a substantial degree of new development is to be targeted over the plan period (policies SS2 and SS3 of the Core Strategy refer). The site also lies within easy walking and cycling distance of the town centre, with half hourly bus services operating nearby Lane on the Cheddleton Road. These bus services offer connections with both the town centre and Hanley, and as a consequence future occupiers of the dwellings will have a viable means of alternative transportation to the car. The proposed development is therefore considered to fully accord with the provisions of policies SS1, SS2, SS3, and SS5a of the adopted Core Strategy and is therefore acceptable in principle.

5.2 There are also other material considerations that weigh in favour of the proposed development, in particular 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".*

5.3 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"*

5.4 The latest housing land supply figures for Staffordshire Moorlands, as set out in the Local Authority's Housing Land Supply Statement (March 2017), confirm that the Local Planning Authority is only able to demonstrate a 1.99

year supply of deliverable housing. This represents a chronic shortfall in housing land against the requirements set out within the NPPF. As a consequence, the titled balance in favour of approval, as set out in paragraph 14 of the NPPF, is engaged. Paragraph 14 of the NPPF is clear that in such circumstances planning permission should be granted 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" (my emphasis)*

5.5 This proposal will derive a number of benefits, having regard to the three dimensions of sustainable development set out in paragraph 7 of the NPPF. In terms of the economic and social dimension of sustainable development it is considered that the proposal will derive benefits to the local economy, both to local tradesmen during the construction phase, and though the expenditure associated with the creation of two additional households. The proposal will also secure the delivery of two new dwellings that will make a valuable contribution to the supply of housing within the District and in turn help the Local Authority to meet its shortfall in housing delivery. Such benefits are considered to be worthy of significant weight.

5.6 In terms of the environmental dimension of sustainable development, the proposal would derive a number of benefits. The proposal would deliver a high quality design that responds positively to the constraints of the site and the character and appearance of the surrounding area (discussed in more detail below), and will furthermore secure the erection of two dwellings in a sustainable location where future occupiers would have a choice of means of transport to access local services and facilities. I submit that these aforementioned benefits lend further significant weight in favour of the proposed development.

Design & Impact on the Character of the Area

5.7 The main issues raised in the determination of the previous application, was design and the proposals perceived impact on the character and appearance of the surrounding area. The surrounding area exhibits a widely varying character, which is a product of its evolvement over the years. Within the immediate locality there is evidence of single storey, two storey and three storey dwellings, and these are of differing scales and architectural styles. There is no strong prevailing vernacular.

5.8 Dwellings to the southwest, west and northwest of the site, on the opposite side of Rivendell Lane, lie at a slightly lower level to the highway, and encompass a mixture of scales of development and architectural styles. To the north of the site, and extending round to the east / southeast lie the more substantial plots associated with Birchall Lane, including The Moorings, Heather Hills, Birchall House and Westerdale. The plots off Birchall Lane are typically more spacious in character, with dwellings sat more or less centrally within their respective plots. Planning consent has nevertheless been granted at Birchall House (SMD/2016/0324) and at Westerdale (SMD/2014/0842 – since constructed) for new dwellings within their respective curtilages. The consequential effect of this has been to reduce the size of the plots within which the host dwellings sit. Previous neighbour representations have suggested that making reference to these developments is 'ridiculous'. However, it is a matter of fact that they are approved developments, and in the case of Westerdale, now form part of the established character of the area.

5.9 The table shown in Figure 1 overleaf assesses the plot-development ratios of the existing properties which surround the application site, as well as documenting their general form e.g. single storey, two storey etc. Analysis of the information presented in Figure 1 demonstrates that the overall plot-

development ratio of the surrounding, inclusive of dwellings on both Rivendell Lane and Birchall Lane averages 16.2%. The plot-development ratios nevertheless range between 4.7% and 26.3%.

Figure 1 – Summary of Surrounding Area

Property Name:	Approx. Plot/Dev Ratio:	Scale:
Innisfree	12.7%	Split Level
Links View	18.7%	Two Storey
Brattalid	18.2%	Two Storey
La Casa	17.5%	Bungalow
Silverwood	14.4%	Two Storey
Kantega	18.8%	Split Level
White Lodge	26.3%	Split Level
The Moorings	4.7%	Two Storey
Heather Hills	8.7%	Two Storey
Minsmere	14.5%	Bungalow
Birchall House	8.7%	Two Storey
Plot at Birchall House*	26.1%	Two Storey
Westerdale	13.9%	Two Storey
Plot at Westerdale	23.1%	Two Storey

* Not yet constructed, but benefits from extant planning permission

5.10 The proposed dwellings will be in-keeping with the density of the surrounding area, with Figure 2 overleaf showing a comparison between the plot-development ratios exhibited by properties in the surrounding area, and those associated with the proposed dwellings.

Figure 2 – Analysis of Proposed Density of Development

Lowest Plot / Dev Ratio	4.7%
Highest Plot / Dev Ratio	26.3%
Average Plot / Dev. Ratio	16.2%
Average Ratio – Rivendell Lane	18.1%
Average Ratio – Birchall Lane	14.2%
Plot / Dev Ratio – Plot 1	18.2%
Plot / Dev Ratio – Plot 2	15.0%

5.11 The plot-development ratio of the proposed dwelling on Plot 1 is firmly in keeping with the density spectrum exhibited in the surrounding area. Similarly, the plot-development ration of Plot 2 is also in keeping with the prevailing characteristics of the surrounding area. In this regard I would draw the Local Authority's attention to the recently allowed appeal at Deepdale, Birchall Lane (Ref. 3183984). In granting permission for a detached dwelling that has been refused owing to concerns about impact on the character and appearance of the area, the Inspector concluded that:

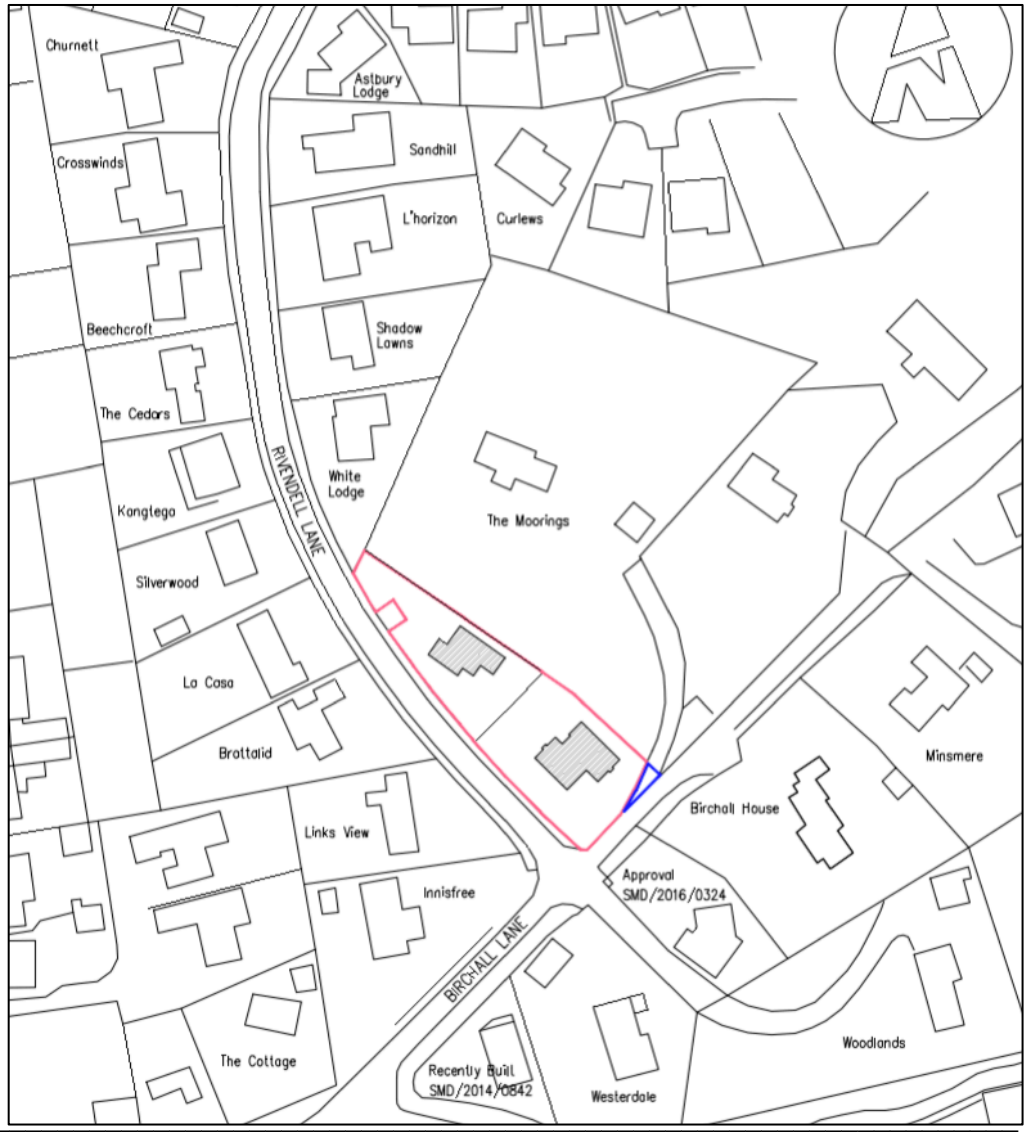
> *"8. From my site visit I could see that a number of the traditional housing plots in the Birchall Lane area have been subdivided. The proposed detached dwelling would* ***sit in a plot which would not be dissimilar in size to some of the properties in the vicinity. I consider therefore that it would not be out of keeping with the character of the Birchall Lane area****. Some of the representations have expressed concern about the cumulative impact on character of recent and future proposals for housing in the Birchall Lane area. I recognise that there has been change in the area over time. However,* ***I have considered***

this proposal on the character of the area as it exists at the present time, on its merits *and on the evidence before me".*

(my emphasis)

5.12 This recent appeal decision serves to reinforce the analysis in Figures 1 and 2 above, which demonstrate that the proposed dwellings will sit within plots that are of commensurate size to those in the surrounding area. An extract of the submitted Site Location Plan (Figure 3) also attests to this, and shows the dwellings sitting comfortably within their respective plot.

Figure 3 – Extract of Site Location Plan



5.13 The revisions to the proposed site layout furthermore result in a more spacious character than that associated with the previously refused scheme. A minimum distance of 7.3 metres is achieved between the southwest elevation of Plot 1 and the rear edge of the highway. The previously refused scheme achieved a distance of 4.5 metres. It is furthermore proposed to soften the impact of the development and anchor it into its surrounding by providing supplementary landscaping along the southwestern boundary, wrapping around onto the southeastern boundary. This will serve to reinforce the landscaped character of the area which prevails along Birchall Lane in particular.

5.14 The scales of the existing two storey properties in the area vary considerably, and it is noted that the recently approved scheme at Birchall House (SMD/2016/0324) has an approved ridge height of 8.6m from ground level, with the approved dwelling at Westerdale (SMD/2014/0842) standing to 9m above existing ground level. The overall scale and height of the dwelling on Plot 1 has been reduced from that proposed in the previously application, and now proposes a dwelling that will stand to a maximum ridge height of 6.8 metres above the existing ground level when viewed from the southwest on Rivendell Lane (previously 7.9m), and 5.3 metres above the existing ground level when viewed from Birchall Lane (previously 6.3 metres).

5.15 The proposed height of the dwelling on Plot 1 compared to existing ground level is therefore much less than that which has been permitted elsewhere in the immediate vicinity, and is considered to be in keeping with the scale of developments within the surrounding area. It is noted in this context that the approved scheme at Westerdale occupies a highly prominent plot that dominates views on approach along Birchall Lane. The dwellings proposed in this application are less conspicuous in views along Birchall Lane, as shown by the photograph in Figure 4 overleaf.

Figure 4 – Photograph of approach to site along Birchall Lane



5.16 In considering the proposed scale of Plot 1 and its relationship to the character of the area, it is also necessary to have regard to the property known as L'Horizon, which lies a short distance to the north of the site along Rivendell Lane. This property encompasses a large three storey dwelling that stands to approximately 9 metres to its ridge, and whose ground level sits at a much higher level compared to the highway. Beyond that property, on the opposite side of Rivendell lies a detached two storey dwelling along with a detached bungalow, which both site at a lower level to the highway. The relationship between these two properties is much more stark and contrasting than that proposed in the amended scheme. This development forms an established part of the character of the surrounding area and is therefore an entirely relevant consideration in the assessment of this proposal.

5.17 The accompanying section drawing demonstrates the relationship between Plot 1 and the property located opposite, and shows that the scale of the revised proposal will not dominate the character of the area, nor the properties located opposite. In this context is should be recognised that the

plot slopes gently upwards in a northeasterly direction, and beyond the site lie to the north lie the properties known as The Moorings and Heather Hills, which both sit at a higher level to this site. The proposed dwellings will therefore represent an appropriate transition between the dwellings at a higher level to the northeast, and those at a lower level beyond Rivendell Lane to the southwest.

5.18 On approach to the site along Rivendell Lane from the north, the proposed dwellings will read as continuation of the linear pattern of development that prevails along Rivendell Lane, and will be viewed against the backdrop of mature vegetation and the end elevation of Birchall House. On approach from the southwest along Birchall Lane, the site is obscured by boundary vegetation of existing dwellings until almost at the junction with Rivendell Lane. In views from this point, the dwellings will be seen against the backdrop of the dwellings behind (The Moorings / Heather Hills), and will be softened by the proposed landscaping and planting shown on the submitted plans. The submitted proposal does not necessitate the removal of any important boundary trees, and proposes further planting that once matured will serve to reinforce the heavily vegetated character that prevails along Birchall Lane.

5.19 The revised design to Plot 1 is also considered to be an appropriate response to the concerns raised in the previous application. The 'squat, shallow pitched roofs' have been omitted in favour of steeply pitching roofs which take their design cues from a number of properties in the surrounding area. The general proportions and arrangement of windows are also considered to be acceptable having regard to the varied character of the surrounding area. The overall width and depth of the property has also been revised in order to break up the massing of the development,

5.20 The surrounding area exhibits a wide variety of property styles including large dwellings in the Arts & Crafts style, smaller dormer bungalows, bungalows and typical estate style houses associated within the 1980s and 1990s. Consent has furthermore been granted recently at two nearby sites (Westerdale and Birchall House) for dwellings with a more contemporary style. Dwellings are typically of brick and tile construction, or of a render and tile construction, with some properties exhibiting both. There is also a healthy mix of both gabled and hipped roofs, which in the main tend to be steeply pitched. There is no strong, prevailing vernacular to respond to. The revisions to the proposed dwellings, and in particular Plot 1, are considered to be in keeping with the varied character of the area, and lead me to conclude that the proposal is in accordance with the provisions of policy DC1 of the Core Strategy.

Neighbouring Amenity

5.21 The proposed dwellings have been sited within their respective plots to ensure that they do not result in any conflict with the Local Authority's informal space about dwellings standards, with the properties opposite located in excess of 28 metres from the proposed dwellings. There will be two windows in the southwest elevation facing towards the dwellings on the opposite side of Rivendell Lane, but these are secondary windows, and will in any event be fully compliant with the Local Authority's Space about Dwellings standards.

5.22 As a consequence the proposed development will not give rise to any significant adverse impacts to neighbouring residential amenity, and the proposal therefore meets the requirements of policy DC1 of the Core Strategy in this regard. I would also highlight in this regard that the previous application was not refused on the basis of impact to neighbouring amenity,

and therefore it would be unreasonable for this to be introduced as a new reason for refusal.

Highway Safety

5.23 The application proposes the creation of a new vehicular access point onto Birchall Lane to serve plot 1, with a new vehicular access onto Rivendell Lane to serve plot 2. Both access points will benefit from good visibility in both directions on egress from the respective sites. Each dwelling will furthermore benefit from a minimum of two off-street parking spaces and associated turning and manouvering space to enable vehicles to exit the site in a forward gear. As a consequence, the proposal will not give rise to any significant adverse impacts to highway safety within the locality. In this regard it is noted that the previous application was not refused on this basis, and accordingly it would be unreasonable for this to be introduced as a new reason for refusal.

Impact on Trees

5.24 The application site was previously bordered by a number of tress along its northeastern boundary. However, having regard to their poor quality as evidenced by the previously submitted tree survey, these trees have since been removed. The proposed development does not encroach into the root protection areas of any nearby trees and therefore will not derive any adverse impacts in this regard.

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 This 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;*
- *Leek is a target for significant housing growth up to 2026;*
- *The Local Authority has a chronic shortage of housing land;*
- *The provisions of the NPPF mean that the proposal should be determined in accordance with the presumption in favour of sustainable development;*
- *The site lies within easy walking and cycling distance of local services and facilities and benefits from regular public transport connections nearby;*
- *The proposed development incorporates dwellings that are of an appropriate design, and which are in keeping with the widely varying character of the surrounding area;*
- *The proposed development will not detract from the amenity of neighbouring residential occupiers;*
- *The proposal will safeguard existing trees on the site and will not give rise to any highway safety concerns.*

6.3 For these reasons the proposed development is considered to accord with the provisions of policies SS1, SS2, SS3, SS5a and DC1 of the Staffordshire Moorlands Core Strategy and guidance contained within the National Planning Policy Framework.

6.4 It is furthermore submitted, having regard to the provisions of paragraphs 49 and 14 of the National Planning Policy Framework, that this proposal should be determined in accordance with the presumption in favour of sustainable development. This revised proposal is considered to amount to a sustainable form of development and will not give rise to any adverse impacts to *significantly and demonstrably* outweigh the benefits of the development.

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