DELEGATED DECISION REPORT

SMD/2019/0393 **Valid 27/06/2019**	**GROVE COURT KINGSLEY ROAD CELLARHEAD**	**APPLICATION TO VARY CONDITIONS 1, 2 AND 4 RELATING TO SMD/2017/0438** **(FULL - MINOR)**

MAIN ISSUES

The impact on the character and appearance of the area

DESCRIPTION OF SITE

The site is in the Green Belt a short distance to the east of Cellarhead and comprises a recently built cul-de-sac development of five large detached houses, with an access off Kingsley Road, A52 which runs along the north boundary of the site. The site is surrounded by open land although a row of houses facing the road lies a short distance to the west. The site was a former farm haulage/HGV yard called Grove Garage before being redeveloped. The dwelling connected to the yard still remains and lies next to the site entrance and which is perpendicular to the road.

PROPOSAL

This is a Variation of Condition planning application which seeks to vary Condition 2 of the Reserved Matters approval for the development which relates to the landscaping of the site. This has not been completed in accordance with the approved plans and therefore is in breach of the condition. The parts not implemented include the replacement of a stone boundary wall to the west of the access with a post-and-rail fence, the erection of a new dry stone wall and that the area of land in between the new dry stone wall and approved post and rail fence be landscaped as per the approved plans.

The applicant seeks to rectify this with the following works shown on a revised site plan submitted with the application and in order to compensate for some of the landscaping measures not being carried out:

Retention of existing dry stone wall to the west of the existing access which was previously shown to be removed, the turfing/grassing over of the area to the front of it (next to the access) to provide an open aspect to the site entrance and the re-positioning of the existing approved field gate so that it sits closer to the main highway with the originally approved field access subsumed into the curtilage of Plot 1 (to provide additional parking).

A further revised site plan was received on 12.9.19 showing the inclusion of hedges either side of the field access, futher grassing/turfing between Plot 1 house and the field access and additional planting along the south-eastern boundary of the

development. Full particulars of the planting scheme have been provided on the plan.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES
Core Strategy Development Plan Document (Adopted 2014)

DC1 Design Considerations
H1 – New Housing

National Planning Policy Framework

Sections 12 (Design).

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 has recently been held. Subject to the findings of the appointed inspector, the Local Plan is expected to be adopted in late 2019/early 2020. At this 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 Officer Comments section of this report identifies the level of outstanding objections to each policy and recommends the amount of weight to be given to them at this stage in the process
- 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 are considered to be relevant to this application:

H1 Housing
DC1 Design Considerations

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2013/0903 – The demolition of the existing buildings on the site; the erection of five detached houses; the demolition of the main part of the agricultural building; and the re-building/re-cladding of the remaining part of the agricultural building (Outline Planning Permission).

SMD/2016/0602 – Reserved Matters approval for above.

SMD/2017/0438: Variation of Condition 1 of the Reserved Matters approval. Granted.

CONSULTATIONS

Publicity

Site Notice expiry date: 14.8.19
Neighbour consultation period ends: 14.8.19
Press Advert: N/A

Public Comments

No objections received but three letters have been received requesting that the speed limit on the main road outside of the site be reduced.

Town / Parish Comments

None.

Staffordshire County Council Highways

No objection.

OFFICER COMMENTS

The revised site plan with landscaping better reflects what was previously approved for the Reserved Matters application as includes some planting within the open grass area next to the site entrance (which has not yet been turfed).

The Highways Authority has noted that one of the other conditions has not been complied with, this being the need to close off the existing access to the farmhouse, off the A52, which benefits from a new access off the new cul-de-sac. The condition will be varied accordingly to require these works to be undertaken within 3 months of the decision.

Conclusion

As the revised landscaping scheme is acceptable and compensates for the landscaping currently undertaken for the development, which was not in accordance with the previous approved plans, the relevant landscaping condition can be varied accordingly and the Variation of Condition application approved.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston
Recommendation Date: 19.9.19

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council