DELEGATED DECISION REPORT

SMD/2019/0161 **Valid 15/03/2019**	**19 DAISY BANK** **LEEK**	**PROPOSED RETAINING WALL/DRIVEWAY TO PROVIDE OFF ROAD PARKING FOR 1 CAR** **(FULL - HOUSEHOLDER)**

MAIN ISSUES

- Design
- Street scene
- Neighbour amenity
- Highways

DESCRIPTION OF SITE

The application site is the front garden to one of a pair of 1930s two storey brick and tile semis which face on to a steeply sloped section of Daisy Bank. The two semis share a single floor level. Viewed from the road No. 19 is the right hand or northerly of the two. The general slope of the land (and Daisy Bank) is downwards to the north so that No.19 is the more elevated relative to its surroundings and its attached neighbour at No.17 to the left is somewhat set-in to the slope. The unattached neighbour to the right (No.21), also two storey, is significantly stepped down relative to the application property so that the eaves level of the neighbour appears to be on a level with about the mid height of the ground floor of the application property.

The intervening space between the application property and its unattached neighbour (No.21) is about equivalent to that needed to allow each property to have a side driveway and indeed No.21 is served by a side driveway at about ground floor level. The c.3m strip of space to the side of the application property was however until relatively recently occupied by embanked retaining walls. A steep flight of 12 steps climbs from road level to ground floor level of the application property. At road level to the side front there is a narrow space between the side of the steps and the property boundary marked on the plan (drawing 12033/10) as a drive but this scale from the drawing as being only c.1.5m in width. However it seems this plan must be in error and in fact there is driveway space of c.2.8m width here alongside which (in place of the embanking walls to the side garden) a single high retaining wall finished in white render tracks back along the side of the property towards the rear garden.

The application is partially retrospective in that work was begun without planning consent. Following the intervention of the Council's Enforcement Officer work has ceased. Part of the site – the northerly half of the front garden has been fully excavated to road level (or below) and a concrete floor and brick retaining wall inserted to the north side flank and rear. A section of the site on the boundary with the attached neighbour's front garden has not been fully excavated and remains as exposed disturbed ground.

Prior to the recent work the front garden was supported by a stone retaining wall on the front boundary along the rear edge of the pavement as far as the entrance to the flight of steps.

PROPOSAL

In a modification of the work already undertaken, to in effect excavate a pull-in parking space at road level in the front garden between the boundary with the attached neighbour (No.17) and the side of the flight of steps and to take the excavation back to within c.1.3m of the front house wall elevation and to within c.1.1m of the projecting ground floor bay window. The sides and rear to be faced in brickwork. The development would create an off-road pull-in space which scales from the 1:200 site plan as being c.2.7m in width and c.4.6m in depth.

Revised plans show the parking bay sloping very slightly upwards away from pavement level rising at a gradient of 1 in 20, i.e. 500mm over its length when measured from the lower point. There is also a cross fall to the bay to lift up the back left corner. The green shaded area indicates the sloping drive on elevation.

A two-tier walled planting bed is shown in the section bordering with the attached neighbour to the up-hill (SE) side. A narrow walled planting bed is shown to the inner limits of the parking bay below the house front and a further walled planting bed is shown to the NW side elevation of the dwelling where an earlier excavation and retaining wall has been previously developed.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)
S01 Spatial Objectives
SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS5a Leek Area Strategy
DC1 Design Considerations
T1 Development and Sustainable Transport

Local Plan Submission Version (February 2018)
SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS5 Leek Area Strategy
DC1 Design Considerations
T1 Development and Sustainable Transport

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 was held in November 2018 to determine whether the Local Plan is sound and legally compliant. Subject to the findings of the appointed inspector, the Local Plan is expected to be adopted later in 2019. At that 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. Where reference is made in this report to any emerging policies the level of outstanding objections to each policy will be noted and recommendation made as to the amount of weight to be given to the policies 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.

National Planning Policy Framework July 2018
Paragraph(s) 1 – 14;
Section(s) 4 – Decision making; 11 – Making effective use of land; 12 – Achieving well designed places;

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2018/0005 – retaining wall / driveway to provide off road parking for 2 cars – refused

CONSULTATIONS

Publicity
Site Notice expiry date: 21st May 2019
Neighbour consultation period ends: 3rd April 2019
Press Advert: N/A

Public Comments
A neighbour has raised concern about how long this incomplete development will take to resolve.

Town / Parish Comments
Leek Town Council – no comments – previously acceptable subject to not being found un-neighbourly.

Staffordshire County Council Highways
No objections subject to conditions.

OFFICER COMMENTS

Principle of Development
The development is considered to be an engineering operation therefore requiring planning consent. Being within the town development boundary development in principle is acceptable. As an unclassified road (D1292) the formation of an access per se does not require planning consent but would nonetheless require the consent of the Highways Authority to form the vehicle crossing over the highway pavement.

Design
An overriding concern is the overall physical presence and visual impact of the scheme as a whole in the street scene. The excavation of the garden frontage and necessary construction of a high retaining wall at the rear of the exposure causes the house to stand as a very abrupt feature no longer 'softened' in the street scene by the landscaping benefits of its sloped front garden.

The amended scheme now under consideration has taken several opportunities to redress the harshness of the initial plan. The vehicle access has been narrowed from c.5m width to c.2.7m so as to maximise the scope to retain (re-establish) garden frontage wall. Significantly the scheme now proposes a tiered garden to the side and planting bed to the rear which once stocked with shrub plants will reduce the abruptness of an otherwise single vertical height of brick walling.

Amenity
The 2018 scheme was refused with reference to the harsh, necessarily highly engineered, design introducing a brutality to the front of this dwelling. The revised scheme has taken some steps which it may be considered now tip the balance narrowly in favour of the scheme.

Highway Safety
The excavation of the garden frontage and necessary construction of a high retaining wall at the rear of the exposure causes the house to stand as a very abrupt feature no longer 'softened' in the street scene by the landscaping benefits of its sloped front garden.

Other matters
Land stability is an important consideration which inevitably comes to the fore in a case such as this with significant excavation. This scheme however having been partially executed the proposal has to some extent stood the test of time. The tiered structure now proposed to the SW side and the greater retention of roadside

retaining wall both now improve the sense of structural integrity and the overall appearance should be less alarming.

CONCLUSION / PLANNING BALANCE

Although still a less than ideal scheme it is considered on balance to be sufficiently modified to now be acceptable in the street scene.

OFFICER RECOMMENDATION : approve

Case Officer: Arne Swithenbank
Recommendation Date: 19th November 2019

X B.J. Haywood

Signed by: Ben Haywood
On behalf of Staffordshire Moorlands District Council