DELEGATED DECISION REPORT

SMD/2019/0620 **Valid 07/10/2019**	**THE MONKHOUSE PRINCE GEORGE STREET CHEADLE**	**REMOVAL OF CONDITION 6. REF SMD/2018/0232.** **(FULL - MINOR)**

MAIN ISSUES

The impact on highway safety.
The impact on the character and appearance of the Conservation Area.

DESCRIPTION OF SITE

The site is within the developed area of Cheadle and a short distance to the north of the town centre. It is within the Conservation Area. It comprises a vacant plot/front garden land to the south of an existing dwelling (The Monkhouse) off Prince George Street, a narrow road which runs along the front/south-east boundary. The road serves a mix of dwelling types and is on higher ground than the High Street to the south of it. There are Victorian terraced houses to the west side and more modern detached bungalows to the east. An access and driveway off the road lies in the south-east corner of the site and leads up to the existing dwelling and a plot of land next to it which has approval for two 2-storey dwellings not yet built.

PROPOSAL

This is a "Variation or Removal of Condition" application which seeks to remove one of the conditions attached to the full planning permission for three bungalows to be built at the front part of the application site. The condition sought to be removed is Condition 6 and this requires a visibility splay to be provided at the site access, in accordance with the approved plans. The condition is as follows:

"Before the proposed development is commences the visibility splay shown on plan 00219_PL(0)01 C shall be provided and shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway."

The reason for the condition is to ensure that drivers leaving the access onto Prince George Street have adequate visibility along the road to enable them to leave the site safely and not risk collisions. The provision of the splay requires the part removal of a stone front boundary wall, a retaining wall, which would be re-positioned back from the road and its height reduced. Some ground works have commenced on site to implement the permission and the wall has been partly removed but it appears the applicant has experienced structural difficulties removing the wall, hence the application to remove the condition. The applicant claims the local highways authority has visited the site recently to assess whether or not the vis splay is essentially needed in the interests of highway safety and the nature of the road.

The application includes an email to the applicant from SCC as local highways authority stating that whilst the improvement to visibility would be ideal and that there is specialist equipment and plant available to deal with the structural difficulties encountered, the retention of the wall in its current position without providing the required splay would not significantly harm highway safety, providing the current wall is repaired and re-instated to its original condition.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

DC1 Design Considerations
DC2 Historic Environment
T1 Development and Sustainable Transport

National Planning Policy Framework (Feb 2019)

12 (Design) and 16 (Historic Environment).

Emerging Staffordshire Moorlands Local Plan

National Policy Guidance

Emerging Policies

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 is ongoing in order to determine whether the Local Plan is sound and legally compliant. Hearing sessions were conducted in October 2018 and the Inspector issued his initial post-hearing advice in January 2019 which set out some actions for the Council and a range of modifications that would be necessary to make the plan sound. The full schedule of modifications is to be determined and will be subject to consultation in due course. The Inspector will then be in position to write his final report. Subject to the findings of the appointed Inspector, the Local Plan can then be adopted by the Council. This will be towards the end of 2019 at the earliest. Upon adoption, the Local Plan 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:

DC1 Design Considerations
T1 Development and Sustainable Transport
DC2 – The Historic Environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

09.00977: 6 dwellings (on the wider site). Refused.
10/00542. 6 dwellings (on the wider site). Refused. Appeal Dismissed
11/00901 6 dwellings (on the wider site including four terraced dwellings on the front part). Approved on 16.12.11.
SMD/2017/0255: Three dwellings (on front part of the site only). Refused. Appeal dismissed.
SMD/2018/0232: Three detached bungalows (front part of site). Revised scheme. Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 2.12.19
Neighbour consultation period ends: 2.12.19
Press Advert: 23.10.19

Public Comments

One email has been received raising no objection but no other comments.

Town / Parish Comments

No objection

Staffordshire County Council Highways

No objection to the removal of condition providing a new condition is added requiring details of the restoration of the wall to be submitted, approved and implemented.

Conservation Officer

No objection to the retention of the front boundary wall. Any parts of the wall removed would need to be re-instated.

OFFICER COMMENTS

When planning permission was granted for the three bungalows at the front of the development site, a condition was added requiring the set-back of an existing retaining stone front-boundary wall alongside the road, in order to improve visibility at the site access off the road by providing the "visibility splay" shown on the approved site plan. This was on the advice of SCC as local highways authority in the interests of highway safety. Works at the site have commenced and part of the stone wall has been removed in order to provide the splay. However, the applicant claims there are structural difficulties in the removal of the wall and has hence applied to remove the condition.

The local highways authority has revisited the site to establish if the vis splay is essentially required to be provided and has considered that whilst ideally, this should remain in order to improve visibility, the nature of the road being narrow and a one-way street together with the low frequency of vehicle movements over the period of their visit, has led the authority to conclude that the retention of the wall in its original position and not provide the splay via its set-back/re-positioning, would not significantly cause a road hazard to the detriment of highway safety. However, this is on condition that the current wall be restored back to its original form.

The Conservation Officer also agrees with this and in terms of the appearance and character of the Conservation Area, the retention of the traditional stone wall in its original position would have been preferable to its re-building further back from the road.

There is a current Discharge of Conditions pending relating to all of the conditions attached to the planning permission for the three dwellings. In the event of approval for the Removal of Condition application, the conditions added to the new Decision Notice will reflect the conditions work undertaken so far together with new conditions requiring the re-instatement of the stone wall and for the development to be carried out in accordance with an additional drawing to show land levels on this sloping site and a retaining wall to the rear of the three bungalows and a condition requiring an appropriate finish. The rear retaining wall has been provided (although this did not appear to form part of the previous approved plans) and is not objectionable but no finish has been applied to it as yet.

CONCLUSION / PLANNING BALANCE

The removal of the Condition 6 from the planning permission for the three bungalows will not significantly harm highway safety providing that the wall is re-instated back to its previous form. The application complies with the Council's Core Strategy and the government planning guidance in the NPPF.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston
Recommendation Date: 2.12.19

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council