DELEGATED DECISION REPORT

SMD/2020/0196 **Valid 14/04/2020**	**THE MONKHOUSE PRINCE GEORGE STREET CHEADLE**	**REMOVAL OF CONDITION 4 OF SMD/2019/0620** **(FULL - MINOR)**

MAIN ISSUES

The impact on highway safety

DESCRIPTION OF SITE

The site lies within the development boundary of Cheadle and a short distance to the north of the town centre. It comprises a current building site on the north side of Prince George Street, a narrow residential street with a mix of dwellings and which is on a fairly steep slope going uphill from the town centre towards the north. Three detached bungalows are being built following a recent permission. The row of three face the road with the original dwelling "The Monkhouse" lying to the rear (north). The access to the house and building site is to the side of the building site, using the current sloping drive.

PROPOSAL

This is a Variation/Removal of Condition application which seeks the removal of Condition 4 on the planning permission for the three bungalows under construction. The condition reads as follows:

"Before the proposed development commences the access shall be constructed with a gradient not exceeding 1 in 10 for a distance of 10m from the rear of the highway boundary."

This was recommended the the Local Highways Authority which considered the existing access was too steep to serve the new development safely and required the access to be altered to lower the gradient for highway safety reasons.

The covering letter submitted by the applicant's agent states the following:

Following discussions between the applicant and the Local Highway Authority (David Plant), it has been agreed that following a recent land slip on Prince George Street and the associated problems caused by that, that it would be preferable for the existing driveway to be maintained at its current gradient, rather than requiring it to be dug out and lowered. The Local Highway Authority acknowledge that the access will be steeper than that they would normally expect for a new development, but given recent events in the locality and the fact that it is an existing access that has served The Monkhouse for years without issue, they have confirmed that they would be supportive of an application to remove the condition.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy (Adopted March 2014)

DC1 Design Considerations
T1 Transport

National Planning Policy Framework (Feb 2019)

Section 12 (Design)

Emerging Staffordshire Moorlands Local Plan

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 was agreed by the Council and the subject of public consultation between 18th September 2019 and 31st October 2019. The schedule consisted of modifications that the Inspector has deemed necessary to make the Local Plan sound. Following the consultation, the Inspector concluded that further hearing sessions were necessary to consider; proposals for safeguarded land at Gillow Heath in Biddulph, housing land supply, Local Green Spaces in Cheddleton (Ox Pasture), Biddulph (Dorset Drive and implications for the emerging neighbourhood plan) and Blythe Bridge. They were held on 4th and 5th February.

On 27th February, the Inspector issued his post hearing advice. Key recommendations in the letter include:

- The proposed safeguarded land at Gillow Health, Biddulph should be removed. Neither should the site be allocated for housing as requested by the landowners as the case for exceptional circumstances has not ben met. The land will remain Green Belt as per the Local Plan Submission Version agreed by the Council in June 2018
- No further housing allocations in Biddulph are required
- No further amendments to the housing trajectory are required aside from pushing back the predicted commencement of the Wharf Road, Biddulph site (excluding BDNEW) until 2022/23.

- Monitoring of housing supply will determine if a full or partial Local Plan review is required within 5 years
- Land at Ox Pasture (Cheddleton) and Dorset Drive (Biddulph) should revert back to the Local Green Space designations as per the Local Plan Submission Version as agreed by the Council in June 2018.
- Other modifications were considered during the recent hearings sessions are necessary to make the plan sound, including; updating neighbourhood area housing requirements (Policy SS4) to reflect the latest monitoring data, updating the employment land area for the Tunstall Road allocation to reflect the masterplan and other adjustments to the wording of Policy SS4 and Policy DC2.

No further representations will be sought by the Inspector. As such, the Local Plan policies as proposed to be modified in September 2019 along with the Inspector recommended revisions (February 2020) provide a strong indication of the final policies likely to be adopted in the Local Plan. The Inspector's final report is expected within 2 months and will reflect the post hearing advice. The Council will be able to consider the adoption of the Local Plan at this point. As such, the plan is at a very advanced stage of preparation with some of the key outstanding objections now having been resolved following the February 2020 hearing sessions.

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 considered below:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the main modifications have been subject to consultation
- The extent to which there are unresolved objections to relevant policies this varies depending on the policy in question – the Inspector wishes to explore outstanding objections on a limited number of issues at the February hearing sessions further before drawing conclusions.
- The degree of consistency of the relevant policies in the emerging plan to this Framework – policies have been modified to address soundness issues identified by the Inspector to date. It is the Council's view that the policies (as modified) are consistent with national policy. The Inspector has yet to draw final conclusions, particularly on the matters subject to further hearing sessions.

Given the above, the majority of policies (as modified) can be given substantial weight.

Emerging Policies

The following policies are considered to be relevant to this application:

DC1 Design Considerations
T1 Transport

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2019/0620: Variation of condition relating to permission SMD/2018/0232 for three bungalows. Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 9.6.20
Neighbour consultation period ends: 9.6.20
Press Advert: N/A

Public Comments

None.

Town / Parish Comments

No comments received.

Environmental Health

No objection subject to conditions.

Local Highways Authority

No objection. I discussed the gradient of the access with the applicant following the recent land slip on Prince Georges Lane and given the problems that's caused, we agreed that if its not necessary to dig into the slope its probably best to leave it alone. The access is steeper than we would normally expect for a new development but it's the existing access and has served the Monkhouse for years without issue. The reasons for the land slip are not clear. Cutting into the slope will also cause knock on issues for the neighbouring retaining wall, which is highly undesirable and will steepen the rest of the access. So with the new information of recent events and on consideration, I would accept removal of this condition.

OFFICER COMMENTS

The condition required the gradient of the access to be lowered before works on the bungalows began. The bungalows are at an advanced stage of construction and therefore the condition has been breached as the gradient has not been altered. However, whilst leaving the gradient of the existing access would compromise highway safety on the narrow road, the subsequent extraction works to alter the gradient in line with the condition would, as a result of a recent landslip (after approval was given), lead to greater harm to highway safety on Prince George Street. On this basis alone, it would not be expedient to take enforcement action and the condition should therefore be removed. The highway officer in his response notes that although the gradient would be steeper than normally accepted, has not indicated that this would cause significant harm to highway safety. Given these

circumstances, a condition should be added to the permission requiring the access gradient to remain.

CONCLUSION / PLANNING BALANCE

The removal of the planning condition would not harm highway safety or lead to any other environmental harms. The proposal would therefore comply with the Core Strategy, the forthcoming Local Plan and the government planning guidance contained in the NPPF.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston
Recommendation Date: 9.6.20

X 

Signed by: Jane Colley

On behalf of Staffordshire Moorlands District Council