DELEGATED DECISION REPORT

SMD/2020/0274 **Valid 08/06/2020**	**THE BOUNDARY HOUSE CLEWLOWS BANK BAGNALL**	**PROPOSED NEW ACCESS OF CLEWLOWS BANK (VEHICULAR AND PREDESTRIAN)** **(FULL - MINOR)**

MAIN ISSUES

- Impact on the character and appearance of the street scene.
- Impact on highway safety.
- Whether it comprises an exception to inappropriate development in the Green Belt.

DESCRIPTION OF SITE

The application site comprises an isolated, detached bungalow with a detached single storey outbuilding located within the Green Belt. The property is located on the eastern side of Clewlows Bank, on a bend in the road. A dropped kerb serves a large area of hardstanding that is located both in front of part of the bungalow and the existing single storey outbuilding. The boundary treatment to each side of the dropped kerb comprises a wall of approximately one metre in height with a hedge behind to the south and a hedge of approximately two metres in height to the north.

PROPOSAL

Full planning permission is sought for the construction of an additional pedestrian and vehicular access to serve dwellinghouse, creating an 'in-out' arrangement.

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
SS6c Other Rural Areas Area Strategy
DC1 Design Considerations
DC3 Landscape & Settlement Setting
T1 Development and Sustainable Transport
T2 Other Sustainable Transport Measures

Staffordshire County Council published guidance on Vehicular Access Crossings.

Emerging Staffordshire Moorlands Local Plan

On July 20th 2020, the Council published the Inspector's final report thereby drawing a close to the examination in public. The report concludes that with the recommended main modifications, the plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework (NPPF). As such, the main modifications which accompany the Inspector's report provide a clear indication of the final policy wording when read in conjunction with the Local Plan Submission Version (2018).

In this context, the Council's position on the weight to be given to the policies (as modified) 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 the most advanced stage of preparation prior to adoption as the Inspector has concluded that the Local Plan is sound subject to the recommended modifications being made.
- The extent to which there are unresolved objections to relevant policies – the Inspector has now drawn his final conclusions and there are no further matters to resolve
- The degree of consistency of the relevant policies in the emerging plan to this Framework – the policies (as modified) have been found by the Inspector to be sound in the context of the 2012 NPPF under which the Local Plan has been examined. One of the "tests of soundness" that the Local Plan has successfully been measured against is whether it is "consistent with national policy". Because the Local Plan has been prepared and examined under the 2012 NPPF, it should be noted that in some limited cases, its policies do not directly reflect current national policy. However, planning law requires that applications be determined in accordance with the development plan, unless material considerations indicate otherwise. Current national policy is a material consideration and should be given weight accordingly.

Given the above, all policies (as modified) should be given substantial weight.

Emerging Policies:

SS1 Development Principles
1a Presumption in Favour of Sustainable Development
SS2 Settlement Hierarch
SS10 Other Rural Areas Strategy
DC1 Design Considerations
DC3 Landscape and Settlement Setting
T1 Development and Sustainable Transport
T2 Other Sustainable Transport Measures

National Planning Policy Framework

Paragraph(s) 1 - 14
Section(s) 4, 9, 12, 13

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2005/0399	Alterations of flat roof to pitched roof Approved 21/03/2005
SMD/2005/0410	Rear Conservatory Approved 03/03/2005
SMD/2015/0648	Change of use of existing double garage to multi purpose room (garden room/games room/study) Approved 02/12/2015

CONSULTATIONS

Publicity

Site Notice expiry date: 31/07/2020
Neighbour consultation period ends: N/A
Press Advert: N/A

Public Comments: None

Town / Parish Comments

Two comments were received from Bagnall Parish Council. The first, dated 12th June 2020, stated they had no objection to the application.

This was followed up on 23rd June 2020 with the following comments:

> *'Whilst Bagnall Parish Council has no objections to this application, we do have some concerns. Having visited the site, the plan submitted does not give a true representation of the existing layout as the existing entrance would appear to be significantly wider than that shown on the plan, being approximately ten metres wide (from the front left corner to the boundary wall/hedge). Also, when travelling uphill a wide turning circle will be required, necessitating cars moving into the right-hand side of the road, in the path of any oncoming traffic. Given that a fatal accident occurred on this bend the Parish Council would hope that Highways will take into consideration sight lines alongside pavement drops and proceed with some caution when expressing a view.'*

Staffordshire County Council Highways

Recommend the application is refused on highway safety grounds.

Detailed comments of the Highways Engineer will be discussed below.

OFFICER COMMENTS

Principle of Development

Paragraph 11 of the National Planning Policy Framework (NPPF, 2019) promotes a 'presumption in favour of sustainable development'. For decision takers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless: i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

In accordance with policies SS1 and SS1a of the Staffordshire Moorlands Core Strategy the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible, enhancing the environment. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (2019).

The dwellinghouse is located within the Green Belt. Policy SS6c states that strict control will be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy.

Paragraphs 143 and 144 of the NPPF (2019) states *'that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'* and *'when considering a planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt'*.

Paragraph 144 of the NPPF (2019) states, *'local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.*

Paragraph 146 of the NPPF (2019) states that *'certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it* [including]: *b) engineering operations'*

The creation of an additional access will therefore be acceptable in principle, subject to it preserving the openness of the Green Belt and does not conflict with the purposes of including land within it.

In addition, policy DC1 of the Core Strategy states that new development should *'provide for safe and satisfactory access and make a contribution to meeting the*

parking requirement arising from necessary car use'. Subject to the new access meeting these requirements, it would be acceptable in principle.

Design/Landscape

Policy DC1 refers to design and seeks to secure development of a high quality which is designed to add value to the area and to respect the site and its surroundings. New development should promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.

Paragraph 127 of the NPPF (2019) requires the design of a development to add to the overall quality of an area, by being sympathetic to local character.

The submitted drawing indicates that the existing hedge that fronts onto Clewlows Bank will be removed and a second access point constructed onto the road. The access point will be positioned north of the existing access and will create an 'in-out' design. This contradicts the information contained within the brief Planning Statement that states that the hedge will either be removed or reduced in height to 900mm to enable adequate visibility.

The total loss of this hedge would be unfortunate however it's loss is not considered to have a significantly detrimental impact on the landscape character of the area or the street scene given its limited length. In addition, parts of the hedge could be retained at a lower height, subject to the comments of Highways, which could be conditioned accordingly.

Green Belt

The proposed development comprises an engineering operation. According to paragraph 146 of the NPPF (2019) it will not comprise inappropriate development in the Green Belt if it preserves its openness and does not conflict with the purposes of including land within it.

The proposed access will not conflict with any of the purposes of including land within the Green Belt, as listed at paragraph 134 of the NPPF (2019). As outlined in the 'Design/Landscape' section above, the proposed development will result in the partial/full removal of an existing hedge and the laying of a small access from the road to an existing area of hardstanding. It is therefore not considered that the proposed development will have an adverse affect on the openness of the Green Belt.

It is for these reasons that the proposed development will comprise an exception to inappropriate development in the Green Belt.

Amenity

Core Strategy policy DC1 and paragraph 127(f) of the NPPF (2019) seek to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

The application site has no immediate neighbours, being surrounded by open fields. The proposed development will therefore not have a detrimental affect on neighbouring amenity.

Highway Safety

Policies DC1 and T1 seek to achieve a level of parking and an access that is appropriate to the development it serves, whilst policy T2 seeks to encourage and support measures which create safer roads or facilitate highway improvements.

Paragraph 108 of the NPPF (2019) states that *'in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: b) safe and suitable access to the site can be achieved for all users;'*

Paragraph 109 of the NPPF (2019) states that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.*

The Highway Engineer has assessed the application and makes the following comments:

> *The application states that 'when two cars are parked adjacent to the property these have to reverse out into the road'. However, parking adjacent to the property is the choice of the occupants of the dwelling. There is adequate space to park and turn at least three vehicles if the area in front of the garage were to be used.*
>
> *Two cars parked directly in front of the dwelling would indeed likely prevent access to the area in front of the garage. However, this would be caused by the choice of how the drivers of the vehicles parked, not by the layout of the parking/turning area. The applicants have the option of parking such that they can use and don't block access to their turning area, thereby avoiding the problem. It is not appropriate to create an additional access onto the highway to solve a problem of the occupant's or their visitor's own making.*
>
> *Reference to Google Streetview demonstrates how the parking can work (2009 - 2012) and also how a single small vehicle, inappropriately parked, can obstruct access to the bulk of the parking and turning area (2016).*
>
> *SCC guidance on Vehicle Access Crossings states:*
> *"Only one crossing into a property will be approved. Separate 'in and out' crossings are not normally permitted. If you require a second access and there is specific justification, please include these details in the relevant section of the application form."*
>
> *As discussed above, the submitted reasons do not constitute justification.*

There is a record of an accident close to the property on 12th April 2006. While the accident is strictly outside of the usual time limit, it was a fatal accident. This adds significant weight against the proposal of creating an additional access at a point where a fatal accident occurred particularly when adequate visibility cannot be demonstrated.

The submitted drawing shows existing access of approximately 3m width. The actual existing access measures 8.9m.

Removal of the front hedge would not provide the requisite visibility splay.

For the reasons outlined above, it is considered that the creation of an additional access to serve the dwellinghouse is not deemed necessary as the existing area of hardstanding provides space for a sufficient level of off-street parking and turning area to allow vehicles to exit the site in a forward gear. Therefore there is no justification to allow for the creation of an additional access at the property. In addition, even if the hedge was removed in its entirety, the necessary visibility splays could not be provided. Together with the knowledge of a fatal accident, it is considered that the creation of a second access would have an unacceptable impact on highway safety and would not result in an access that is appropriate to the development it serves. The proposed development would therefore be contrary to policies DC1, T1 and T2 of the Core Strategy and the emerging Staffordshire Moorlands Local Plan and paragraph 108 of the NPPF (2019). In refusing the application, it would comply with paragraph 109 of the NPPF (2019) as the proposed access would have an unacceptable impact on highway safety.

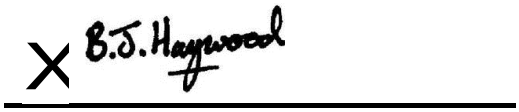
CONCLUSION / PLANNING BALANCE

The proposed additional access would not comprise inappropriate development in the Green Belt; it would not have a detrimental impact on the landscape character of the area or the surrounding street scene; and it would not pose an impact on neighbouring amenity.

However the proposed additional access would result in an unacceptable impact on highway safety and would result in an access that is inappropriate to the development it serves. The proposed development would therefore be contrary to policies DC1, T1 and T2 of the Core Strategy, policies DC1, T1 and T2 of the emerging Staffordshire Moorlands Local Plan and paragraph 108 of the NPPF (2019). In refusing the application, it would comply with paragraph 109 of the NPPF (2019).

OFFICER RECOMMENDATION: REFUSE

Case Officer: Ailsa Berry
Recommendation Date: 03/08/2020



Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council