APPEAL REFERENCE: APP/B3438/W/19/3239821

LEEK COHOUSING LTD (APPELLANT)

RESPONSE TO COUNCIL'S STATEMENT OF CASE

APPENDIX F

Inconsistent Planning Decision

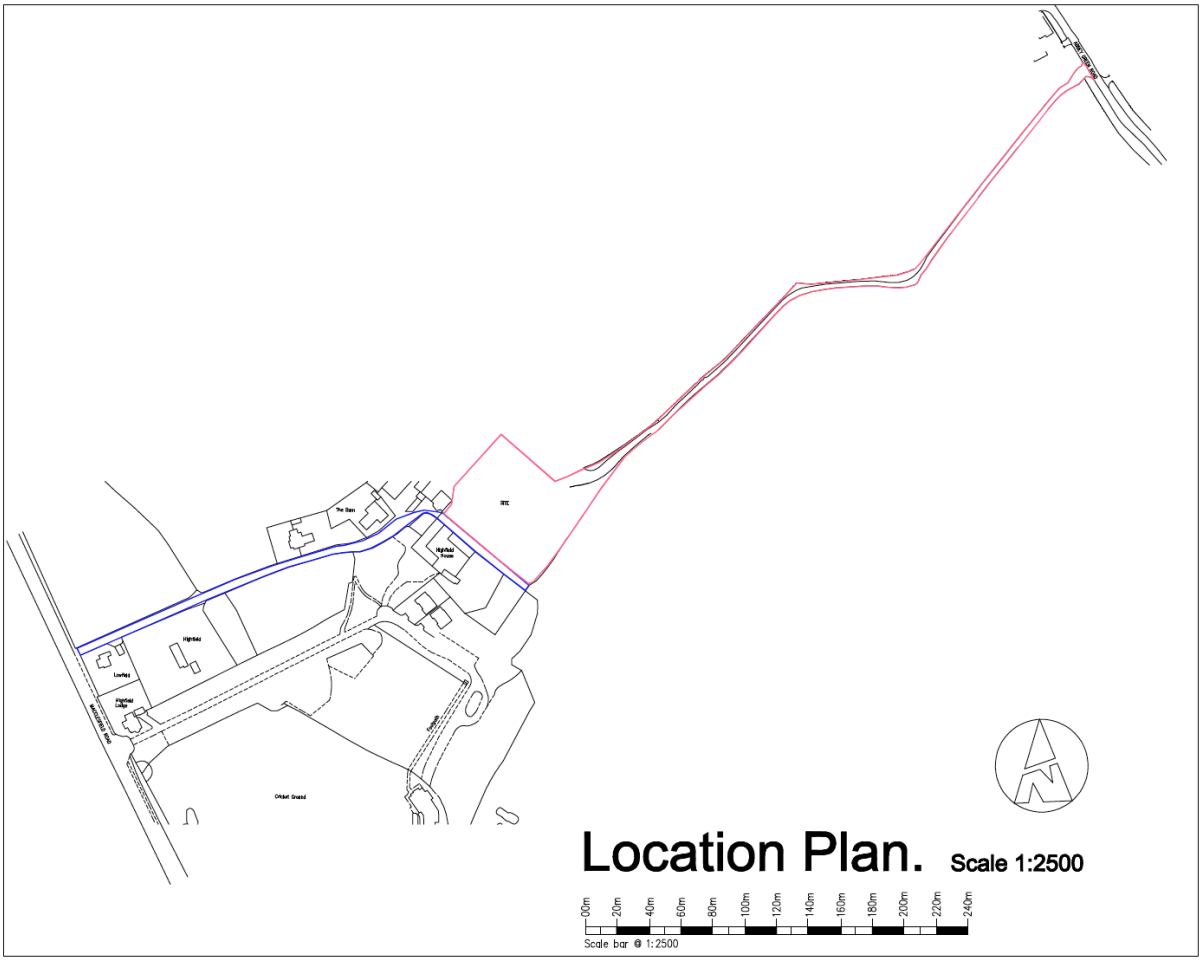
App. Nos. SMD/2017/0707 (Outline) and SMD/2019/0084 (Reserved Matters)

Land to the rear of Highfield House, Leek

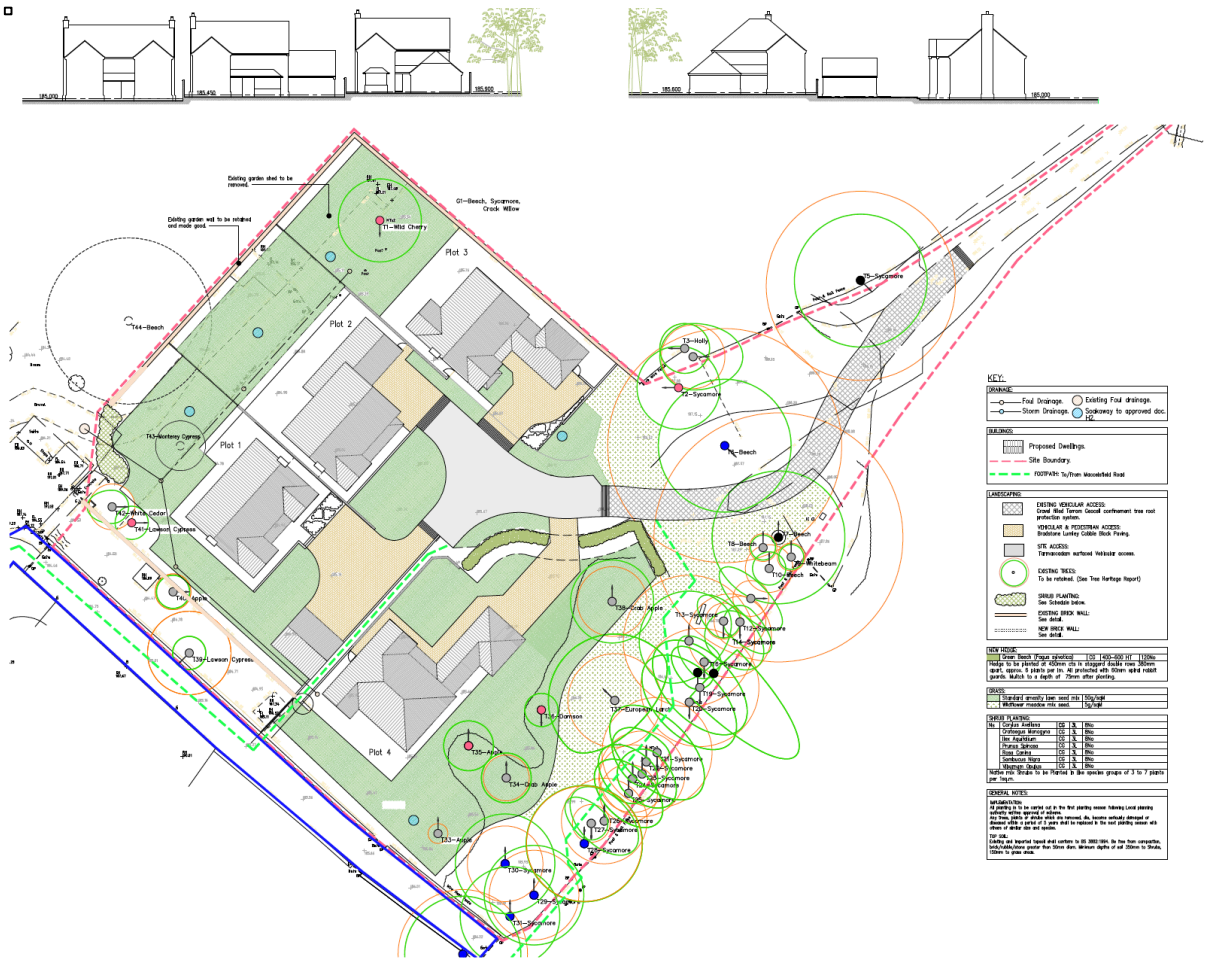
1 Location Plan
2 Site Plan
3 Staffordshire Historic Environment Record Entry (PRN 40060)
4 Extract from the Staffordshire Historic Environment Record Undesignated Heritage Assets Map
5 Extract from the Committee report for Outline Application SMD/2017/0707

1. LOCATION PLAN

Site to rear of Highfield House,
Macclesfield road, Leek
Vehicular access from Abbey Road to north east



2. SITE PLAN



Plot 1
Plot 2
Plot 3
Plot 4
T1-Mild Cherry
G1-Beech, Sycamore, Crack Willow
T44-Beech
T43-Monterey Cypress
T42-White Cedar
T41-Lawson Cypress
T40-Apple
T39-Lawson Cypress
T3-Holly
T2-Sycamore
T5-Sycamore
T6-Beech
T7-Beech
T8-Beech
T10-Beech
T9-Whitebeam
T13-Sycamore
T12-Sycamore
T14-Sycamore
T15-Sycamore
T19-Sycamore
T20-Sycamore
T38-Crab Apple
T37-European Larch
T36-Damson
T35-Apple
T34-Crab Apple
T33-Apple
T30-Sycamore
T29-Sycamore
T31-Sycamore
T27-Sycamore
T26-Sycamore
T25-Sycamore
T24-Sycamore
T23-Sycamore
KEY:
DRAINAGE:
Foul Drainage.
Storm Drainage.
Existing Foul drainage.
Soakaway to approved doc. 12.
BUILDINGS:
Proposed Dwellings.
Site Boundary.
FOOTPATH: To/From Macclesfield Road
LANDSCAPING:
EXISTING VEHICULAR ACCESS:
Crowd filled Terram Geocell confinement tree root protection system.
VEHICULAR & PEDESTRIAN ACCESS:
Bradstone Lumley Cobble Block Paving.
SITE ACCESS:
Tarmacadam surfaced Vehicular access.
EXISTING TREES:
To be retained. (See Tree Heritage Report)
SHRUB PLANTING:
See Schedule below.
EXISTING BRICK WALL:
See detail.
NEW BRICK WALL:
See detail.
NEW HOUSE:
Crown Beech (Fagus sylvatica) CG 400-600 HT 100%
Hedge to be planted at 450mm ctrs in staggered double rows 380mm apart, approx. 5 plants per lin. All protected with 50mm spiral rabbit guards. Mulch to a depth of 75mm after planting.
GRASS:
Standard amenity lawn seed mix 50g/sqM
Wildflower meadow mix seed 5g/sqM
SHRUB PLANTING:
No. Corylus Avellana CG 3L 8No
Crataegus Monogyna CG 3L 8No
Ilex Aquifolium CG 3L 8No
Prunus Spinosa CG 3L 8No
Rosa Canina CG 3L 8No
Sambucus Nigra CG 3L 8No
Viburnum Opulus CG 3L 8No
Native mix: Shrubs to be Planted in like species groups of 3 to 7 plants per 1sqm.
GENERAL NOTES:
IMPLEMENTATION:
All planting is to be carried out in the first planting season following Local planning authority written approval of scheme.
Any Trees, Shrubs or shrubs which are removed, die, become seriously damaged or diseased within a period of 5 years shall be replaced in the next planting season with others of similar size and species.
TOP SOIL:
Existing and imported topsoil shall conform to BS 3882:1994. Be free from compaction, both/Visible/stone greater than 50mm diam. Minimum depths of soil 350mm to Shrubs, 150mm to grass shrub.

3. STAFFORDSHIRE HISTORIC ENVIRONMENT RECORD ENTRY PRN Number 40060

PRN Number 40060 - MST6169 **Site Name** Highfield Hall Park, Leek

PRN Number	Site Name	Record Type
40060 - MST6169	Highfield Hall Park, Leek	Monument

A landscaped area around Highfield Hall, Leek.

Monument Types and Dates

LANDSCAPE PARK (Tudor to Victorian - 1547 AD to 1899 AD)
Evidence BOTANICAL FEATURE

Description and Sources

Description

LANDSCAPE PARK: LANDSCAPE AREA AT HIGHFIELD HALL. <1>

NOT BUILT OVER (OS)

Sources

(1) Cartographic: Ordnance Survey. 1890-1905. Ordnance Survey 2nd Edition 6" Maps. Staffordshire Sheet VIII. N.W. (1900)

Location

National Grid Reference

Centred SJ 9734 5748 (484m by 486m) SJ95NE Dispersed

Administrative Areas

Parish Leek, Staffordshire Moorlands District

Designations, Statuses and Scoring

Associated Legal Designations

Other Statuses and Cross-References

Primary Record Number - 40060 Active

Ratings and Scorings - None recorded

Related Monuments - None Recorded

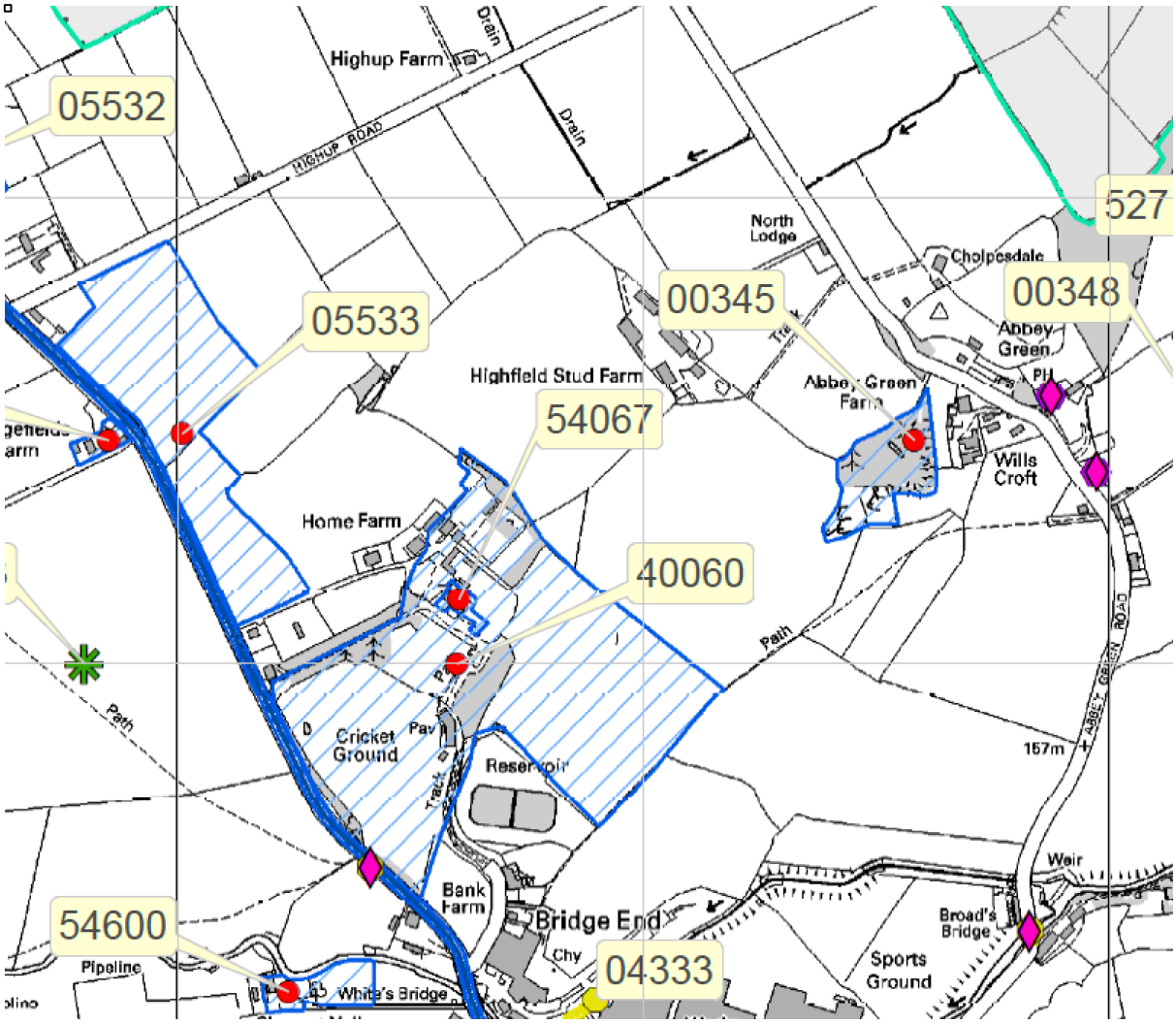
Finds - None recorded

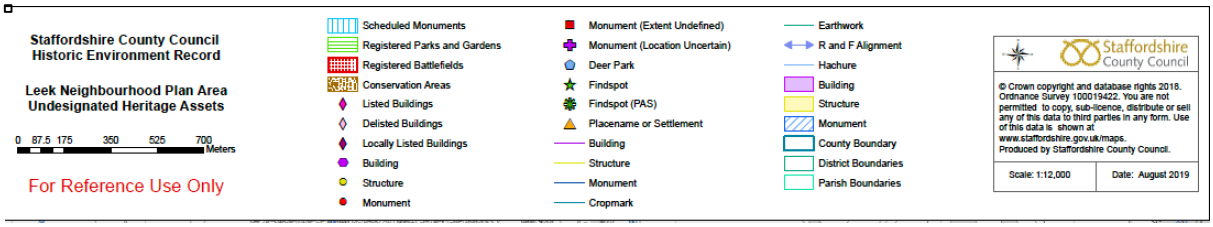
Associated Events/Activities - None recorded

Associated Files - None recorded

Associated Individuals/Organisations - None recorded

4. STAFFORDSHIRE HISTORIC ENVIRONMENT MAP (Extract)





STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE

15th February 2018

Application No:	SMD/2017/0707	
Location	Highfields House, Highfield, Leek	
Proposal	Outline application (with details of access, layout and landscaping) for the erection of four dwellings.	
Applicant	Rudyard Developments Ltd	
Agent	Rob Duncan Planning Consultancy Ltd	
Parish/Ward	Leek	**Date registered:** 02/11/2017
If you have a question about this report please contact: Mr C Johnston christopher.johnston@staffsmoorlands.gov.uk		

REFERRAL

The application is brought to Planning Committee because the site is owned by Councillor Gill Heath.

SUMMARY OF RECOMMENDATION

Approve with Conditions

1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

1.1 The application site is in the countryside and outside of the development boundary of Leek, lying about half a kilometre to the north of the north-western edge of the town. The site is the walled garden of Highfield Hall which was demolished in 1940's and hence forms part of the "Highfield Hall estate" now comprising a farm (Home Farm), dwellings and cottages accessed via a private access drive off Macclesfield Road to the south-west. However, the site itself is now accessed via a half-mile long rural track across fields and connected to Abbey Green Road, a classified road and country lane to the north-east. The site is on the north-east edge of the "estate" with open land on three sides to the north-east, north-west and south-east and Home Farm buildings, dwellings and the end of the Highfields private drive lying to the south-west. There are several large mature trees marking the south-east and north-east boundaries of the site and also other trees within the site and close to the north-west boundary. These are included in a large area Tree Preservation Order which also includes the "Highfields estate" and the cricket ground to the south of it. The walls forming the walled garden are present. There is also a garden lean-to building in the corner of the plot next to one of the walls. The sites has an area of 0.54 hectares.

1.2 Although the site itself is flat, it is located in a fairly elevation position and the land to the south-east slopes downwards towards Leek.

2. DESCRIPTION OF THE PROPOSAL

2.1 This is an outline application with details of access. The details of the layout and landscaping of the development and the design/appearance and scale of the four houses would be determined as part of a separate Reserved Matters application if outline approval is granted. There is an indicative site plan submitted with landscaping details and draft elevation drawings of the houses and details of the footprint sizes and heights (up to 9.2 metres) but these are not matters to be determined under this current outline application. The original application included the layout and landscaping to be determined but the agent later withdrew those aspects of the scheme from determination to leave just the principle of development and the access to be determined under this current outline application.

2.2 However, the site plan shows the retention of all the trees along the south-east boundary (the ones close to the north-east boundary appear to be outside of the site ownership), and the planting of a hedge next to a cottage close to the corner of the site. The existing brick boundary high walls which largely contain the site and have a height of between 2.0 and 4.0 metres, would be retained. Details of proposed surfacing are also given. The vehicular access would remain to be the long access track connected to Abbey Green Lane. Also shown is a connection to a footpath to the south of the site which leads across fields towards Leek. Amended plans have also included a pedestrian linkage onto the Highfield access drive which leads to Macclesfield Road.

2.3 The Planning Statement states that the access point at Abbey Green Lane would be widened and also passing bays provided, if necessary, to allow two cars to pass at the same time. The land either side of the access track is within the ownership of the applicant.

2.4 The application is accompanied by an Arboricultural Survey Report and Bat and Bird Survey Report.

2.5 The application, the details attached to it, including the plans, comments made by residents and any other responses of consultees can be found on the Council's website at:-

http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=117678

3 RELEVANT PLANNING HISTORY

3.1 The site has no recent planning history. However, a number of dwellings have recently been approved on nearby sites and the details are as follows:

SMD/2016/0376. Outline permission granted for two dwellings at Leek Cricket Club in August 2016 and which are currently under construction.

Trees

6.12 The site plan shows the retention of all the mature trees with only a small number of low quality trees being removed. The access road passes close to two of the healthy trees but a condition can be added requiring further details of the foundations design for approval to ensure the roots would not be harmed. The siting of development is a reserved matter but there is sufficient room within the plot away from the trees in which to locate the houses.

Residential Amenity

6.13 The nearest dwelling is a small cottage next to one of the corners of the site (Home Farm Cottage) which is also within the same ownership as the site and is a rental dwelling within the same land ownership as the application site. Details of the exact siting of development and the design and window positions would be determined under the Reserved Matters planning application but the shape and size of the site and the space outside of the trees that is available for the houses is sufficient for the purposes of providing a development which does not harm nearby residents in terms of overlooking, light provision and dominance and the indicative site plan is considered to demonstrate this. The houses can be positioned to not harm the amenities of each of the future occupants and there is also enough space to provide sufficient gardens for the new residents.

Highway Safety

6.14 There is no objection raised by the Highways Authority in terms of the level of safety of the access and access point at Abbey Green Road although parking bays on the long access road are recommended as this would allow two cars to pass at the same time. This can easily be achieved as the land either side of the access road is within the same ownership as the site. A condition can be added requiring the bays. Another condition can be added requiring a new surfacing material for the access road which is currently not good quality and could compromise highway safety if gravel ended up on Abbey Green Road.

Ecology

6.15 The removal of the lean-to structure would not harm bats or birds. The retention of trees and the walls also helps to preserve the ecological value of the site. The impacts on badgers and newts needs to be assessed but a condition can be added requiring survey reports to be submitted and approved so that any mitigation, if needed, can be agreed upon and provided before any works at the site commence.

Heritage Assets

6.16 The walls to the former garden are considered to be a non-designated heritage asset. Paragraph 135 of the Framework states that “the effect of an application on the significance of a non-designated heritage *asset should be*

taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

6.17 The walls do have some significant historic interest as forming part of the curtilage of Highfields Hall. However, they are to be retained and improved and a condition can be added requiring exact details of the works required to preserve and enhance them. It is accepted that historically, the walls had the purpose of containing a garden i.e. open land and not buildings. However, on balance, the benefits of the scheme in providing much needed housing in a sustainable location would outweigh any possible harm to their setting although any harm can be avoided via the careful siting of future development within them and the particular design and materials of the dwellings so that the walls and the setting can be respected and these matters would be determined as part of the Reserved Matters planning application.

7. CONCLUSION AND PLANNING BALANCE

7.1 The site is located outside the settlement boundary of Leek in the Open Countryside outside of the Green Belt, where there is a presumption under local plan policies against new residential development.

7.2 However, the Council cannot demonstrate a 5 year supply of housing and in such circumstances the NPPF explains that policies for the supply of housing are considered not to be up to date and applications should be considered in the context of the presumption in favour of sustainable development. For decision taking this means granting permission unless adverse impacts significantly and demonstrably outweigh the benefits, the so called "tilted balance".

7.3 The amended proposal is considered to be acceptable and represents a sustainable housing development. Despite the rural location and the non-compliance with some local policies which determine the location of future development in the District, the site is close to Leek and the town can be made accessible from the site via walking and cycling. The NPPF applies significant weight to the allowance of new housing in sustainable locations where there is an undersupply and no significant adverse effects of providing this particular proposed development on the site have been identified. The former garden wall is considered to be a non-designated heritage asset and whilst the erection of dwellings within what would have been an open area, and the removal of a structure attached to the wall would result in some harm to the asset and its setting, the remaining wall would be retained and repaired as part of the proposals and the development would secure a long term future and maintenance for the structures. Therefore the impact on its significance is considered to be acceptable.

7.4 A suitable footprint and elevational detail will need to be arrived at which would respect the rural nature of the site and the setting of the walls. This can

be addressed at the reserved matters stage. The proposal is therefore in line with the social, economic and environmental aims of the NPPF and therefore this outline application is recommended for approval.

8. OFFICER RECOMMENDATION

A. Outline Planning Permission is GRANTED with the following conditions:

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason:-
To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (As Amended)

2. The approval of the Local Planning Authority shall be obtained in writing with respect to the plans and particulars of the following reserved matters (hereinafter called "the reserved matters") before any development is commenced.

a)-The scale of the building(s)
b)-The appearance/design of the building(s)
c)-The layout of development
d)-The landscaping of the development

Reason:-
The application is an outline application under the provisions of DMPO (2015) and no particulars have been submitted with respect to the matters reserved in this permission.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason:-
To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

4. The development hereby approved relates to the following amended drawings:-

1482-03 Revision A

Reason:-
To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

5. Before the commencement of development, details of all finishing materials for the elevations and roof of all buildings and surfacing materials for the access drive and hardstanding areas shall be submitted to and approved by the Local Planning Authority and the agreed materials shall be used in the construction of the development.