Rob Duncan
Planning
Consultancy

PLANNING STATEMENT

LAND AT BRYN HELYG
LEEK

OCTOBER 2020

Site Address:
Land at Bryn Helyg, Kiln Lane, Leek, Staffordshire, ST13 8LJ

Applicant:
Mr. L. Stonier

Proposal:
Erection of detached split level dwelling and conversion of existing agricultural building to ancillary residential use

Planning Statement:
Date Issued: 26th October 2020
Job Reference: RDP/2020/095

Report Prepared By:
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1 Introduction

1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr. Lyndon Stonier to seek full planning permission for the erection of a detached, split-level dwelling and the conversion of an existing agricultural building to ancillary residential use, on land at Bryn Helyg, Kiln Lane, Leek.

1.2 The application represents a resubmission following the refusal of planning permission under applications SMD/2019/0507 and SMD/2020/0074 for the erection of a dwelling on land north of the current application site. The applications were refused on for the following reasons:

1. *The proposal would lead to prominent intrusion into the countryside by locating a large building on an exposed and open hilltop. There would be significant harm to the attractive countryside that can be identified as being important to the setting of Leek. The intrusive building would be visible from nearby residential areas of the town and on approach from the north. It would loom above the amenity path and cycle way of the former Leek to Rudyard railway. A dwelling in this location which harms the landscape, settlement setting, and public amenity is therefore contrary to policies SS1, SS1a, SS5a, DC1, DC3 and the material guidance of the NPPF.*

2. *The provision of a house in this location would only benefit and contribute to the economy, local community and housing supply in a very small way and, as such, those benefits carry limited weight in favour of the proposal. Those benefits would be significantly and demonstrably outweighed by the adverse impacts identified above. For these reasons the proposal does not constitute sustainable development in accordance with paragraph 11 d) ii) of the NPPF and planning permission should be refused.*

1.3 This revised application has sought to constructively address the previous reasons for refusal and proposes the erection of a split-level dwelling that is to be located some 40 metres south of the previous application sites, in a much less visually conspicuous position. The proposed accommodation will comprise of an open plan lounge / kitchen / dining room, snug, study, cloakroom, w.c. and hallway at upper ground floor level, with master ensuite bedroom, two further bedrooms, bathroom, gym, laundry room and cinema room at lower ground floor level. The dwelling will have a gross internal floor area of 270.1 square metres.

1.4 The application also proposes the change of use of the existing portal framed agricultural building located immediately southeast of the proposed dwelling to ancillary residential use (parking, domestic storage etc). No external changes are proposed to this building. Vehicular access to the site will be taken via the existing track that serves the agricultural building, with three parking spaces accommodated on the existing area of hardstanding in front.

2 Site & Surroundings

2.1 The application site is located within the defined settlement boundary of Leek and constitutes a parcel of pastoral land located approximately 60 metres southwest of the applicants existing property Bryn Helyg and its attached neighbour Rookery Cottage. Vehicular access to the site is provided via an existing track which serves an existing portal framed agricultural building that was approved under application SMD/2016/0300, and which is proposed to conversion to ancillary residential use as part of this application.

2.2 The land to the west / southwest of the site slopes steeply down towards the former Leek to Rudyard railway line which now comprises a public footpath. A row of semi-mature trees / hedgerows encloses the western boundary of the site. An existing residential property (Oakwood Cottage) is located approximately 70 metres to the south of the site, with further residential development (Nab Hill House) located approximately 110 metres to the east on the opposite side of Kiln Lane. The parcel of agricultural land is noted to constitute 'poor' quality agricultural land as set out within the Natural England Agricultural Land Classification Map.

3 Planning Policy

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application. The Development Plan for this area comprises the Staffordshire Moorlands Local Plan 2020 of which the following policies are considered to be of relevance:

3.2 Policy SS1 of the Local Plan relates to 'Development Principles' and states that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands in terms of delivering (amongst others):

- a mix of types and tenures of quality, affordable homes, to meet the needs and aspirations of the existing and future communities;
- easy access to jobs, shops and transport services by all sections of the community;
- a healthy, safe, attractive, active, well-designed and well-maintained environment;
- development which maintains the locally distinctive character of the Staffordshire Moorlands, its individual towns and villages and their settings;
- development that is undertaken in a way that protects and enhances the natural and historic environment of the District and its surrounding areas,

including the Peak District National Park, both now and for future generations.

3.3 Policy SS3 of the Local Plan relates to 'Future Provision and Distribution of Development' and states that provision will be made for at least 6080 additional dwellings (net of demolitions) to be completed in Staffordshire Moorlands during the period 2014 to 2033 - an annual average of 320 homes per year. Sufficient deliverable land will be identified to provide at least 5 years of development at all times. It goes on to state that development will be located in accordance with the Spatial Strategy and will be distributed between the towns and rural area, with 30% of the total housing requirement (1824 dwellings) to be accommodated within Leek.. In identifying land for new development or in considering planning applications, development shall also be compatible with the settlement hierarchy in terms of the development approaches set out in the Area Strategies.

3.4 Policy SS5 of the Local Plan relates to the 'Leek Area Strategy' and states that the Council and its partners will seek to consolidate the role of Leek as the principal service centre and a market town and support its regeneration. This will be achieved through a number of actions, including (amongst others):

- Increasing the range of available and affordable house types, including for first time buyers and older people.

- Allocating a range of suitable, deliverable housing sites sufficient to meet the requirements of the area.

- Supporting the development of new housing on sustainable sites within the Development Boundary.

- Conserving and enhancing buildings, sites and areas of heritage and cultural importance, including heritage assets, complemented by new distinctive, sensitively designed, high quality, sustainable buildings;

3.5 Policy H1 of the Local Plan relates to 'New Housing Development' and states that all development will be assessed according to the extent to which it provides for high quality, sustainable housing and to which it meets identified housing needs, having regard to the location of the development, the characteristics of the site and the economics of provision. All housing development should be at the most appropriate density compatible with the site and its location, and with the character of the surrounding area. Higher densities will generally be appropriate in locations which are more accessible by public transport and which have good access to services. All new dwellings should aim to provide flexible accommodation which is capable of future adaptation by seeking to achieve adequate internal space for the intended number of occupants in accordance with the Nationally Described Space standard and delivered to meet accessibility standards set out in the Optional Requirement M4(2) of Part M of the Building Regulations. This will be determined on a site-by-site basis subject to considerations such as viability and design. All new dwellings must be of sufficient size to provide satisfactory levels of amenity for future occupiers of the dwellings whilst respecting the privacy and amenity of occupiers of existing dwellings. Within the development boundaries of the towns and larger villages, residential development and development on unidentified (windfall) sites will be permitted, subject to compliance with the Spatial Strategy and wider Local Plan policies In all cases the development will not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character and appearance of the countryside

3.6 Policy DC1 of the Local Plan relates to 'Design Considerations' and states that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD. In particular, new development should (amongst other requirements):

- be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area;

- be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance;

- protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution;

- provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use;

- new developments to be well integrated for car, pedestrian and cycle use as well as other sustainable transport links;

3.7 Policy DC3 of the Local Plan relates to 'Landscape and Settlement Setting' and states that the Council will protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands by:

1. Resisting development which would lead to prominent intrusion into the countryside or have a significant adverse impact on the character or the setting of a settlement or important views into and out of the settlement as identified in the Landscape and Settlement Character evidence;

2. Supporting development which respects and enhances local landscape character and which reinforces and enhances the setting of the settlement as identified in the Landscape and Settlement Character evidence;

3. Supporting developments which conserve or enhance the biodiversity qualities of any natural or man-made features within the landscape, such as trees, woodlands, hedgerows, walls, watercourses or ponds;

4. Supporting opportunities to positively manage the landscape and use sustainable building techniques and materials which are sympathetic to the landscape;

5. Ensuring that development does not adversely affect the wider setting of the Peak District National Park.

4 Other Material Considerations

National Planning Policy Framework (2019)

4.1 The recently revised National Planning Policy Framework (NPPF) seeks to secure the delivery of sustainable development and sets out guidance, inter-alia, in respect of significantly boost the supply of housing nationally, securing high quality design and ensuring highway safety. The content of the NPPF has been taken into consideration in the preparation of this application and is referenced within the Statement of Case below.

SMDC Housing Delivery Plan / Housing Delivery Test

4.2 The Housing Delivery Test seeks to ensure that Local Authorities are delivering sufficient housing to meet their identified needs. The SMDC Housing Delivery Plan shows that for the last ten years the Local Authority has failed to deliver its required level of housing. The Housing Delivery Test and Housing Delivery Plan is referenced within the Statement of Case below.

SMDC Design Guide SPD

4.3 This document sets out guidance aimed at securing the delivery of high quality design within the District. The content of this document has been taken into consideration in the preparation of this application and is referenced within the Statement of Case below.

SCC Planning for Landscape Change SPG

4.4 This document appraises the character of the landscape within the wider Staffordshire Area, breaking it down into defined character areas. The application site is located within the Dissected Sandstone Uplands Landscape Character Type. The content of the SPG is referenced within the Statement of Case below.

5 Planning Assessment

Principle of Development

5.1 The application site lies within the defined settlement boundary for Leek as set out within the recently adopted Local Plan. Policies SS3, SS5 and H1 of the Local Plan make provision for the erection of new residential developments within the defined settlement boundaries, with Leek being identified as a target for 30% of the total housing growth of the District over the plan period to 2033. The proposed new dwelling is therefore acceptable in principle.

Landscape Impact

5.2 The two previous applications submitted by the applicant on land further northwest of the application site (SMD/2019/0507 and SMD/2020/0074) were each refused on the grounds that the development incorporated a large building that would be located on an exposed and open hilltop, and would have led to a prominent intrusion into the countryside. Concerns were also raised that the building would be visible from nearby residential areas and would loom above the nearby footpath / cycle way of the former Leek to Rudyard railway.

5.3 The revised application has sought to constructively address the concerns raised in those previous applications and encompasses the re-siting of the dwelling further south-eastwards so that it has a close physical and visual association with the existing portal framed agricultural building on the site. The proposed split-level design of the dwelling also seeks to work within the existing slope of the land in order to minimise the dominance of the dwelling within its surroundings.

5.4 The Planning for Landscape Change SPG identifies the site as lying within the Dissected Sandstone Uplands Character Area, whose characteristic landscape features are noted to be:

> "*small to medium scale field pattern of hedgerows with some introduction of stone walls; hedgerow trees; strongly undulating landform with small stream valleys; low intensity pasture farming; a dispersed pattern of settlements linked by small sunken lanes; red brick and stone buildings".*

5.5 The SPG goes on to identify a number of incongruous landscape features, which are:

- Stock control fencing
- Isolated Field Trees
- Untidy, rundown appearance to farmsteads

5.6 The SPG furthermore confirms that factors critical to landscape character and quality include a decline in the condition of some of the identified characteristic landscape features, the introduction of incongruous landscape features, and the relatively poor survival of characteristic semi-natural woodland.

5.7 The proposed development does not entail any features which are identified as being incongruous to landscape character within the SPG, nor will it result in the erosion of any of the key characteristic landscape features. The application nevertheless presents an opportunity to reinforce and enhance the existing hedgerow planting along the southwestern site boundary, thereby assisting in enhancing and reinforcing one of the characteristic landscape features of this area.

5.8 In preparing this application a focus has been placed on ensuring that the dwelling will have a close physical and visual association with the existing agricultural building that is already located on the site, in order to minimise the visual impact of the development, and ensure it is viewed against the backdrop of this building and other surrounding built development. The revised siting has also sought to optimise the natural screening available along the southwestern boundary of the site in order to filter and soften the impact of the development on its surroundings.

5.9 To demonstrate that the proposal will not have an adverse impact on the character and appearance of the area or the wider landscape, the applicant has commissioned the project architect to prepare a number of 3D images to demonstrate that the re-sited and re-designed dwelling will not have an adverse impact on the character and appearance of the surrounding area. A total of 6 viewpoints have been modelled and submitted to accompany the application. These are discussed in turn below:

- **Viewpoint A** – this image is taken from the former railway line to the northwest of the site, and shows that the existing vegetation along the southwestern boundary of the site, coupled with the split level design, will serve to reduce the visual impact of the development in such views, such that it will not have a prominent visual impact. For sake of comparison it is noted that the previously refused applications would have been located adjacent to the post and rail fencing visible on the left hand side of that image and would have evidently been much more visually conspicuous.

- **Viewpoint B** – this image is taken from the dormer railway line to the southwest and shows that the proposed dwelling will be afforded a strong degree of natural screening by the existing vegetation along the southwestern site boundary and will also been seen in the context of the

existing agricultural building adjacent. In such views the development will not have a prominent visual impact.

- **Viewpoint C** – this image is taken from a field gate located opposite the vehicular access to Leek Cricket Club on the Macclesfield Road. The application site is distant in such views, with the dwelling being read against a backdrop of existing residential properties, the existing agricultural building, mature vegetation and the Westwood First School. In such views the development will not have a prominent visual impact.

- **Viewpoint D** – this is a zoomed-in image taken from Viewpoint C, and more clearly demonstrates the relationship of the development to developments in its background, re-affirming the assertion that the development will not have a prominent visual impact from this viewpoint.

- **Viewpoint E** – this image is taken from the Macclesfield Road at the point where the 60mph zone meets the 40mph zone a short distance south of the vehicular entrance to Leek Cricket Club. The application site is distant in such views, with the dwelling being seen in the context of the adjacent agricultural building, and the rooftops of existing dwellings behind. The presence of existing mature vegetation also serves to soften and reduce the impact of the development in such views, such that the dwelling will not appear prominent or harmful.

- **Viewpoint F** – this is a zoomed-in image taken from Viewpoint E, and more clearly demonstrates the built backdrop to the proposed development and its close visual relationship with the existing agricultural building. This image serves to reinforce the assertion that the development will not have a prominent visual impact from this viewpoint.

5.10 Having regard to the visual modelling undertaken it is clear that the proposed development will have a much more appropriate spatial relationship with surrounding built development compared to the two previously refused applications, and in key views from the surrounding public domain will be seen against the backdrop of existing built development and be filtered and softened by existing boundary vegetation. The proposed muted palette of materials (light brown / grey bricks with grey roof tiles) will further assist in softening the impact of the development and assimilating it against its built backdrop. The proposed development will therefore not lead to a prominent intrusion into the countryside or give rise to harm to the character and appearance of the landscape.

5.11 In consideration of this matter I wish to draw the Local Authority's attention to the conclusions of the Planning Inspector in the determination of appeal reference: 2223254 for land at Bridge End, Macclesfield Road, Leek. That site is much more visually conspicuous than the current application site, being clearly visible from the Macclesfield Road and a number of other public vantage points, including Sainsburys Car Park. In allowing an appeal for the erection of 11no. dwellings on that site the Planning Inspector concluded that…

> *"Notwithstanding the proposals for screening, which may take some time to mature,* ***it is clear that housing on the site will be visible from some vantage points around the town****. It would also adjoin a Landscape Character Area, albeit it lies outside this area and it is not clear how many of the viewpoints from which the site can be seen identified by either the appellants or objectors are within this area. However, once the trees and shrubs have matured, the visual impact of development on the site will be mitigated.* ***Indeed, development on the top of hills is a feature of***

the town of Leek, whose town centre itself occupies such a location. As such it would be neither unusual nor detrimental for further development to occur in such a location*" (my emphasis)*

5.12 Having regard to the revised siting of the dwelling, its split-level design, the 3D imagery submitted, and the fact that hill top development is a notable characteristic of Leek, it is submitted that the proposed development will not lead to a prominent intrusion into the countryside, or give rise to harm to the character and appearance of the landscape, and is in accordance with the provisions of policies SS1, SS5, H1 and DC3 of the Local Plan in this regard.

Design & Layout

5.13 The design of the dwelling itself is not considered to be unduly contentious, as it reflects and reinforces a number of key design characteristics as identified within the adopted Design Guide SPD, including:

- A horizontally proportioned, ground hugging form that works positively with the existing slope, and which incorporates a strongly defined eaves and ridge lines;

- A scale of development which is in keeping with the scale of nearby properties which are typically two storeys in nature;

- A balance of proportions between the overall shape of the walls and the openings contained therein;

- The use of a similar size and proportion of opening throughout;

- The achievement of a high solid to void ratio (82% solid)

- A harmonious arrangement of openings, with windows and doors aligned in columns and storeys rather than randomly placed, and with a vertical emphasis;

- A dwelling and associated windows that are positioned in order to optimise solar gain;

- A dominant roof line emphasised by gables;

- A roof that spans the shorter side of the dwelling;

- A steep pitched roof to reflect traditional Moorlands vernacular;

- Window frames to to be recessed by 50mm to avoid a flat appearance to the elevation and to emphasise the solidity of the walls;

- Provision of stone cills and lintels to the windows and doors.

5.14 For these reasons the design of the proposed dwelling is considered to be in keeping with Moorlands vernacular as defined by the Design Guide SPD and will secure the delivery of high quality design. The existing agricultural building is to remain unaltered from its current appearance and will be utilised to provide ancillary residential accommodation in the form of parking, storage etc. The proposed development is therefore in accordance with the provisions of policies SS1, H1 and DC1 of the Local Plan and guidance set out within the Design Guide SPD.

5.15 The nearest neighbouring properties to the proposed dwelling lie approximately 60 metres to the northeast of the site, and consequently there will be no breach of the Local Authority's informal amenity standards in terms

of inter-relationship between principal windows. The proposed development will therefore not give rise to harm to the amenity of any neighbouring residential occupiers. The proposal also incorporates the provision of an area of private amenity space that exceeds the minimum requirement set out in the Local Authority's informal amenity standards, and thus will ensure that an adequate level of residential amenity is provided for future occupants. The gross internal floor area of the dwelling (270.1 square metres) also exceeds the minimum requirements set out in within the DCLG Technical Housing Standards. The proposed development is therefore in accordance with policies DC1 and H1 of the Local Plan in this regard.

Highway Safety

5.16 Paragraph 109 of the NPPF confirms 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"*

5.17 The application site benefits from an existing vehicular access which connects the site with Kiln Lane to the east. This access is appropriate for the nature of the proposed development and will be shared with the adjacent agricultural building which is to be converted for ancillary residential purposes. The existing area of hardstanding in front of that building affords space for the parking of at least three vehicles, and there is suitable manouvering space to enable vehicles to exit the site in a forward gear.

5.18 The proposed means of access – shared with the existing building – is not dissimilar to that which was considered under the two previous applications on the site and found to be acceptable to the Local Highway Authority.

Consequently, the proposed means of access not give rise to any adverse harm to highway safety in the locality and accords with the provisions of paragraphs 108 and 109 of the NPPF.

Other Material Considerations

5.19 The Housing Delivery Test introduced by the Government in February 2019 compares the number of new homes delivered over the previous three years against the Local Authority's housing requirements. Both it and the provisions of paragraph 73 of the NPPF dictate that the presumption in favour of sustainable development be applied if housing delivery falls below 75% of the housing required over the preceding 3 years.

5.20 The Local Authority's Housing Delivery Action Plan (2019) acknowledges that that the Council has failed to deliver on its housing requirements in each of the last 10 years and has achieved a delivery rate of 68% over the period 2015 – 2018. Paragraph 215 of the NPPF confirms that if the housing delivery test results published in November 2020 indicate that delivery was below 75% of the housing required over the previous three years, then the presumption in favour of sustainable development will be engaged.

5.21 Given that the Local Authority has only achieved a delivery rate of 68% for the period 2015 – 2018 it is expected that their housing delivery figures as of November 2020 (which are due to be published during the determination period of this application), will fall below 75%, and thus engage the provisions of paragraph 11 of the NPPF – the so-called tilted balance. Paragraph 11 of NPPF confirms that in circumstances where plans are out-of-date (as would be the case if the Housing Delivery Test is not met), then planning permission should be granted unless:

> *"any adverse impacts of doing so would **significantly and demonstrably** outweigh the benefit, when assessed against the policies in this Framework taken as a whole" (my emphasis)*

5.22 The proposal will derive social and economic benefits associated the creation of one additional household on a parcel of land that is located within the defined settlement boundary of Leek, wherein a significant quantum of new residential development is to be targeted over the plan period. The proposed dwelling will also generate additional household expenditure within the local economy, deriving further economic benefits.

5.23 The Local Authority's Quantifying the Impact of Growth Report (2017) identifies that such economic benefits would amount of £9,388 per dwelling per annum, plus a one-off minimum spend of £5,000 per dwelling. Further economic benefits would ensue as a consequence of generating work for local tradespeople during the construction phase, with the Local Authority's Quantifying the Impact of Growth Report concluding that each new house generates 4.3 jobs within construction or the associated supply chain, of which 25% are likely to be locally based.

5.24 Environmental benefits would also ensue as a consequence of delivering a new dwelling in a sustainable location where future occupants will have a choice of means of transportation to access day-to-day services. The site lies 770m from Sainsburys, and less than 500m from regular public transport connections which provide access to the town centre and to Macclesfield. In consideration of this point I would highlight that the appeal site at Bridge End, Leek (discussed in paragraph 5.11 above) was found to constitute a sustainable location for new housing, and which is noted to lie much further away from local services and facilities than the current application site.

5.25 Having regard to the considerations set out within the preceding paragraphs it is submitted that this revised application will not derive any adverse impacts to *significantly and demonstrably* outweigh the aforementioned benefits. The proposal accords with the adopted development strategy for the District, occupies a sustainable location within easy reach of local day-to-day services, and is of a scale, massing, design and layout which responds positively to the character of the area, and will not derive any adverse impacts to the landscape, or to the amenity of neighbouring residential occupiers. The proposal will furthermore not derive any unacceptable or severe residual impacts to highway safety. It is therefore submitted that the proposed development should be approved in accordance with the titled balance in favour of approval, as set out in paragraph 11 of the NPPF.

6 Conclusion

6.1 The submitted proposal is considered to constitute a sustainable form of development that is acceptable in planning terms having regard to the following conclusions:

- The application site lies within the settlement boundary of Leek;
- Leek is a target for significant housing growth up to 2033;
- The proposed development is of a scale, massing and design which is in keeping with the character of the area;
- The proposed development will not give rise to significant adverse harm to the character of the landscape;
- The proposed development will not derive any material adverse impact to the amenity of neighbouring residential properties, and will provide an appropriate level of amenity for future occupiers of the dwelling;
- The proposed development will not give rise to harm to highway safety within the locality.

6.2 The proposed development is therefore in accordance with policies SS1, SS3, SS5, H1, DC1 and DC3 of the Staffordshire Moorlands Local Plan (2020) and guidance contained within the National Planning Policy Framework, Design Guide SPG and Planning for Landscape Change SPG.