

DELEGATED DECISION REPORT

SMD/2019/0024
Valid 21/01/2019

**LAND REAR OF 19 THAMES
DRIVE AND ADJACENT TO
3 PALMERSTON WAY
BIDDULPH**

**PROPOSED NEW DETACHED
HOUSE AND GARAGE
(FULL - MINOR)**

MAIN ISSUES

- Design, character and appearance;
- Residential amenity;
- Highway safety

DESCRIPTION OF SITE

This application relates to a vacant plot located to the east of no.19 Thames Drive and to the west of no. 3 Palmerston Way. The site is located within an area that is predominantly residential in character and falls within the Biddulph Development Boundary.

PROPOSAL

Planning approval is sought for the construction of a detached two storey dwellinghouse with attached single garage. The plans submitted to support this application are largely the same as those approved by planning reference 11/00227/FUL. The only difference being that the current proposal seeks an attached single garage as apposed to a detached single garage as previously approved. The approved scheme was not implemented and as such the planning permission has now expired.

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
SS5 Towns
SS5b Biddulph Area Strategy
DC1 Design Considerations
T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) 1 - 14
Section(s) 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/1978/1115	Erection of dwellings on plots 1-44 Approved
SMD/2001/0046	Outline application for detached house Approved
SMD/2005/0889	Erection of detached bungalow Refused
SMD/2006/0513	Erection of a detached dwelling (outline) Approved
SMD/2007/0165	Erection of detached dwelling and garage (Reserved Matters) Approved
SMD/2011/0447	Erection of 1 no. detached house with detached garage Approved

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 Heath, 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 been 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.

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

- SS1 Development Principles
- 1a Presumption in favour of Sustainable Development
- SS2 Settlement Hierarchy
- SS6 Biddulph Area Strategy
- H1 New Housing
- DC1 Design Considerations
- T1 Development and Sustainable Transport

CONSULTATIONS

Publicity

Site Notice expiry date: 02.04.2019

Neighbour consultation period ends: 12.02.2019

Press Advert: N/A

Public Comments

Comments received are detailed as follows:

“No objection to the building of the house. Our deed plan shows that our front boundary is a straight line from the front to the rear. This plan shows that the front garden comes over this boundary. We would like to get this piece of our front garden back when the build starts.”

“I only hope you put in the right building controls for building on a (filled in) mine shaft.”

Town / Parish Comments

It was agreed that this application should be approved, subject to consideration of ground conditions and the management of mine shafts.

Staffordshire County Council Flood Risk Management Team

This application is classified a minor development and as non-statutory consultees, we have no comment to offer.

Staffordshire County Council Highways

No objection subject to condition.

Staffordshire County Council Minerals & Waste

No comments to make.

Severn Trent Water

No objection.

Coal Authority

Objection: The CA does not consider the information as currently submitted demonstrates to the Local Planning Authority (LPA) that the development is, or can be made safe and stable.

Objection withdrawn following the submission of additional information.

OFFICER COMMENTS

Principle of Development

Paragraph 11 of the National Planning Policy Framework (NPPF) 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.

Paragraph 8 of the NPPF identifies three dimensions to sustainable development as being economic, social and environmental.

The presumption in favour of sustainable development is reflected at Core Strategy (CS) policy SS1, where it outlines the Council's expectation for all new development to make a positive contribution towards the sustainability of the Staffordshire Moorlands. CS policy SS1a states that the Council will work proactively with applicants in order to secure development that improves the economic, social and environmental circumstances of the area.

The application site is located within the Biddulph Development Boundary. Biddulph, Leek and Cheadle are the largest settlements in the District and are identified as 'Towns' for the purposes of planning policy. In accordance with policy SS5 these settlements will accommodate the bulk of the District's housing, employment and retail needs. Policy S5b states that the Council and its partners will seek to enhance the role of Biddulph as a significant service centre, which will be achieved, amongst others, by improving the local housing market.

The application site is located within a sustainable location with access to public transport options and local amenities. The site is located within an established housing estate and benefits from historic planning permission for the development that is currently under consideration. The principle of residential development on this site is considered to be acceptable.

Design

The application site comprises a vacant plot located to the north of Palmerston Way, within an area that is predominantly residential in character. The plot is bound to the east by the side boundary of no 3 Palmerston Way, and to the west by the rear site boundary of no.19 Thames Drive. Both neighbouring plots comprise detached two storey dwellings of a similar ilk. The immediate streetscene is not strictly uniform in character; nevertheless, properties of a similar appearance and form are grouped together.

The proposed dwelling is to be orientated to front Palmerston Way and is positioned to respect the established building line. A two storey, brick built dwellinghouse is proposed with an open site frontage and enclosed garden to the rear. Accommodation to the ground floor is to comprise of a dining room, lounge, kitchen with utility room, study and cloakroom, all of which are to be accessed via a central hallway. Four bedrooms (one being en-suite) and a family bathroom are to be located at first floor level. A single garage is shown to be attached to the western elevation of the dwellinghouse.

Principle windows are to be located within the front and rear elevation of the dwellinghouse, commensurate with the prevailing window arrangement found within the wider housing estate. Windows located within the east and west elevations are to serve non-habitable accommodation. External building materials are to include brickwork and interlocking concrete roof tiles. Though exact details have not been provided the materials proposed are representative of the character of the area. As such, subject to a condition to ensure that an appropriate brick and tile are used, the development is considered to be acceptable in principle. Brickwork header and cill detailing is proposed to all windows and doors.

The proposed dwellinghouse has been designed to respect the scale and form of other properties within the streetscene and is therefore considered to accord with Core Strategy policy DC1 and Chapter 12 of the National Planning Policy Framework.

Amenity

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

The properties that would be directly impacted by the proposed development include no.3 Palmerston Way to the east and no.19 Thames Drive to the west. The site boundary is served by a timber fence which is to be retained. The proposed dwelling is positioned to follow the linear pattern of development along Palmerston Way. As such the proposed dwelling will sit alongside no.3. There are no habitable room windows located within the side elevation of no.3 and the positioning of the proposed dwelling would not result in an overbearing or intrusive form of development to this neighbouring property.

No.19 Thames Drive sits on a 45 degree angle to the application plot. As such the rear elevation of no.19 will face the side elevation of the proposed dwellinghouse. The proposed dwelling is to sit 3m to the west of the shared site boundary. A separation distance of 11m would remain between the proposed dwelling and the rear elevation of no.19. Though this falls below that the Council would normally expect to achieve. The proposed development is commensurate in scale, form and layout to a number of historic applications on the site. It would therefore not be considered that a refusal on this point could be successfully substantiated.

Highway Safety

Policy DC1 and T1 seek to achieve parking and access appropriate to the development it serves.

The proposed dwelling will accommodate four bedrooms. On-site parking is provided for 3no. vehicles. This is considered to be sufficient to serve a dwelling of this size. Subject to a condition to secure this level of parking in perpetuity it is considered that the development would be unlikely to result in harm to highway safety.

Coal Mining Risk

The application site falls within the defined Development High Risk Area; therefore within the application site there are coal mining features and hazards which need to be considered in relation to the determination of this application. The Coal Authority records indicate that within, or within 20m of the planning boundary, there are 2 mine entries (shaft ref: 388358-009 and 388358-010). The submitted application was accompanied by a letter dated 12 June 2001 for development to land to the rear of 19 Thames Drive and prepared by Wardell Armstrong.

The Coal Authority have been formally consulted on this application and subsequently provided the following comment:

Whilst the submitted information could be extrapolated and used in support of an up-to-date desk based study for the current proposal, we do not consider that the information as currently submitted demonstrates to the LPA that the development is, or can be made safe and stable. The Coal Authority therefore objects to the proposal.

Following receipt of this objection the applicant has provided additional information. The Coal Authority have been re-consulted on the additional information provided and have confirmed that the details are satisfactory. As such their objection has been withdrawn.

Other matters

The occupier of the neighbouring dwelling has stated that they believe they own a small area of the front garden. The applicant has served notice on the individuals that they believe own the site, which do not include the neighbouring occupier. Nevertheless the occupant is aware of the application and has not been prejudiced. In the event that the neighbour does in fact own this small strip, the driveway remains wide enough to accommodate the parking and visibility shown on the site plan and planning permission does not confer any rights to undertake works on land outside the applicant's control, at which point it becomes a civil legal matter between the land owners.

CONCLUSION / PLANNING BALANCE

This application seeks approval for the construction of a two storey detached dwellinghouse on land located to the rear of no.19 Thames Drive and the side of

no.3 Palmerston Way. The site is located within an area that is predominantly residential in character. The scale, form and design of the proposed dwellinghouse has been appropriately considered to respect the character and appearance of the locality. Approval has been granted by this authority for the construction of a dwellinghouse of the same form and nature which constitutes a material consideration.

Objections raised by the Coal Authority have been addressed.

The proposed development is served by sufficient off-street parking and an acceptable standard of amenity is to be maintained in accordance with that previously approved.

OFFICER RECOMMENDATION : Approve

Case Officer: Lisa Howard

Recommendation Date: 15.06.2020

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council