

PLANNING, DESIGN & ACCESS

**PROPOSAL : FULL APPLICATION FOR THE ERECTION
OF A SINGLE DWELLING AND AMENDMENTS
TO PARKING PROVISION FOR END TERRACE
APPROVED UNDER PLANNING APPLICATION
SMD/2019/0005**

**ADDRESS : LAND OFF BLACK LANE, WHISTON,
STAFFORDSHIRE, ST10 2JA**

APPLICANT : BULL CONSTRUCTION LTD

DATE : APRIL 2020 JOB No.: 2020-2573

1.0 INTRODUCTION

This statement is submitted in support of a planning application for the erection of a single dwelling and amendments to the approved parking provision for end terrace approved under application number SMD/2019/0005 on land adjacent to Black Lane, Whiston. The application has been submitted by Sammons Architectural Ltd on behalf of Mr P Bull and is accompanied by drawing numbers 2020-2573-01, 2020-2573-02A, 2020-2573-03B, 2020-2573-04A, Great Crested Newt Report, Badger Report, Construction Environmental Management Plan and Heritage Impact Assessment which should be read in conjunction with this accompanying statement.

2.0 APPLICATION SITE AND ITS SETTING

The application site comprises of a broadly rectangular parcel of land which comprises of a small overgrown garden which lies at the north eastern end of the village. The site is adjoined by a pair of station cottages to the east with more modern residential development to the south east. Full planning permission for a short terrace of four dwellings has been granted on land immediately to the south of the site and are currently under construction. To the west of the site lies the Whiston Hall estate and its associated outbuildings. The northern edge of the site is bounded by a high embanked section of one of the former Caldon Tramways dating from the late 18th / early 19th Century. Access to the site is via the track on the southern side which links to Black Lane a short distance (c. 75m) to the east.

3.0 THE PROPOSED DEVELOPMENT

This application seeks full planning for the erection of a single detached dwelling. The proposed dwelling which would be positioned centrally in the plot broadly in line with the short row of recently approved dwellings would face westerly in parallel with numbers 4 and 5 the Plain with its ridge running in a north to south direction. It would have a simple rectangular footprint and would provide a kitchen with separate living room, hallway, utility room and w.c at ground floor with three bedrooms and a family bathroom above.

The property would be of a simple vernacular design constructed from traditional materials comprising of natural coursed stone walls with stone quoins and stone eaves detailing under a plain clay roof with timber windows. Private amenity space would be provided to the side and

rear of the dwelling and off road parking provided to the front with vehicular access derived directly off the private lane leading to Black Lane.

In addition to the above the application also seeks consent to relocate the off road parking provision for the end terrace property immediately adjacent to the proposed dwelling from its approved location contiguous with the side gable of the building to the front to mimic numbers 2 and 3 of the four dwellings approved under application reference SMD/2019/0005.

4.0 PLANNING POLICY

Section 38(6) of the Planning and Compulsory 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 comprises of the new Staffordshire Moorlands Local Plan (September 2020) which replaces the former Core Strategy Development Plan Document and supporting evidence documents. The most relevant policies of the adopted Local Plan are considered to be policies

SS1 - Development Principles

SS1a - Presumption in Favour of Sustainable Development

SS9 - Smaller Villages Area Strategy

SS10 - Other Rural Villages Area Strategy

DC1- Design Considerations

DC3 Landscape and Settlement Setting

H1 - Housing

NE1 Biodiversity and Geological Resources

T1 - Development and Sustainable Transport

Supplementary Planning Documents / Guidance

Space About Dwellings (September 1998 - Appendix 3 Local Plan)

Design Principles SPG

Design Guide (February 2018)

Pertinent other documents

The Landscape and Settlement Character Study (2008)

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National Planning Policy Framework

Paragraphs 1-14

Section 2 Achieving Sustainable Development

Section 4 Decision making

Section 5 Delivering a sufficient supply of homes

Section 11 Making effective use of land

Section 12 Achieving well designed places

Section 16 - Conserving and enhancing the historic environment

The National Planning Policy Framework which was published in March 2012 and subsequently revised, most recently in 2019 is an important material consideration in determining planning applications.

It introduces a presumption in favour of sustainable development and paragraph 11 states that development proposals that accord with the development plan should be approved without delay.

Paragraph 11d states:-

"Where there are no relevant development plan policies , or the policies which are most important for determining the application are out of date granting permission unless:-

- (i) the application of policies in this 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 this Framework taken as a whole"

National Planning Policy Guidance

The NPPG sets out that a thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.

The PPG states that "all settlements can play a role in delivering sustainable development in rural areas, and so blanket policies restricting housing development in some settlements and preventing

other settlements from expanding should be avoided unless their use can be supported by robust evidence.

5.0 KEY PLANNING ISSUES

Essentially this application is a resubmission of application SMD/2020/0726 which was submitted to the council on 23rd December 2020 and refused under delegated powers earlier this year (17th February 2021) for the following reasons:-

1. The proposed development cannot be supported in principle because in the context of the recently approved site for 4 dwellings within which it falls, it is not limited infill residential development of an appropriate scale and character and it does not relate well to the existing pattern of development of the village. The proposal would in effect create or extend ribbon development and in doing so would urbanise this hitherto rural 'backwater' of the village undermining its sense of rural fringe and closing off its openings and links with the countryside. It therefore does not relate well to the existing pattern of development and cumulatively with the recently approved adjacent terrace development (2019) would result in a prominent intrusion into the countryside and thereby have significant adverse impact on its character and appearance, contrary to policies SS1, SS9, SS10 and H1 of the Staffordshire Moorlands Local Plan 2020, the Staffordshire Moorlands Design Guide and the NPPF.

2. The proposed development, by virtue of its siting, design and layout would result in a cramped form of development, eliminating a valuable and important landscaping backdrop to the adjacent development which is important to the wider setting of the village character. In addition, the development would have a visually significant adverse impact on the character and appearance of the area which would be emphasised by the urbanising effects of the increased prominence given over to car parking on the frontages making the scheme contrary to policies SS1; SS9; SS10; H1; DC1; DC2 and DC3 of the Staffordshire Moorlands Local Plan 2020 and the NPPF.

3. The adjacent embanked former early nineteenth century Froghall to Cauldon tramway is considered to be a non-designated heritage asset and the proposed development as consequence of its scale and close proximity and the necessary physical excavation of the bedrock base required would both directly interfere with the physical setting as well as more generally undermine the heritage significance conveyed by the sense of its setting. Accordingly, the development fails to comply with policy DC2 of the Staffordshire Moorlands Local Plan 2020 and the NPPF.

This statement seeks to address these reasons for refusal as set out below. The first reason for refusal relates to the fact that in the context of the previously approved development for a terrace of 4 dwellings the application site is not considered to constitute limited infilling.

In the previous Core Strategy the application site listed Whiston as a smaller village where some limited infilling and redevelopment would have been considered accepted. In the recently adopted Local Plan the proposal for infill boundaries has been dropped for a more flexible criteria based infill policy.

Whiston is identified as a smaller village in the list included at SS9 of the adopted Local Plan, a village in the countryside without a defined settlement boundary where generally there would be a presumption against new housing development. These are locations that are limited in facility and services and new development on a large scale would be unsustainable in these villages as it would generate a disproportionate number of additional journeys outside the village and may undermine the spatial strategy. Development will be strictly controlled in order to ensure that the character and life of the settlement is not undermined.

However, to support local population and rural employment needs in these areas the development plan strategies provide for an appropriate level of sensitive development to include affordable housing that meets identified need, dwellings that meet the essential needs of a rural worker and limited infill development.

It would appear from the decision notice and accompanying case officer delegated report that the Council accept the site as an infill plot and that the main issue relates to the fact that the development is not considered to be limited when viewed in conjunction with the adjacent terrace development of 4 dwellings which gained consent under planning approval SMD/2019/0005.

In response to this the applicant argues that whilst the red edge application site of application SMD/2019/0005 did include the application site no development was proposed upon it and it was left as an open area. In addition it is clear that each application site is different and must be judged on its own merits.

Furthermore, it should be noted that the previous application for 4 terraces of which the site formed a part was considered and assessed, quite rightly under the Development Plan policies at the time (Core Strategy 2014) and not the current adopted Local Plan which was recently adopted in September 2020. Therefore whilst there was some commentary regarding the emerging local plan policies at the time of determination of the application these were afforded very limited

weight. Importantly therefore the previous application was not permitted on the basis of infill development but on the justification that the council's housing policies were considered to be out of date and that the tilted balance approach applied.

The relevant paragraphs of the Framework or the development plan do not provide any further guidance on the level or form/type of development that constitutes limited infilling. As such the assessment of limited infilling must be a planning judgment based on the merits of the site and its context on a case by case basis. Importantly, it should be noted that there is no reference to a maximum size of site or number of dwellings which can constitute infill development.

The Oxford English Dictionary defines "limited" as restricted in size, amount or extent". The application site has a plot frontage of 11.6m which is slightly larger than that of the adjacent terraced properties currently under construction (7.15m and 8.35m) but smaller than the frontages of numbers 4 and 5 The Plain which lie immediately to the west and measure 12.1m and 12.6m respectively. The application site is comparable in size to surrounding plots and the application seeks consent for a single dwelling. On this basis it is contended that the application constitutes limited infilling.

Local Plan Policy H1 refers to development in smaller villages being acceptable where it is well related to the existing pattern of development, where it will not create or expand ribbon development or lead to a sporadic pattern of development and where 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.

The second part of the first reason for refusal states that the previous scheme did not relate well to the existing pattern of development, would undermine its sense of rural fringe and close off openings and links with the countryside. In response to this the applicant wishes to highlight that this part of the village is characterised by a wide and varied mix of development where older station cottages sit comfortably with semi-s and more modern cul de sac developments. The application site is well connected to the existing settlement and the proposal will not appear as an incongruous use within the area. It is a logical site which respects its neighbours and will be well integrated into the settlement. Whilst the provision of a single dwelling will reduce the openness through the site there are few if any public views of the site from its surroundings and as the width of the dwelling is less than the width of the plot by about 4.5m some views through the site will be maintained. The proposed development will not extend any further north than the existing built

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development and will not therefore result in any encroachment into the open countryside indeed both 4 The Plain and 7 Black Lane extend further northwards than the application site with the adjacent tramway embankment forming a physical definite boundary to the site.

The second reason for refusal states that the proposed development would result in a cramped form of development, eliminate a valuable and important landscaping backdrop and would have an urbanising effect due to car parking on the frontages.

Taking each one of these in turn. The layout plan shows a traditional and vernacular double fronted dwelling which would be constructed from natural coursed stone walls with quoins and eaves stone detailing under a plain clay tile roof. The use of good quality natural materials will ensure that the proposed dwelling is in keeping with the surroundings built development and help it to assimilate with its surroundings. The size of the plot is comparable to others within the immediate locality. The footprint of the proposed dwelling is 55 sq metres with parking taking up a further 34 sq metres. The proposal not only meets but significantly exceeds the criteria laid out in the councils Space About dwellings standards.

The layout, scale, appearance and design of the proposed dwelling is considered to be acceptable and to have an acceptable impact on the character and appearance of the application site and the wider surroundings within which it will be viewed. It is therefore considered that the proposal accords with Local Plan policies DC1 'Design Considerations' and DC3 'Landscape and Settlement Setting' and Section 12 of the NPPF.

In terms of the application site providing an important landscaping backdrop for the adjacent dwellings the land is not allocated as such in any development plan, nor is it restricted in terms of development by virtue of being within a conservation area or designated public open space. In addition to this no planning condition was imposed on the application for the adjacent terrace development which required this area to be maintained open or this "important landscaping backdrop" to be retained. It is therefore argued that should the application site truly be such an "important landscaping backdrop" that such an omission was remiss of the council in the consideration of the previous application.

Whilst it is accepted that the proposed development requires the re-location of the previously approved parking arrangement for the most northern end terraced property from the side to the frontage it is considered, contrary to the councils assertions, that this has little if any consequence in visual impact terms especially given that parking to the front of the terrace has already been approved for plots 2 and 3 and a precedent has already therefore been set.

The third and final reason for refusal relates to the fact that the proposed development would interfere with both the physical and historic of the adjacent embanked former early nineteenth century Froghall to Cauldon tramway which is considered to be a non-designated heritage asset. A detailed Heritage Impact Assessment has been undertaken in order to address this point and should be read in conjunction with this document.

6.0 Conclusion

In conclusion therefore and having regard to the application site and its setting the provision of a dwelling on this smaller village location would comply with the criteria based policy relative to infill development and it would be in accordance with the spatial strategy in the development plan. The scale, design and appearance of the proposal are considered to be appropriate to the site and in keeping with the character and appearance of the area. The proposed development would not raise any adverse highway issues nor would it harm any established ecological interests. The proposed development will deliver a number of material benefits when assessed against the social, economic and environmental dimensions of sustainable development as set out within the NPPF.

It is therefore considered that the proposal represents a sustainable form of development that accords with Local Plan Policy SS1 and the concept of sustainability which lies at the heart of the NPPF. In the absence of any overriding technical objections it is considered that this reserved matters application should be approved without delay.

7.0 DESIGN & ACCESS STATEMENT

USE

The application proposes the use of the application site for residential purposes. This form of development is considered to reflect the nature and character of existing development which surrounds the site.

AMOUNT

The application proposes a single two storey dwelling and this amount of development is considered to be in keeping with the nature and character of existing development which surrounds the site.

LAYOUT

The submitted site plan shows the layout of the proposed dwelling which would be located within the centre of the plot. The proposed dwelling would have a simple rectangular footprint with its axis running in a north to south direction. Adequate garden and amenity space for the occupiers of both the proposed and existing residential development will be maintained and as such the proposal represents a well-designed scheme which positively responds and reflects the character and appearance of the area and surrounding landscape.

SCALE

The application proposes the erection of a single two storey dwelling which would be in keeping and consistent with the scale of the adjacent development.

LANDSCAPING

The site is located within part of an existing domestic curtilage and therefore benefits from existing hard and soft landscaping. Any additional landscaping will be provided by future occupiers.

APPEARANCE

The proposed house would be of a simple double fronted design in keeping with the local vernacular and constructed from traditional facing materials with detailing.

ACCESS

The application proposes the use of the existing vehicular access off Black Lane, Whiston which has recently been approved to serve the erection of four dwellings on the adjoining site. The site is located within a sustainable edge of village location well located to existing local facilities and public transport links are easily accessible to Leek and other parts of the Staffordshire Moorlands as well as the neighbouring city of Stoke on Trent.