

DELEGATED DECISION REPORT

SMD/2021/0284
Valid 19/04/2021

LAND OFF BLACK LANE
WHISTON

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

(FULL - MINOR)

MAIN ISSUES

- Principle – smaller village
- Design
- Character and amenity
- Heritage

DESCRIPTION OF SITE

The site lies within the red edge of a previously approved residential development of a terrace of four dwellings. The proposal site is immediately adjacent the northernmost end terrace and would partly occupy ground previously allocated as parking space to serve the northern-most end terrace dwelling. The approved scheme had a gap at the north end (beyond the parking spaces) where the ground rose unevenly and abruptly to merge with the high embankment of a historic former plateway railway in the adjoining land.

Work on the development of the terrace of four under SMD/2019/0005 has begun with footings and base work in place. At the same time some excavation of the ground at the north end (site of this application) has taken place including exposure and removal of bedrock which jutted out from the base slope of the embankment. The embankment itself is high and tends to tower over the site. Above the exposed cliff of the lower half of the embankment is a drystone wall which clings to the slope about half way up. The embankment is partially wooded with tall mature and semimature broadleaved trees to parts.

The earlier approved development site was described as a c.0.14ha site to the NE corner of the smaller village of Whiston comprising (then) recently disturbed ground which had subsequently re-vegetated with generally ruderal species, brambles and shrubs. It appeared in the recent past to have been cultivated as garden land or allotments associated with nos. 4 and 5 The Plain. These are two storey local vernacular stone built cottages forming a terrace which stands in a dip beyond the

NW corner of the site. The current application site is directly aligned with (and more-or-less due east of) the rear elevation of 4 The Plane. A two storey rear extension to 4 The Plane is currently being built under planning permission reference SMD/2020/0129.

As noted, 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 C. The site is also slightly embanked along its eastern boundary where there is a track way and beyond which is a modest sized pond (both track and pond being outside the site). A single-track lane borders the southern boundary of the site and alongside this is the high stone wall of buildings associated with Whiston Hall.

Access to the current application site would be shared with that for the earlier approved which links to a track on its southern side leading from Black Lane a short distance (c.75m) to the east.

In terms of the wider landscape and setting the site is largely cut off from views in or out. The site is though intimately related to the immediate surrounding features as described above. The former tramway on the north edge of the site is recorded in the Staffordshire Historic Environment Record as: "The third of four successive tramways between Caldon Canal and the Cauldon Low Quarry. Work began on its construction 1802 and was completed in 1804".

PROPOSAL

Detached two storey three bedroom dwelling. Coursed natural stone with mortar joints to match the adjacent properties. Building to be complete with quoins as shown. Plain clay roof tiles to match adjacent properties.

The proposal would involve parking spaces for two vehicles occupying the frontage space. Parking for the end terraced dwelling of the earlier approved scheme would be re-positioned from the proposed site of the new dwelling to the front garden of the end terrace which is included within the red edge of the application.

The application is a re-submission of refused SMD/2020/0726. The application is this time accompanied by a heritage statement.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

- SS1 Development Principles
- SS9 Smaller Villages Area Strategy
- SS10 Other Rural Areas Area Strategy
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- E1 New Employment Development
- H1 New Housing Development
- NE1 Biodiversity and Geological Resources

NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 11 – Making effective use of land; 12 – Achieving well designed places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

PAD/2018/0054 - Residential development of 5 dwellings

SMD/2018/0309 - Outline application for the erection of 2 dwellings including provision of car parking for 4 – approved

SMD/2019/0005 – proposed four dwellings (full) – approved

SMD/2020/0726 – full application for the erection of a single dwelling and amendments to parking provision for end terrace approved under planning application SMD/2019/0005 – refused

CONSULTATIONS

Publicity

Site Notice expiry date: 8th June 2021

Neighbour consultation period ends: 20th June 2021

Press Advert: N/A

Public Comments

None

Town / Parish Comments

Kingsley Parish Council – recommend refusal on grounds of:

- Potential over development in the restrictive area;
- Impact on the immediate adjacent ancient tramway;
- Lack of amenities in the village.

SMDC Waste collection service

No issues regarding waste collections – bins may need to be presented near private road entrance on collection days.

Severn Trent Water

Minimal impact on the public sewer system therefore no objection and no requirement for a drainage condition. Severn Trent Water advise that there may be a public sewer located within the application site – attach informative in event of approval.

Staffordshire County Council Highways

No objection subject to conditions – surfacing of access to 5m back from highway; parking and turning prior to coming into use; surface water interceptor.

This proposal involves another dwelling off this unsurfaced private road. This will further intensify use of this private road. Condition recommended to reconstruct the first 5m rear of the highway, as previously recommended, but developer may want to consider a more extensive improvement or surfacing or maintenance of the private road. Private road is within the red line and with the further intensification of use, this condition is recommended as being appropriate, reasonable and necessary.

Highways have consistently recommended that the access be reconstructed /re-surfaced for a distance of 5m at its junction with Black Lane. Development off this private access has now reached the stage where, technically, the access should be fully reconstructed, formally drained and brought up to standard required under Section 7 Staffordshire Act 1983, hence condition above. This is also why the surface water drainage interceptor condition has been introduced. At the very least, the access should be conditioned to be reconstructed in a bound material for the 5m previously recommended to provide a reasonable access for this total number of dwellings.

SMDC Conservation Officer

As with the previous refused scheme, not supported. Makes the location look very cramped and urban. Would be getting very close to the tramway retaining structures and I suspect some ground levelling would need to take place? There is also the considerable difference in land levels at the rear of the plot with the exposed bedrock and wall above. Comments that the new heritage statement is limited and adds nothing to support the application.

OFFICER COMMENTS**Principle of Development**General approach

In its general approach, in accordance with policy SS1, the Council expects the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in Local Plan shall be

approved without delay, unless material considerations indicate otherwise.

Principle

Development boundary mapping has now been adopted in accordance with the new Local Plan (September 2020). As a 'smaller village' Whiston does not have a defined development boundary.

The preamble to SS9 states:

"A major issue for smaller villages is the loss of local population through lack of housing opportunities. The proposed strategy for the smaller villages therefore seeks to allow an appropriate level of sensitive development which enhances community vitality."

"Development on a large scale would be unsustainable in these villages, as it will 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."

"Limited development, including infill will be supported subject to this policy..."

Policy SS9 (Smaller Villages) is that:

"These settlements shall provide only for appropriate development which enhances community vitality or meets a social or economic need of the settlement and its hinterland."

...by (inter alia): "Enabling limited new housing development, including small infill schemes in accordance with Policy H 1"

The policy at SS9 is also to:

"Ensure that new development reflects and enhances each village's special character and heritage by protecting and enhancing the setting and historic character of the village, including heritage assets."

Specifically in relation to the smaller villages, policy H1 is to support development where it is:

"...well related to the existing pattern of development of a smaller village and will not create or extend ribbon development or lead to sporadic pattern of development; and, 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."

Policy SS10 for the rural areas supports only development which meets an essential local need and supports rural diversification and sustainability of the rural areas (or supports sustainable tourism or enhances the countryside).

SS10 (3) is to Enhance and conserve the quality of the countryside by:

Giving priority to the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape;

It is a matter of judgement as to whether specifically in relation to this application the relevant 'area strategy' from the Local Plan is that of SS9 for 'smaller villages' or SS10 covering the 'other rural areas' which comprise (inter alia): "the open countryside surrounding the smaller villages". The question is pivotal as it determines on what basis the principle of housing development here may or may not be supported in planning policy terms.

SS10 supports only housing with an essential need to be in the countryside in accordance with Policy H1. In other words, affordable housing if the need cannot be met elsewhere; essential local need accommodation such as for a rural worker; a replacement dwelling; conversions to residential use; and re-development of previously developed land. SS10 would not support the development proposed here.

Whilst on the face of it this proposal appears limited as it involves only a single dwelling it needs to be judged in its context as it is within the red edge of a previously approved scheme for four dwellings and one where five dwellings had been put forward at pre-app but which was reduced to four on advice from the LPA. It can also be noted that at that time the decision allowing the total of four dwellings was made in the context of the LPA not being able to demonstrate a housing supply and the so-called 'tilted balance' would have been a consideration. This is no longer a consideration now with the adoption of the new Local Plan. In this context it is not appropriate to regard the proposal as limited.

To meet the SS9 policy requirement the scheme would also need to reflect and enhance the village's special character and heritage by protecting and enhancing the setting and historic character of the village, including heritage assets. Whilst it can be judged that the development to date may have achieved this including very specifically in relation to the historic former tramway, this proposal would undermine that achievement and also create a cramped and urban density which is not in keeping. The development is found not to meet the principles set out in SS9. Furthermore, SS9 requires the development to meet the specific considerations under H1 and the conclusion here must be that the proposal is not "well related to the existing pattern of development of [the] smaller village" of Whiston. It will also have "a significant adverse impact on the character and appearance of the countryside" again contrary to SS9 and H1.

Design

Positively the proposal would emulate materials and external detailing consistent with the terraced development and these approaches were intended to aid assimilation with the historic and interesting properties at 4 and 5 The Plain and also the adjacent Whiston Hall outbuilding. Whether however a double fronted detached dwelling, tight against the end terrace of four single-fronted dwellings and squeezed against the high embankment, is good design is more open to doubt. There is a sense of this being an awkward and contrived development which is actually at odds with the humbler terrace and indeed with the more humble original vernacular buildings of 4 and 5 The Plain. It is evident that in effect a ribbon of development is

being created and this would be in further direct conflict with SS9 and H1 as well as DC1.

Unfortunately at the same time the proposal would result in an overall cramped appearance where care had been taken previously in the LPA decision to ensure some semblance of the rural fringe and the particular character of this location was retained involving care with landscaping to the backdrop. This proposal would now take away a valuable landscaping element. It would also now put pressure on the trees beyond the site as being too close to a dwelling. There was concern on the part of the LPA in determining the earlier development not to cram in tight up to the historic tramway embankment adjacent or the existing properties at 4 and 5 The Plain. It is disappointing that some of the bedrock base to the embankment has recently been cut away (in seeming anticipation of this scheme).

This proposal would also force parking on to the frontages of four dwellings consecutively which further illustrates how it is becoming cramped and further emphasising the urbanising character change.

Overall the proposed layout, siting and design would result in a cramped appearance to the detriment of the character of the locality.

Heritage

The embanked tramway previously referred to is recorded on the Staffordshire Historic Environment Record and should rightly be regarded as a non-designated heritage asset. Policy DC2 and the NPPF (section 16) apply. For non-designated heritage assets NPPF 197 states:

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 directly or indirectly affect 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.

The ability to understand and appreciate the scale and significance of the tramway as an independent historic structure in this location would be significantly eroded by the close proximity of the proposed dwelling and some excavation into the sides of the natural bedrock base to the tramway embankment being necessary would further undermine the ability to appreciate and understand the nature of the undertaking in its original form.

The Heritage Statement now submitted is of no additional assistance in evincing what is significant about the tramway and analysing how the proposed development would impact upon that significance.

Amenity

There must be some reservation about the quality of the internal living space amenity as a result of the high embankment to the immediate north and extending both east and west to either side having an imposing and it may be expected overbearing effect. Whilst there would be an element of buyer beware it may not at first be realised and occupiers would at the least be likely to have concerns about trees on the embankment so close to the dwelling and garden and space.

Highway Safety

It is notable that the Highways Authority comments are that this development “has now reached the stage where, technically, the access should be fully reconstructed, formally drained and brought up to standard required under Section 7 Staffordshire Act 1983”. The addition would in other words take the development at this location to a scale which exceeds the capacity of the access available.

CONCLUSION / PLANNING BALANCE

The development is not acceptable in principle for the reasons set out referring to SS9 and H1. The scheme is also found contrary to DC1, DC2 and DC3 as a result of the overall cramming and urbanising effects undermining the looser more open character of the developments to date in which the rural fringe and the historic tramway have been allowed to retain a more definite presence and identity.

In this re-submitted scheme the agent seeks to address in the submitted Planning, Design and Access Statement the previous refusal reasons. It is important to the assessment to note that this proposal is not wholly independent of the approved four-dwelling terrace site but overlaps with it and is dependent upon that site for shared access from the public road and is dependent also on a re-configuration of the parking provided for and necessary for that scheme in order to make way for this proposal.

The re-arrangement of parking position is discussed by the agent but what is it not recognised is that this was one of the points that emerged from the PAD in 2018 when the parking was found to be at odds in design in terms of its proximity to 5 The Plain. It was a compromise that parking for two of the properties should be at the front, not a precedent to mean necessarily that more would be acceptable across the frontages.

The agent suggests that the LPA was remiss in omitting a condition to require retention of the space at the end of the terrace adjacent to the tramway as an important landscape backdrop but this comment overlooks that this space has been formed by engineering work which was not an authorised part of the development and which has cut away the steep rock wall base of the embankment to the tramway. A condition should not have been necessary and the excavations which have been undertaken should have been held in abeyance pending outcome of a planning application.

In conclusion the previous refusal reasons stand.

OFFICER RECOMMENDATION : refuse

Case Officer: Arne Swithenbank

Recommendation Date: 14th June 2021

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council