

DELEGATED DECISION REPORT

SMD/2021/0361
Valid 28/05/2021

LIMES MILL
ABBOTTS ROAD
LEEK

VARIATION/REMOVAL OF
CONDITIONS 2 AND 13 TO
SMD/2014/0156

(FULL - MINOR)

MAIN ISSUES

- Position of highway access relative to TPO trees
- Highway safety including visibility

DESCRIPTION OF SITE

New development SMD/2014/0156 of 4 dwellings set back from the road with shared parking in a car park between the road and the dwellings.

Site layout including access point from the highway was approved in a revised drawing 02 rev B received 25th Sept 2014.

Condition 13 is that:

None of the dwellings hereby approved shall be first occupied until the access, parking and turning areas have been provided in accordance with the approved plans. Those areas shall thereafter be retained unimpeded for the purposes of access, parking and turning for the life of the development.

Reason:- In the interests of highway safety

PROPOSAL

Condition 2 of the 2014 consent was the plans condition and Approved site plan 02 rev B showing the site access from the highway at the extreme west end of the frontage to the highway after a row of TPO trees.

The site has been developed with its access more central in the frontage (further east) evidently having involved the removal of two of the TPO trees (T5 and T6).

Approval is now sought for the 'as-built' layout with submission of a revised plan.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles

SS5 Leek Area Strategy

DC1 Design Considerations
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; 8 Promoting healthy and safe communities; 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

SMD/2014/0156 – erection of 4 dwellings – approved

NMA/2020/0024 – Non-material amendment to SMD/2014/0156 to change of access design and material change to parking/turning areas – withdrawn on LPA advice that the proposal would be assessed as involving matters of material consideration given they affect highways visibility assessment and TPO trees.

CONSULTATIONS

Publicity

Site Notice expiry date: 18th Aug 2021

Neighbour consultation period ends: 30th June 2021

Press Advert: N/A

Public Comments

None

Town / Parish Comments

Leek Town Council responded “no comment”.

SMDC Tree Officer

Consulted – no response

Staffordshire County Council Highways

Access crossing has been constructed in its revised location. S184 notice has been completed. Novi Lane is the unclassified D1292. Access was previously approved under SMD/2014/0156 in a slightly different position. This revised location does require additional manoeuvring to access/exit particularly the first 2 to 3 spaces. However, manoeuvring will take place within the private access, not on the highway. Revised position does allow visibility splays to be more equal. As the access position is altered, revised conditions to accommodate this are recommended. Site visited 25/05/2021 and 23/06/2021.

OFFICER COMMENTS

Principle of Development

Principle confirmed by grant of consent under SMD/2014/0156.

Design

In terms of street scene the design is fully acceptable as now completed.

Amenity

The background to the loss of trees T5 and T6 has not been looked into except that it is noted from copies of correspondence submitted with the application that the SMDC Tree Officer appears to have been aware and approved.

Highway Safety

It seems there is a slight disadvantage within the site and slight advantage as regards exit visibility splay. The revised scheme is found acceptable as was that of 2014 as approved in dwg 02 rev B received 25th Sept 2014.

Previous conditions re highways will come under new numbers in the new decision notice and will need to be amended to reflect the latest Highways advice. Condition 13 should be repeated as previously but will be re-numbered.

CONCLUSION / PLANNING BALANCE

Given that Highways recommend approval of the new layout subject to condition and given that there is no issue raised by the Tree officer who is shown to have already approved of the revised scheme the application is recommended for approval.

A new permission can be issued but without varying the original start date and otherwise incorporating all the previous conditions but referencing the revised plan as now submitted in condition 2 in place of dwg 02 rev B received 25th Sept 2014.

OFFICER RECOMMENDATION : approve

Case Officer: Arne Swithenbank

Recommendation Date: 19th Aug 2021

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council