

DELEGATED DECISION REPORT

SMD/2023/0206
Valid 15/05/2023

OLD VICARAGE COTTAGE
DIMBLE LANE
ALTON

APPLICATION FOR REMOVAL
OF CONDITION 12 RELATING
TO SMD/2016/0427

(FULL - MINOR)

MAIN ISSUES

- Biodiversity
- Other Matters

DESCRIPTION OF SITE

The site comprises a plot of land situated in the Alton Ward, where the erection of a new dwellinghouse has been approved under SMD/2016/0427. The site is within the Alton Development Boundary, where positive development is encouraged to be concentrated. Also, the site is within the Churnet Valley Masterplan Boundary, where rural regeneration of an appropriate nature is encouraged. The site is within the Alton Conservation Area and the Alton Article 4 area. The proposed site is surrounded by neighbouring dwellings comprising a section of Dimble Lane. No. 1 Old Vicarage Cottage, Dimble Lane, No. 2 Old Vicarage Cottage, Dimble Lane and The Old Vicarage, Dimble Lane are located to the North of the site and Fellcroft, Dimble Lane is situated to the South. The rear curtilage of Fellcroft wraps around the rear curtilage of the site. The Dimble Lane highway runs adjacent to the site to the East.

It is noted that a number of properties within the street scene have been extended and altered; however the established character of the street has been retained.

PROPOSAL

The application is for the proposed removal of condition 12 from the planning permission granted under SMD/2016/0427 for the erection of a new detached dwelling, including means of access and associated works. Condition 12 is as follows:

An endoscopic survey to ascertain if bats are present shall be carried out by a licenced bat surveyor prior to the demolition of the small detailed brick and tile outbuilding on the site and the results submitted to and approved in writing by the Local Planning Authority. Demolition of structures shall be carried out carefully by hand. In the event that bats are detected then work shall stop and a licensed bat ecologist must be contacted for advice. In the unlikely event bats are detected then further surveys to inform a licence application to Natural England may be required.

The removal of this condition has been requested as the information requested by the condition was impossible to obtain. The outbuilding present on the site at the time of the application determination has since collapsed and rubble has been cleared from site.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted 2020)

SS1 Development Principles
1a Presumption in Favour of Sustainable Development
SS2 Settlement Hierarchy
SS8 Larger Villages Areas Strategy
SS11 Churnet Valley Strategy
DC1 Design Considerations
DC2 The Historic Environment
NE1 Biodiversity and Geological Resources

National Planning Policy Framework

Paragraph(s) 1 – 14
Section(s) 4 – Decision making, 12 – Achieving well designed places, 16 -
Conserving and enhancing the historic environment

Staffordshire Moorlands Design Guide SPD

Part 5 – Alterations, Extensions and Conversions

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2000/0574 – Erection of dwelling. Refused.
SMD/2003/1072 – Detached garage. Approved.
SMD/2016/0427 – Proposed erection of new detached dwelling, including means of access and associated works. Approved.
DOC/2018/0063 – Discharge of conditions 3 & 4 in relation to SMD/2016/0427. Refused.
DOC/2018/0112 – Discharge of conditions 3 & 4 in relation to SMD/2016/0427. Approved.
DOC/2020/0001 – Discharge of condition 6 relating to SMD/2016/0427. Pending.
DOC/2021/0052 – Discharge of conditions 6-21 in relation to SMD/2016/0427. Pending.
DOC/2023/0029 – Discharge of conditions 5, 6, 12 and 20 in relation to SMD/2016/0427. Pending.

CONSULTATIONS

Publicity

Site Notice expiry date: 10/07/2023

Neighbour consultation period ends: 30/06/2023

Press Advert: 07/06/2023

Public Comments

One public comment has been made:

"The Location and Site Plan is incorrect in that it includes the driveway within the boundary of the plot subject to the planning application. This is not correct. The driveway is within the property boundary of The Old Vicarage (existing property adjacent to the plot) and provides shared access to the plot. Details are available at the Land Registry.

One other minor point of note is the presence in the Landscaping Plan of a section of 'Existing Hedgerow' to the east side of the proposed vehicle access that does not currently exist on the plot."

Town / Parish Comments

No comments have been received from Alton Parish Council.

Conservation Officer

The Conservation Officer has no comments to make on this application regarding heritage.

Staffordshire Wildlife Trust

Staffordshire Wildlife Trust have no comments to make on the application, as they believe that minimal ecological issues are apparent.

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.

In accordance with Policies SS1 and SS2 of the Staffordshire Moorlands Local Plan the Council expects all new development to make a positive contribution towards the sustainability of communities and to protect and where possible enhance the environment. A concentrated focus on future growth is to be directed to larger settlements, including Alton. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

In compliance with Policy SS8, new development should be directed to the most sustainable locations. The site lies within Alton, which constitutes a larger village within the Staffordshire Moorlands. The Larger Villages Areas Strategy is based around areas where a focus of new development will be directed, with the aim of ensuring that all development enhances the character and appearance of the settlement.

The proposed site is within the Development Boundary, thus the proposed works are acceptable in principle, subject to conformity with other relevant national and local planning policies. The main issue which needs to be considered as part of the assessment of the proposed works is biodiversity.

Biodiversity

The conservation and enhancement of the natural environment is a core principal of the NPPF where planning policies should promote the preservation, restoration and re-creation of priority habitats and ecological networks. In determining planning applications permission should be refused if significant harm resulting from development cannot be avoided, adequately mitigated or as a last resort compensated for. The general ethos of this is reflected in Policy NE1 of the adopted Local Plan.

Since planning permission for the new detached dwelling was granted, the outbuilding originally present at the site has collapsed and the rubble has been cleared. From the completion of a site visit, it has become apparent that there is no longer any evidence of the building being there. Although there has technically been a breach of the condition, the outbuilding at the site collapsed, meaning that its demolition was out of the applicants' control. Thus, as any potential but unlikely damage caused to the protected species was unforeseen, it is viewed that it is no longer reasonable or necessary to enforce this condition.

The Ecological Appraisal submitted under SMD/2016/0427 states that no protected species were identified on the site, though advice is included regarding the demolition methodology of the small brick outbuilding and the future provision of bird boxes, etc. I note that the condition of Staffordshire Wildlife Trust uses the phrase '*in the unlikely event bats are detected*'. Thus it is clear that Staffordshire Wildlife Trust

were somewhat content on the basis of the Ecological Appraisal that bats would probably not be nesting in the building.

Staffordshire Wildlife Trust have no comments to make on the application. Any ecological impact caused by the removal of this condition has been out of control and unforeseen regardless, therefore no objections have been made.

Other Matters

A public comment has been received by the Council, stating that the boundary line on the location and site plans is incorrect. Additionally, the comment states that whilst the landscaping plan details a section of 'existing hedgerow' to the East side of the proposed access, there is in fact no hedgerow.

Neither of these issues relate to the planning matter submitted under the application, therefore they are not thought of as material planning considerations in the decision making process. Furthermore, the approved plans under SMD/2016/0427 show the exact same boundary line as the plans under the application at hand.

CONCLUSION / PLANNING BALANCE

In consideration of the above, the application is recommended for approval. Taking the above into account, there would be no harm to the character and appearance of the area or conflict with the NPPF or Policies SS8 and NE1 of the Local Plan. Thus, it is recommended that the application is approved subject to conditions and informative notes.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Hannah Hollins

Recommendation Date: 10/07/2023

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council