DELEGATED DECISION REPORT

SMD/2016/0654 **Valid 20/10/2016**	**LAND ADJOINING EDEN BUNGALOW SANDY LANE BROWN EDGE**	**PROPOSED DEVELOPMENT OF THREE DETACHED DWELLINGS ON LAND ADJACENT TO EDEN BUNGALOW, WITH MODIFICATIONS TO EXISTING SITE BOUNDARY WALL TO FORM NEW VEHICULAR ACCESS TO SITE AND LANDSCAPING (RESUBMISSION OF SMD/2015/0470)** **(FULL - MINOR)**

MAIN ISSUES

- Design and the impact on the character and appearance of the locality;
- Impact on the amenity of the area;
- Highway safety.

DESCRIPTION OF SITE

This application relates to land positioned to the north east of Eden Bungalow, which it is understood, historically served as a landscaped garden. The land has been subsequently separated from the Eden Bungalow site by a timber fence and is currently overgrown.

The plot of land occupies a corner position on the southern side of Sandy Lane as the highway bends from the south west to the south east. The topography of the site means that properties positioned to the west appear elevated. The immediate locality is predominantly residential in character and comprises properties of varying age and appearance.

PROPOSAL

Full planning approval is sought for the construction of 3 no. detached dwellings with associated outdoor amenity space and on-site car parking.

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
SS6 Rural Areas
SS6a Larger Villages Area Strategy
H1 New Housing Development
DC1 Design Considerations
DC3 Landscape and Settlement Setting
NE1 Biodiversity and Geological Resources
T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) 1 - 17
Section(s) 6, 7, 11

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2015/0470 Erection of four detached dwellings with modifications of existing site boundary wall to form new vehicular access to site and landscaping
Refused

CONSULTATIONS

Publicity

Site Notice expiry date: 13.12.2017
Neighbour consultation period ends: 17.12.2016
7 day neighbour re-consultation ends: 31.08.2017
Press Advert: N/A

Public Comments

Representations have been received making the following points:

- Increase in traffic and subsequent safety concerns;
- A 2.4m visibility set back and widening of the highway will only result in increasing traffic in this area in terms of speed and vehicle/pedestrian conflict;
- 900m height restrictions on planting has been imposed before on a development in Sandy Lane and neither the Highway Authority or LPA have enforced;
- Proximity of proposed access to the right angled bend poses serious potential for accidents;
- Houses on this plot would be totally out of character; one or two bungalows would be more acceptable;
- Houses will overshadow the existing bungalow;
- Spoil the outlook;
- Flood risk due to existing culvert; small drains

- Cumulative development proposals along Sandy Lane are completely changing the nature of this area.
- Highways have failed to consider geometry / safety issues
- Widening road will increase speed
- Details supplied of an accident near to the site.
- Reference to comments made on previous application
- There is a visible open ordinary watercourse on the site
- Staffordshire County Council as LLFA should be consulted. Comments from Severn Trent are not LLFA
- Need to consider holistically with other developments which are changing the character of the area and adding to flood / highway safety risk
- Land is home to frogs toads and newts

Brown Edge Parish Comments

Object on the following grounds:-

- The site is on a flood plain.
- There is a piped water course and two sewers on the site which are not mentioned on the plans.
- Problems with additional traffic on a narrow lane already used to its capacity, with further usage coming from an already approved development of five houses on an adjacent site;
- Danger of emerging traffic from the site adjacent to a sharp bend on Sandy Lane;
- The proposed widening of Sandy Lane on the site, though minimal, will tend to increase the speed of traffic at this point on an already heavily used lane.

Severn Trent Water

No objection, subject to the inclusion of a condition that requires the submission and approval of drainage plans for foul and surface water flows prior to the commencement of development.

Staffordshire County Council Highways

No objection, subject to conditions relating to the widening of the highway, visibility, completion of access and parking, surfacing, the management of mud and debris, drainage and use of garaging.

Environmental Protection

No objection.

Forestry

No objection.

OFFICER COMMENTS

Principle of Development

The application site falls within the Brown Edge Village Development Boundary as defined on the Local Plan Proposals Maps. In accordance with policy SS1 the Council will expect the development and use of land to contribute positively to the social, economic and environmental conditions of the Staffordshire Moorlands. As stated at policy SS1a, 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. This means that applications which accord with the policies of the Core Strategy should be approved without delay unless material considerations indicate otherwise. Furthermore, in accordance with paragraph 187 of the NPPF "Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible."

Brown Edge is identified as being one of the 'Larger Villages' within the Staffordshire Moorlands. In accordance with policy SS6a the larger villages shall serve to retain and enhance their role as rural service centres, providing for the bulk of the local housing needs of the rural area. This policy seeks to meet the local housing need by increasing the range of available and affordable house types, especially for first time buyers and families.

This application proposes the construction of 3 no. detached dwellings of an appropriate size to serve as family homes. By virtue of its positioning within a defined development boundary, the site is regarded as being in a sustainable location. In accordance with paragraph 49 of the NPPF, housing applications should be considered in the context of the presumption in favour of sustainable development. It is therefore considered that the proposals would be acceptable in principle. Furthermore, while the site is a Greenfield site, it remains that the site is sustainable and the land is not protected.

Design

Policy DC1 seeks to ensure that all development is of a high quality and designed to respect the site and is surroundings through scale, density, layout, siting, landscaping, character and appearance, in line with the Council's SPD.

The application site forms a parcel of land positioned on the southern side of Sandy Lane, which is bound by residential properties of varying character and age. It is proposed to sub-divide the existing plot and construct 3 no. detached dwellings that are to be positioned in a linear formation to front the highway.

Unit 1 is to be positioned to the south east of Eden Bungalow occupying a prominent corner position within the streetscene. Amendments have been negotiated during the course of this application in order to reduce the scale of this unit with a view to seek an improved relationship with Eden Bungalow and its setting within the streetscene.

Eden Bungalow forms one of three detached bungalows positioned in a linear formation to the south west of the application site. These properties are stepped to take account of the topography of Sandy Lane and benefit from generous frontages. The amended scheme to unit 1 proposes the construction of a one and half storey three bedroom dwellinghouse that has been designed to take the appearance of a dormer bungalow. Though this unit would protrude forward of Eden Bungalow, it would largely sit in line with the built frontages of Skiddow and Fourlyn, which are positioned to the south west of Eden Bungalow and also protrude forward of it.

Nevertheless, unit 1 would remain to be visible when approaching from the south west. However, the scale and proportions of the proposed dwelling would not appear disproportionate in the wider context and it is not considered that the siting of this unit would present an uncharacteristic or incongruous form of development that would result in significant or demonstrable harm to the character of the streetscene.

Unit 2 and Unit 3 are positioned to the south of Unit 1 and comprise of two storey, three bedroom dwellings with associated garaging, amenity space and on-site parking. A traditional design approach has been taken which would present a simple vernacular along the Sandy Lane frontage. A varied material palette is proposed to include render and brick, which responds the comments made by the previous case officer and reflects the varied character of properties within the immediate locality.

It is considered that the applicant has responded positively to the concerns raised by the LPA following the refusal of planning reference SMD/2015/0470. Furthermore, the applicant has willingly entered into negotiations in order to further reduce the scale and massing of Unit 1 in order to improve the relationship of this unit with Eden Bungalow and its positioning on a prominent corner plot.

The application put before us proposes the construction of 3 no. three bedroom dwellings that have been sufficiently designed to respect the scale, siting and varied character of the locality. It is therefore considered that this application accords with policies SS6a and DC1 and the Council's Design SPD.

Amenity

Policy DC1 states that new development should protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

The application site is located within a predominantly residential area and is bound by residential properties to each side. The resulting separation distances between Unit 1 and Villa View and Lows Villa falls below that which the Council would normally expect to achieve where habitable room windows front habitable room windows. However, the north east elevation of the proposed dwelling predominantly comprises of secondary windows and as such would be unlikely to result in an undue loss of privacy. Sandy Lane separates the application site from these neighbouring properties and furthermore the prevailing historic pattern of development along this section of Sandy Lane is for relatively close knit dwellings. Taking account of these factors it is not considered that the development would likely result in a significant loss of privacy.

First floor habitable room windows positioned within the rear elevations of Unit's 2 and 3 have the potential to overlook the private amenity space of Eden Bungalow and South View at a distance of circa 7m. South View benefits from a significant garden area with a degree of natural screening. The impact on this neighbouring property from overlooking is unlikely to be significant. Views over the amenity space of Eden Bungalow would be visible but not direct and as such it is unlikely to result in significant harm.

The proposed dwellings are of an acceptable scale and sited sufficient distance from site boundaries to not result in significant overbearing or overshadowing impact on neighbouring properties.

Submitted plans show an appropriate level of private amenity space for each of the proposed dwellings.

Highway Safety

Policy DC1 states that new development should provide for safe and satisfactory access whilst also meeting the parking requirements arising from the development. A number of concerns have been raised in regards to the impact the proposal would likely have on highway safety. The scheme for 3 no. three bedroom dwellings would be provided with 2 no. off street parking spaces in addition to a single garage per unit with individual points of access. The scheme includes the slight widening of Sandy Lane and a 2.4m visibility zone as agreed with SCC Highways.

Staffordshire County Council Highways have considered the application and have commented that the proposal to widen the carriageway and improve visibility will provide adequate accesses for the proposed dwellings and will improve facilities for all vehicles using Sandy Lane.

Staffordshire County Council Highways are satisfied that the scheme would not lead to an undue threat to highway safety and have accordingly raised no objection subject to the imposition of appropriate conditions.

Consideration has been given to the concerns raised, however in light of the support received from SCC Highways a refusal on such grounds could not be substantiated.

Flooding/Drainage

Concerns have been raised in respect of flood risk. The application site is not located within a Flood Zone and as such it is not a requirement for the LPA to consult the Lead Local Flood Authority (LLFA). Nevertheless, it is noted that an objection was raised by the LLFA to planning reference SMD/2015/0470 on the grounds of insufficient information for them to consider the proposal as their evidence suggests that there appears to be a culverted watercourse running through the site. During the course of that application Severn Trent Water confirmed that there is a public sewer within the application site and advised that this should not be built over or in close proximity to, or diverted without consent.

Furthermore, consideration will need to be had to find a solution which protects the sewer and the development. Notwithstanding this Severn Trent raised no objection to planning reference SMD/2015/0470, and furthermore have also raised no objection to this application.

Ultimately if such a diversion of a sewer or watercourse could not be consented by the relevant authority then the development could not proceed. However this falls outside of the remit of planning and on this basis the previous application was not refused on flooding grounds. The same continues to apply in respect of this application and thus, whilst the objections of local residents are noted, it does not warrant a decision of refusal. Furthermore, given that flooding did not form a reason for refusal previously, given that the nature of the proposal remains the same, and arguably the impact has been reduced as a result of the reduction in the number of properties, the Council is likely to be found to have acted unreasonably if it introduced flooding as a reason for refusal at this stage.

CONCLUSION / PLANNING BALANCE

This application seeks approval for the proposed construction of 3 no. detached dwellings on land adjacent to Eden Bungalow, Sandy Lane. This application has been submitted following planning reference SMD/2015/0470 which sought permission for the construction of 4 no. dwellings and was refused, in summary, on the grounds that by virtue of layout, scale and relative uniformity the scheme would fail to sympathise with existing development or harmonise satisfactorily with its surrounds, causing demonstrable harm to the character and appearance of the streetscene.

This application proposes the construction of 3 no. detached three bedroom dwellings of varying architectural design. The scheme proposes dwellings of appropriate scale and proportions that would not demonstrably harm the character or appearance of the streetscene.

It is noted that strong concerns have been raised in respect of highway safety at this section of Sandy Lane. Staffordshire County Council have been consulted on this application and have raised no objection subject to a number of appropriately worded conditions. In light of the support received from SCC Highways a refusal on such grounds could not be substantiated.

Concerns raised in respect of potential flood risk have also been noted. The application site is not located within a defined Flood Zone. This issue was considered at the time of the previous application, following consultation with the LLFA, and was not deemed to be a reason for refusal. Any development affecting a public sewer or watercourse would require consent from the relevant body prior to undertaking any works.

It is considered that the applicant has positively addressed the concerns raised by the LPA following planning refusal SMD/2015/0470 and has worked pro-actively to address further concerns raised I respect of scale during the course of this application. The proposal is considered to constitute a sustainable form of development within a defined Village Development Boundary and sufficiently

accords with the relevant design, amenity and highway safety policies of the Development Plan.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Lisa Howard
Recommendation Date: 01/09/2017

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council