Rob Duncan
Planning
Consultancy

PLANNING STATEMENT

LAND OFF RIVENDELL LANE
LEEK

SEPTEMBER 2023

Site Address:
Land off Rivendell Lane, Leek, Staffordshire, ST13 5RH

Appellant:
Birchendel Holdings Ltd.

Proposal:
Erection of 1no. Detached Bungalow

Planning Statement:
Date Issued: 7th September 2023
Job Reference: RDP/2023/012

Report Prepared By:
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1 Introduction

1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Birchendel Holdings Ltd. to submit a full planning application for the erection of a detached single storey bungalow on parcel of land to the northeast of Rivendell Lane, Leek.

1.2 The application represents a resubmission following the recent refusal of application SMD/2023/0085 which had also proposed the erection of a bungalow on the site. The application had been recommended for approval by the Planning Officers, but was refused by the Planning Applications Committee for the following reason:

1. The positioning of a dwelling on this visually conspicuous corner plot would result in a development which would fail to improve or enhance the visual amenities of the surrounding area. The development would appear as an overbearing and over dominant form of development which is not in keeping with the streetscene and character of the surrounding area, having particular regard to the prominent position of the site. The application is therefore contrary to policies SS1, H1 and DC1 of the Staffordshire Moorlands Local Plan (Adopted September 2020) and the National Planning Policy Framework including section 12.

1.3 This revised application continues to propose the erection of a bungalow, but shows a further reduction in land levels on the site of half a metre, down to a level that is commensurate with the finished floor level of the neighbouring property Haven View. The ridge line of the bungalow will sit 1.8m below that neighbouring property.

1.4 The proposed dwelling is of the same scale, massing and design as the previous application, and will have a footprint of 121.6 square metres, a gross internal floor area of 121.6 square metres, and a ridge height of 5.8 metres. It is to be finished in red / orange facing brickwork with a Staffordshire Blue tiled roof atop.

1.5 The accommodation of the dwelling will comprise of an open plan kitchen / lounge area, three bedrooms (one ensuite), bathroom, hallway and utility. Vehicular access to the site, as with all of the previous applications on the site, is to be taken direct off Birchall Lane, with off-street parking for three vehicles provided.

2 Site & Surroundings

2.1 The appeal site comprises a parcel of land located within the defined settlement boundary of Leek, and which forms part of a substantial area of approved residential curtilage serving an adjacent dwelling to the west, as approved under application SMD/2018/0321. The site area extends to some 0.08 hectares. The site occupies an elevated position above the adjacent highway, and slopes down in a westerly direction towards Rivendell Lane, and upwards in a northeasterly direction towards the neighbouring property (The Moorings). The application proposes a significant lowering of those levels.

2.2 The southwestern boundary of the site is enclosed by a mature laurel hedgerow beyond which lies the pedestrian footway and carriageway of Rivendell Lane. The laurel hedgerow wraps around and extends along the southeastern boundary of the site to Birchall Lane. A small cluster of recently planted trees is located in the southernmost corner of the site. A grass verge lies beyond the existing boundary hedgerow. The north-western boundary of the site constitutes a hedgerow and close board fence that subdivides the plot from Haven View to the north. A further hedgerow encloses the northeastern site boundary, beyond which lies the domestic curtilage of The Moorings. There are temporary construction hoardings in situ along the site boundaries.

2.3 The site is located within an established residential area, which has evolved greatly over the years, with numerous instances of infill development having taken place. Dwellings within the locality vary in terms of their scale, massing and appearance, with plot sizes also of varying sizes, including large spacious plots, particularly to the east/southeast, and much smaller, tighter plots, particularly to the west/southwest. The site also occupies a sustainable location within easy walking and cycling distance of the numerous day-to-day services and facilities on offer within Leek.

3 Planning Policy

3.1 Section 38(6) of the Planning and Compulsory Purchase 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 for this area comprises the Staffordshire Moorlands Local Plan 2020 of which the following policies are considered to be of relevance to the determination of this application:

3.2 Policy SS1 of the Local Plan relates to 'Development Principles' and states that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands in terms of delivering (amongst others):

- a mix of types and tenures of quality, affordable homes, to meet the needs and aspirations of the existing and future communities

- easy access to jobs, shops and transport services by all sections of the community

- a healthy, safe, attractive, active, well-designed and well-maintained environment

- development which maintains the locally distinctive character of the Staffordshire Moorlands, its individual towns and villages and their settings

3.3 Policy SS3 of the Local Plan relates to 'Future Provision and Distribution of Development' and states that provision will be made for at least 6080 additional dwellings (net of demolitions) to be completed in Staffordshire

Moorlands during the period 2014 to 2033 - an annual average of 320 homes per year. Sufficient deliverable land will be identified to provide at least 5 years of development at all times. It goes on to state that development will be located in accordance with the Spatial Strategy and will be distributed between the towns and rural area, with 30% of the total housing requirement (1824 dwellings) to be accommodated within Leek. In identifying land for new development or in considering planning applications, development shall also be compatible with the settlement hierarchy in terms of the development approaches set out in the Area Strategies.

3.4 Policy SS5 of the Local Plan relates to the 'Leek Area Strategy' and states that the Council and its partners will seek to consolidate the role of Leek as the principal service centre and a market town and support its regeneration. This will be achieved through a number of actions, including (amongst others):

- Increasing the range of available and affordable house types, including for first time buyers and older people.

- Allocating a range of suitable, deliverable housing sites sufficient to meet the requirements of the area.

- Supporting the development of new housing on sustainable sites within the Development Boundary.

3.5 Policy H1 of the Local Plan relates to 'New Housing Development' and states that development should provide for a mix of housing sizes, types and tenure including a proportion of affordable housing as set out in Policy H3, and where appropriate housing for special groups, to meet the needs and aspirations of the current and future population having regard to the Area Strategies. All development will be assessed according to the extent to which it provides for

high quality, sustainable housing and to which it meets identified housing needs, having regard to the location of the development, the characteristics of the site and the economics of provision. In addition:

a) Housing for special groups, particularly for older people and others as identified in the SHMA or successor document should be of a scale and in a location which is appropriate to its needs.

b) Housing proposals of 10 dwellings (or 0.5ha) or more will be required to provide a mix of housing in terms of size, type and tenure on the site unless viability or other circumstances exist. The final mix will be negotiated with the developer based on housing needs as informed by the SHMA or successor document and other relevant factors such as available supply and market demand.

c) All housing development should be at the most appropriate density compatible with the site and its location, and with the character of the surrounding area. Higher densities will generally be appropriate in locations which are more accessible by public transport and which have good access to services.

d) All new dwellings should aim to provide flexible accommodation which is capable of future adaptation by seeking to achieve adequate internal space for the intended number of occupants in accordance with the Nationally Described Space standard and delivered to meet accessibility standards set out in the Optional Requirement M4(2) of Part M of the Building Regulations. This will be determined on a site-by-site basis subject to considerations such as viability and design.

e) All new dwellings must be of sufficient size to provide satisfactory levels of amenity for future occupiers of the dwellings whilst respecting the privacy and amenity of occupiers of existing dwellings.

3.6 Policy H1 goes on to state that housing development on sites not allocated for such purposes in Policy H2 will be supported within the development boundaries of the towns and larger villages on unidentified (windfall) sites subject to compliance with the Spatial Strategy and wider Local Plan policies. 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.

3.7 Policy DC1 of the Local Plan relates to 'Design Considerations' and states that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD. In particular, new development should (amongst other requirements):

- be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area

- be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance

- protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution

- provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use

- new developments to be well integrated for car, pedestrian and cycle use as well as other sustainable transport links

3.8 Policy T1 of the Local Plan relates to 'Development and Sustainable Transport' and states that the Council will promote and support development which reduces reliance on the private car for travel journeys, reduces the need to travel generally and accommodates residual development traffic in line with the Integrated Transport Strategy. This will be achieved by:

1. Ensuring that all new development is located where the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development.

2. Ensuring that major development is located in areas that are accessible by sustainable travel modes or can be made accessible as part of the proposal

3. Considering appropriate parking provision on a case by case basis with recourse to the parking guidance set out in Appendix 2.

4. Where appropriate all new development shall facilitate walking and cycling within neighbourhoods and town centres, and link with or extend identified walking or cycling routes. In addition applicants should also consider how their schemes can enhance the existing path network in line with the Staffordshire County Council Rights of Way Improvement Plan and also give consideration to the protection of non-definitive public footpath routes in addition to definitive routes.

4 Other Material Considerations

National Planning Policy Framework

4.1 The National Planning Policy Framework (NPPF) seeks to secure the delivery of sustainable development and sets out guidance, *inter-alia*, in respect of significantly boosting the supply of housing, securing high quality design, and safeguarding highway safety. The content of this document has been taken into consideration in the preparation of this application.

SMDC Design Guide SPD

4.2 This document sets out guidance aimed at securing good quality design and confirms that the architectural style of new development should be guided through an assessment and understanding of the character and context of the area. The content of the SPD has been taken into consideration in the preparation of this application.

SMDC New Dwellings and Extensions to Dwellings SPG

4.3 This document sets out guidance in respect of the design of new residential development, including matters of siting, roof design, elevations, and materials. The content of the SPG has been taken into consideration in the preparation of this application.

Appeal Decision 3284785 – Land at Rivendell Lane, Birchall

4.4 The above appeal decision relates to proposed erection of a detached dwelling on the application site which was refused by the Local Authority and subsequently dismissed at appeal. The conclusions of the Planning Inspector in the determination of that appeal have been fully taken into consideration in the preparation of this application and are referenced in the Planning Assessment.

5 Planning Assessment

Principle of Development

5.1 The application site is located within the defined settlement boundary of Leek, as set out within the adopted Staffordshire Moorlands Local Plan. Within such areas new windfall residential development is acceptable in principle, in accordance with the provisions of policies SS3, SS5 and H1 of the Local Plan. The Local Authority concluded likewise in its determination of the previous application on this site (LPA Reference: SMD/2023/0085).

5.2 The site also lies within easy walking and cycling distance of the town centre, with half hourly bus services operating nearby on the Cheddleton Road. These bus services offer connections with both the town centre and Hanley, and as a consequence future occupiers of the dwellings will have a viable means of alternative transportation to the car. The proposed development is therefore in accordance with policy T1 of the Local Plan in this regard.

Impact on Character of the Area

5.3 There have been a number of previous applications proposing the erection of a dwelling on this site over the last few years, and the impact of those developments on the character and appearance of the area has been a concern for the Local Authority on each occasion. The most recently refused application (SMD/2023/0085) had nevertheless met with the approval of the Planning Officers.

5.4 The application had sought to respond to the previous planning appeal on the site (SMD/2021/0145), which had proposed the erection of a 'T' shaped dormer bungalow on the site, standing to a ridge height of 6.9 metres. In determining the appeal, the Planning Inspector highlighted a number of concerns, which are set out below:

"6. The siting of the proposed dwelling further back into the site results in the development not being overly prominent in the wider vista when approaching from either direction along Birchall Lane. Particularly when approaching from the south-west, the development would only come into clear view as you arrived at the junction with Rivendell Lane. However, upon arrival at the junction the proposed dwelling ***would still appear an imposing and dominant feature elevated above the level of the highwa****y".*

"7. Whilst it is acknowledged that the overall scale of the proposed development and the width of the Rivendell Lane facing elevation have been reduced from that of the previous scheme, ***its 'T' shaped design results in the proposed dwelling being located closer to Rivendell Lane****. The sites frontage with Rivendell Lane is particularly wide and exposed, and as a result the proposed dwelling would appear as an overly dominant feature within the street scene when viewed from Rivendell Lane".*

"8. The ridge height of the proposed dwelling would be 6.9 metres, marginally lower than that of the adjacent Haven View. However, whilst the ridge heights would be comparable, Haven View is located significantly further away from the junction of Rivendell Lane and Birchall Lane and consequently ***does not appear as imposing or take up as prominent position within the street scene as the appeal proposal".***

"9. Although it is noted that the sites ground levels would be lowered slightly, the proposed dwelling would still ***retain an elevated position above both the highway and existing properties on the opposite side of Rivendell Lane. The sites***

> ***corner plot location and wide frontage with Rivendell Lane only further exacerbates the imposing and overly dominant nature of the development,*** *which would be at odds with the prevailing character and appearance of nearby residential properties which are generally secluded, and sat behind their roadside boundaries, mature hedging and planting".*

5.5 The previous application had sought to respond to those concerns by changing the house type to a single storey bungalow, standing to a ridge height of 5.8 metres (a reduction of 1.1 metres). The floor level of the dwelling was also reduced so that the ridge height of the dwelling would sit 1.15m below the ridge line of Haven View. It was also afforded a simplified plan form, removing the 'T' shape previously proposed, and was to be located towards the northernmost site boundary, thereby increasing its distance from both Birchall Lane and Rivendell Lane.

5.6 The Local Authority's Planning Officer's found those revisions to have addressed the concerns raised in the previous appeal, concluding within the Committee Report that:

> *"It is considered that the scale, siting and design of the proposed dwelling, along with its relationship with the adjacent public highways would integrate more sympathetically within the area and would be respect the pattern and grain of development. Consequently, it is not considered that the development would cause harm to the character and appearance of the area".*

5.7 The members of the Planning Applications Committee nevertheless disagreed and refused the application on the grounds that the development would appear as an overbearing and dominant form of development which would not

be in keeping with the streetscene or the character and appearance of the surrounding area.

5.8 In response to those concerns, further substantial revisions have been made to the proposal in order to lower the position of the dwelling within the site, and in turn significantly reduce its impact on the character and appearance of the surrounding area. The finished floor level of the dwelling will be 0.9 metres lower than the previously refused application and will now sit at a commensurate floor level to the neighbouring property Haven View, as demonstrated by the submitted plans.

5.9 The single storey form of the bungalow, coupled with the proposed reduction in land levels, means that the ridge height of the dwelling will now sit just under 1.9 metres below the ridge height of Haven View, and will be 0.9 metres shorter in height than the previously refused application. The proposed dwelling will furthermore sit 2 metres below the ridge height of the dormer bungalow that was previously dismissed at appeal under application SMD/2021/0145.

5.10 The section drawings accompanying the application serve to demonstrate the very significant changes that have been made to the scheme, both in terms of scale and also in terms of massing and relationship to the boundaries with Birchall Lane and Rivendell Lane. The resultant effect of those changes is a dwelling that will have a significantly lesser impact than the recently refused application.

5.11 The design of the dwelling itself is the same as the one considered under the previous application (SMD/2023/0085) which is consistent with the objectives of the adopted Design Guide SPD in that it encompasses a ground hugging form with strong eaves and ridge lines emphasised by gables, and which will utilise a complementary palette of materials.

5.12 The proposal also continues to achieve a spacious relationship with its site boundaries and will encompass a density of development that is wholly in keeping with the varied density of developments within the surrounding area, as evidenced by the plot/development ratios set out in Figure 1 below.

Figure 1 – Analysis of Density of Development (clockwise from west of site)

Property Name:	Approx. Plot/Dev Ratio:	Scale:
Innisfree	12.7%	Split Level
Links View	18.7%	Two Storey
Brattalid	18.2%	Two Storey
La Casa	17.5%	Bungalow
Silverwood	14.4%	Two Storey
Kantega	18.8%	Split Level
White Lodge	26.3%	Split Level
The Moorings	4.7%	Two Storey
Haven View	18%	Two Storey
Plot at Heather Hills (SMD/2019/0721)	11.2%	Two Storey
Birchall House	8.7%	Two Storey
Birchendel	26.1%	Two Storey
Westerdale	13.9%	Two Storey
Orchard House	23.1%	Two Storey

5.13 Analysis of the information presented in Figure 1 above demonstrates that the overall plot/development ratio of developments in the surrounding area, inclusive of dwellings on both Rivendell Lane and Birchall Lane averages 16.2%. The density of development nevertheless ranges between 4.7% and 26.3%, reflecting the varied character of the surrounding area.

5.14 The plot/development ratio of the revised proposal amounts to approximately 15.2% which is firmly in keeping the density spectrum exhibited in the surrounding area, and a lesser density of development than the plots recently approved and constructed at Westerdale (SMD/2014/0842), Birchall House (SMD/2016/0324) and Rivendell Lane (SMD/2018/0321).

5.15 The diminutive scale of the dwelling, coupled with its siting, its reduced proportions and its substantial reduction in land levels, serves to ensure that this revised development will not amount to an imposing and dominant feature in views from Rivendell Lane and from the junction of Rivendell Lane with Birchall Lane and that it will have a subservient relationship to the neighbouring property Haven View.

5.16 There is a strong vegetative backdrop to the development in views from the public domain, whilst the maturing Laurel hedgerow to the site frontage will serve to soften the impact of the development. These facts, coupled with the revisions that have been made to the proposal to substantially reduce its level within the site, will result in a form of development that is not overbearing or over-dominant and which is in keeping with the character and appearance of the streetscene and wider surrounding area.

5.17 The proposed development is consequently concluded to have addressed the concerns raised by the Planning Inspector in the determination of the previous appeal, as well as the concerns raised by the Planning Applications Committee in their determination of the previous application. The submitted proposal is consequently held to meet the requirements of policies SS1, H1 and DC1 of the Staffordshire Moorlands Local Plan, and guidance set out within the Design Guide SPD and New Dwellings and Extensions to Dwellings SPG.

Residential Amenity

5.18 The dwelling has been designed in order to ensure that it is wholly compliant with the Local Authority's space about dwellings standards as set out in the New Dwellings and Extensions to Dwellings SPG. The ground floor window facing towards Haven View will lie in excess of 6 metres from the site boundary and thus meets the required interface distance set out in the space about dwelling standards. No overlooking of the garden area of Haven View will arise owing to the presence of existing boundary treatments.

5.19 The nearest dwelling to the south lies a considerable distance from the plot and will therefore be unaffected by issues of overlooking or loss of privacy. The windows in the western elevation of the dwelling are furthermore located well in excess of 22 metres from the principal windows of the neighbouring property to the west (Links View) which is noted in any event to be located at an angle to Rivendell Lane. As a consequence, the proposed development will not derive any unacceptable overlooking or loss of amenity to neighbouring residential occupiers. The Local Authority concluded likewise in its assessment of the previous application.

5.20 The dwelling will sit within an extensive plot and will benefit from a suitably proportioned area of private amenity space to its north for use by future occupants of the dwelling, along with additional amenity space along its western flank with Rivendell Lane. The proposed dwelling also meets the minimum floorspace requirements set out within the DCLG Technical Housing Standards, and consequently future occupiers of the dwelling will benefit from an acceptable level of residential amenity. The proposed development is therefore in accordance with the provisions of policies SS1 and H1 of the Local Plan.

Highway Safety

5.21 As with all of the previously submitted application for the site, the dwelling is to be served by a vehicular access that connects with Birchall Lane at the southern end of the site. The access will provide off-street parking for three vehicles, which is sufficient parking provision to meet the Local Authority's adopted parking standards. The proposed means of vehicular access will not derive any adverse impact to highway safety within the locality. The proposed development is therefore in accordance with the requirements of policy T1 of the Local Plan.

5.22 The proposed means of access has consistently been found by the Local Highway Authority, and Planning Inspectors at appeal, to be acceptable in terms of its impact on highway safety and in terms of visibility, and it would amount to unreasonable behaviour if the Local Authority were to seek to introduce this as a new reason for refusal.

6 Conclusion

6.1 Having regard to the considerations set out above it is concluded that the proposed development has served to address the concerns raised by the Local Authority in its determination of the previous application (SMD/2023/0085) and those of the Planning Inspector in the determination of the previous appeal on the site (SMD/2021/0145).

6.2 The resultant proposal will not have an over-bearing or over-dominant impact on the character and appearance of the streetscene or the wider surrounding area. The proposal will furthermore not detract from the amenity of neighbouring occupiers and will provide a satisfactory level of amenity for future occupiers of the dwelling. The proposal is also acceptable from a highway safety perspective.

6.3 The proposed development is consequently held to meet the requirements of policies SS1, SS3, SS5, H1, DC1 and T1 of the Staffordshire Moorlands Local Plan and guidance contained within the adopted Design Guide SPD and accompanying New Dwellings and Extensions to Dwellings SPG.