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PLANNING, DESIGN & ACCESS STATEMENT

PROPOSAL : ERECTION OF A SPLIT LEVEL DWELLING WITH ASSOCIATED MEANS OF ACCESS, HARD AND SOFT LANDSCAPING WORKS

ADDRESS : LAND OFF KILN LANE, LEEK, STAFFORDSHIRE

APPLICANT : MR M BRIAND

DATE : SEPTEMBER 2023 JOB No. : 2023-2764

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1.0 INTRODUCTION

1.1 This statement is submitted in support of a full planning application which seeks consent for the erection of a single split level dwelling with associated means of access and hard and soft landscaping works.

1.2 The application has been submitted by Sammons Architectural Ltd on behalf of Mr M Briand and is accompanied by drawing numbers 2023-2764-01, 2023-2764-04, 2023-2764-05, 2023-2764-06C, 2023-2764-07C, an Arboricultural Report undertaken by Tree Heritage and a Preliminary Ecological Assessment undertaken by Elite Ecology which should be read in conjunction with this statement.

1.3 The application is a resubmission of a similar scheme which has been recently refused by the council under application reference SMD/2023/0208. The four separate grounds for refusal of the previous scheme are repeated below:

1. The development owing to its design form, scale and position on steeply rising ground close above existing neighbouring dwellings is found to be out of keeping in particular with nos 3 to 5 Orchard Court. The development at this publicly prominent and visually attractive location would result in a significant adverse impact on the character and appearance of the area and on important views into and out of the settlement in particular for users of Kiln Lane which is a definitively registered public footpath right of way. The development is therefore for this reason found contrary to Local Plan policies SS1, SS5, H1, DC1 and DC3 and to the NPPF.

2. There are specific adverse effects for the living conditions or amenities of the immediate neighbouring dwellings for whose occupiers the development would undoubtedly be overbearing in particular for nos 2 and 3 Orchard Court and for whom there would also be un-acceptable intrusions on privacy as a result of direct overlooking from a high elevation where effective screening could not be satisfactorily achieved. Overlooking of rear garden areas is especially sensitive for occupiers when it intrudes on the very closest space at the rear of a dwelling as this would for both neighbours – perhaps especially no.2 Orchard Close. The development is therefore for this reason found contrary to Local Plan policies SS1, SS5, H1 and DC1 and to the NPPF.

3. Given the proximity of an existing dwelling at the foot of the site and given a known or reported history of ground stability problems elsewhere nearby along Kiln Lane and given the steepness and narrowness of the ground available it would not be appropriate to consider granting consent without appropriate professional survey to confirm the slope stability and any measures needed to secure it. On the information as currently submitted the Council therefore cannot be satisfied as to the developability of this site on this basis. There is further uncertainty about construction access feasibility. The development is therefore for this reason found contrary to Local Plan policies SS1, SS5, H1 and DC1 and to the NPPF.

4. Notwithstanding that the Council cannot currently demonstrate a full five year housing land supply the development of just a single dwelling despite having some benefits the adverse impacts of granting permission would significantly and demonstrably outweigh these benefits. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict."

1.4 This statement analyses the site, the proposals and the policy context within which the proposals are made. Thereafter, it demonstrates how the current amended scheme addresses the previous reasons for refusal and provides justification for approval of the proposed development on the basis that it would provide clear social, economic and environmental benefits in relation to the provision of new housing within an accessible and sustainable location. It also

sets out that there would be no adverse harm upon the character and appearance of the application site or the wider surrounding area, nor would it be prejudicial to the reasonable enjoyment of the occupiers of any of the surrounding residential dwellings or neighbouring land uses, would not be detrimental to highway safety or harm any established ecological interests. The proposed development therefore accords with the provision of local and national planning policy and should be approved without delay.

2.0 SITE DESCRIPTION

2.1 The application site comprises of a wedge shaped parcel of land which extends to some 455 sq metres. Comprising of overgrown scrubland it lies on the northern side of Kiln Lane with the land falling away steeply in a south to north direction. Residential development surrounds the site on all sides with semidetached dwellings to the north west, split level detached dwellings directly to the north, two modest detached bungalows to the north east and detached dwellings set in spacious plots to the south on the opposite side of the highway. In the wider areas the town's football ground and Bridgend Garden Centre lie to the north east and north west respectively. An agricultural field gate currently provides access to the site directly off Kiln Lane

2.2 For the purposes of the development plan the application site is located in a predominately residential area within the defined settlement boundary of Leek where there is a general presumption in favour of development.

3.0 PROPOSAL

3.1 This is a full application which seeks consent for the erection of a single split level detached dwelling with associated means of access and hard and soft landscaping works. The proposed dwelling which would be single storey at the front of the site and two storeys at the rear would be positioned towards the rear of the site contiguous with its northern boundary. It would provide an open plan kitchen / dining arrangement with separate lounge and utility at ground floor with three bedrooms one of which would be ensuite and a family bathroom at first floor.

3.2 Private amenity areas would be provided to both sides of the dwelling with dedicated off road parking and turning facilities, accessed directly off Kiln Lane, provided to the front.

3.3 The proposed dwelling would be constructed from local building materials with facing brickwork under a plain clay tile roof and have a traditional appearance in keeping with the local vernacular.

3.4 The existing planted site boundaries to the east and roadside are to remain but are to be trimmed/adapted where required and reinforced with hedgerow planting where required. The northern boundary to No.3 Orchard Court would be defined by a close boarded fence with a mixed native hedgerow planted behind. A new boundary is to be formed with a 1.2m timber post and rail fence with mixed native species hedgerow behind to the west defining the route of the footpath to the estate below. Brick retaining walls are to be formed where indicated to retain altered ground levels.

4.0 POLICY

4.1 Section 38(6) of the Planning and Compulsory 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.

4.2 The National Planning Policy Framework (NPPF) was revised in July 2021. It is the Government's clear intention that the document should be considered as a material consideration and as such carries particular weight where development is not addressed by planning policies in the existing Development Plan.

4.3 The NPPF confirms that at the heart of the guidance is a presumption in favour of sustainable development (para 11) and that for decision making this means approving development proposals that accord with the Development Plan without delay unless material considerations indicate otherwise. It goes on to seek to significantly boost the supply of new housing throughout the country and sets out requirements for Local Authorities to maintain a five year deliverable supply of housing at all times. It also sets out guidance inter alia in respect of making effective use of previously developed land, securing high quality design and assessing impacts on highway safety. The content of this document has been taken into account in the preparation of this application and the most relevant sections of the NPPF are considered to be:-

- 1 Introduction paragraphs 1-14
- 2 Achieving sustainable development
- 4 Decision making
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well designed places

4.4 The Development Plan for the Staffordshire Moorlands comprises of Local Plan which was adopted in September 2020. The main policies of relevance to the determination of this application are as follows:-

SS1 (Development Principles); SS8 (Larger Villages Strategy); H1 (New Housing Development); DC1 (Design Considerations); DC3 (Landscape and Settlement Setting) and T1 (Development and Sustainable Transport). For the sake of brevity these policies are not quoted in full but they are referred to where appropriate in the following section.

4.5 In terms of Supplementary Planning Guidance Council's adopted Design Guide and Space About Dwellings publications are also important in the consideration of this application.

5.0 ASSESSMENT

5.1 As set out above this is a full application for the erection of a single split level detached dwelling with associated means of access and hard and soft landscaping works. The key issues are considered to be:

- The Principle of development
- The impact upon the character and appearance of the area
- Residential amenity
- Highway safety
- Biodiversity

Principle of development

5.2 In its general approach 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 in accordance with policy SS1 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.

5.3 The application site lies within the settlement boundary for Leek as defined within the recently adopted Local Plan. Support in principle for housing in such locations is provided in policy SS3, SS5 and H1 of the Local Plan with Leek being identified as a target for 30% of the total housing growth of the District over the plan period to 2033.

5.4 The Development Plan continues to allow new houses within the identified development boundaries of towns and villages providing that all other relevant policies in the Local Plan and the National Planning Policy Framework are complied with.

5.5 The application site comprises of a sustainable location for new housing that is within easy walking and cycling distance of the numerous local services, facilities and employment opportunities on offer within the town. Furthermore the site is within close proximity to bus stops where public transport services offer regular links with the neighbouring towns of Hanley, Buxton and Ashbourne as well as the surrounding villages. The case officer report for the previous application confirms that “being within the Leek town development boundary, in principle development at this location is acceptable in overall policy terms”. There has been no changes to planning policy or conditions on or surrounding the site since the previous application and there is therefore no reason why a different view would now be taken. As such the principle of development is therefore considered to constitute an acceptable form of development the principle of which is in accordance with current local and national planning policies.

The impact upon the character and appearance of the area

5.6 Policy H1 "New Housing Development" of the Local plan states that 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.

5.7 The specific design policy of the LP Policy DC1 also states that all development should 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.

5.8 The above guidance is reflected in the NPPF which confirms that the Government attaches great importance to the design of the built environment. It furthermore states that good design is a key aspect of sustainable development; is indivisible from good planning; and should contribute positively to making places better for people. Developments should function well and establish a strong sense of place creating attractive and comfortable places to live, work and visit. Proposals should also optimise the potential of the site to accommodate development and respond to local character and history including local materials and the use of good architecture and appropriate landscaping. Developments should also create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.

5.9 The previous proposal was considered by the council to be “out of keeping” due to “its design form, scale and position” and was therefore considered to result in a significant adverse impact on the character and appearance of the area and on important views into and out of the settlement, in particular for users of Kiln Lane”. Whilst the applicant disputes this assessment the current proposal has been significantly reduced and an entire storey omitted from that previously

proposed. This has obviously reduced the overall bulk and massing of the proposed dwelling significantly with the eaves and ridge height of the proposed dwelling now being 2.35m at the front of the building and 4.1m at the rear with a ridge height of 4.8m at the front and 7.4m at the rear compared to 4.15m eaves level at the front increasing to 5.2m at the rear and a ridge height of 5.9m at the front increasing to 8.7m at the rear as previously proposed. Whilst the footprint of the proposed dwelling has been retained at 74 sq metres the internal floor area has been reduced from 134 sq metres over three floors to 124 sq metres over two floors. Further alterations have also been made to the overall form and design of the dwelling and the twin gable arrangement omitted for a much simpler pitched gable with hipped arrangement to the side.

5.10 The existing properties along Kiln Lane vary widely from large detached and semi detached dwellings with differing designs set in spacious plots but of varying sizes with two storey dwellings nestled between more modest split level developments to modest stone cottages and terraces. The style, design and materials of the existing dwellings are equally as varied with brick, stone, render, plain clay and interlocking tiles all being evident within the locality. Properties vary substantially in age and scale along this part of Kiln Lane, the outcome of which is that there is no strong or prevailing character within the street scene to respond to.

5.11 The application scheme proposes a split level dwelling and this is considered to respond to both the topography of the site and be in keeping with the varied character of the application site. The submitted sectional drawings show that the proposed dwelling better reflects and responds to the dwellings numbered 3-5 Orchard Court as well as those within the wider area. Furthermore, when approached from Kiln Lane the building would read as a bungalow which is inkeeping with the adjacent two bungalows which lie to the east.

5.12 The proposed dwelling will be constructed from a simple palette of materials of facing brickwork under a tiled roof and these will also be in keeping with the character and appearance of the wider surrounding area. It has taken its design cue from the recently approved and constructed dwellings on Orchard Court which it will be most closely read against. The proposed dwelling would be provided with adequate off road parking and turning facilities at the front of the site and two private amenity areas to either side. The plot size is comparable to others within the area and overall it is considered that the size, scale, form, design, appearance and materials of the proposed dwelling would relate well and be in keeping with the character and appearance of the area. In conclusion it is considered that the reduction in the overall size, scale, bulk and massing along with the associated external alterations to its design and appearance adequately address the case officers concerns with the previous scheme. The proposed development is therefore in accordance with the provisions of Policies H1 and DC1 of the Core Stagey in this regard and guidance contained in the NPPF more generally.

The impact on residential amenity

5.13 Local Plan policy H1 states that 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.

5.14 Policy DC1 states that all development should protect the amenity of the area, including the 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.

5.15 The Council's second reason for refusal of the previous scheme related to the adverse effects for the living conditions or amenities of the immediate neighbours who would find the proposal overbearing and result in a loss of privacy through overlooking. The reduction in the size, scale, bulk and massing of the proposed dwelling and its consequent reduction in height means that the dwelling now proposed would not be overbearing. Whist it would, be located at a

higher ground level this arrangement is not dissimilar to that experienced by those adjacent (3-5 Orchard Court) which also step up the bank.

5.16 Reference was also made in the refusal notice related to the previous application to the "direct overlooking from a high elevation where effective screening could not be satisfactorily achieved". The previous scheme contained a window in the north eastern elevation on the lower ground floor plan which would serve a hallway. The eastern elevation proposed 3 windows 1 at the lower ground floor to serve a study and 2 at the ground floor serving the kitchen. A rooflight would also be positioned in this roof plane to serve a bedroom. The western elevation proposed 1 window at lower ground level serving the 3rd bedroom, 2 windows at ground floor level serving the lounge and a dormer window and rooflight serving the third floor bedrooms.

5.17 The scheme currently proposed has significantly reduced any high level glazing indeed the northern elevation contains two small windows at lower ground and ground floor level with these serving a hallway and bathroom both of which are non principal rooms. The eastern elevation shows two windows at lower ground level both of which would serve the kitchen. Similarly the western elevation contains a window and set of patio doors at ground level only to serve the lounge with all other previously proposed high level windows omitted. The bedrooms would be proposed at the front of the dwelling with windows looking onto Kiln Lane. It is therefore considered that the amended plans ensure that the proposed dwelling would not be overbearing nor would it give rise to any direct overlooking from a high elevation where effective screening could not be satisfactorily achieved.

5.18 Adequate separation distances would be achieved between the proposed dwellings and all surrounding nearby dwellings in accordance with the Council's Space About Dwellings SPG and adequate parking and amenity space will be provided for the occupiers of the new dwelling. A new 1.8m high close boarded fence would be provided to the shared boundary with no 3 Orchard Court. The proposed patio area has been repositioned on the other side of the dwelling to remove any overlooking of the rear garden area of no 3 Orchard Court. The garden areas would be graded back and the existing boundary fence with no 2 Orchard Court follows the rake of the land meaning that there would be no direct views between garden areas. The garden area at the top of the plot underneath the existing tree would be carefully planted with under storey planting which would prevent anyone from sitting out in this elevated location. Whilst the parking area would be located on the higher level care has been taken to ensure that access to the building is provided across the front of the proposed dwelling which significantly reduces any potential for overlooking. Furthermore, it should be noted that immediately adjacent to the application site lies a public footpath. This is well used and provides users with views of the rear gardens of the surrounding residential development especially when descending. Due to the topography of the site and the falling land levels and the juxta position of dwellings views of the rear gardens of several of the properties on Jason Court (the recently completed housing development to the north west of the site), and Orchard Court. Having regard to the above and the changes contained within the current scheme it is considered that the proposal would further exacerbate this to the reasonable enjoyment of the existing or proposed occupiers and the proposal complies with Local Plan policies SS1, SS5, H1 and DC1 in this regard.

Highways

5.19 Paragraph 110 of the NPPF states that development should provide a safe and suitable access for all users with paragraph 111 stating that development should only be prevented or refused on transport grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. This guidance is reflected in policy DC1 which requires, amongst other matters, for development to provide for a safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use.

5.20 The application proposes to use the existing gated access off Kiln Lane which would be improved as part of this application. The new dwelling would be provided with two off road parking spaces and a turning area which would allow vehicles to enter and exit the site in a forward gear. The Local Highway Authority did not raise any technical objections to the previous scheme nor were any highway reasons included on the refusal notice. In conclusion therefore it is not considered that the proposed use would adversely affect highway safety and would therefore be compliant with LP Policy DC1 and guidance contained in the NPPF.

Trees

5.21 The application is supported by an arboricultural assessment which has been undertaken by Tree Heritage. This identifies that whilst there are two sycamore trees in close proximity to the application site both of these are located within neighbouring land and due to their proximity no work is required.

Biodiversity

5.22 The application is also supported by a preliminary ecological report which has been undertaken by Elite Ecology. The mitigation measures proposed in respect of bats and birds have been included within the application proposals. The provision of a soft landscaping plan and lighting plan can be secured via a suitably worded condition as can the removal plan for the non native species of Rhododendron and Cherry Laurel. Method statements for reptiles and amphibians can also be dealt with in this way. On this basis the proposed development would not be prejudicial to any established ecological interests on the site.

Other

5.23 The third reason for refusal related to issues with regards to ground instability. It should be noted that the applicant is extremely familiar with the site and the surrounding ground conditions having been responsible for developing the five properties now known as Orchard Court some of which were bungalows and split level dwellings and the residential development to the north west now known as Jason Court which are also split level and cut into the rising hillside. Furthermore, the applicant has also recently developed the plot of land known as 1A Orchard Court for a single dwelling. This was approved under application reference SMD/2013/0026 following a series of refusals and has actually been built considerably closer to Kiln Lane with not one but two stories underground. The applicant is therefore, because of his local knowledge and experience with developing several adjoining sites, acutely aware of the land issues along Kiln Lane. The Council did not provide any evidence or discuss the land stability issues prior to refusal of the previous scheme. It is therefore suggested that should the Local Planning Authority continue to have any issues or concerns in this respect that a suitably worded planning condition could be imposed on any planning decision requiring the submission of further information.

5.24 In determining the application consideration also needs to be given to the council's housing supply position. The National Planning Policy Framework requires Local Authorities to demonstrate a five year deliverable supply of housing at all times in the interests of significantly boosting the supply of housing. It is well documented that the Local Authority has consistently failed to deliver sufficient housing to meet the required standards, having suffered years of chronic undersupply. Whilst the adoption of the Local Plan in 2020 enabled the Local Authority to demonstrate a very fleeting 5.32 year supply of housing this was short lived and just 7 months after adoption the figure once again fell below the necessary level required. The housing land supply position has continued to deteriorate and there remains a significant shortfall in housing as evidenced by the Local Authority's latest housing land supply statement (April 2022) which confirms a pitiful 3.71 year supply.

5.25 Paragraph 11 of the NPPF dictates that in such circumstances proposals should be determined in accordance with the presumption in favour of sustainable development and that planning permission should be granted unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

5.26 It is not considered that proposed development gives rise to harm to assets of particular importance such that they provide a clear reason for refusing permission. It is furthermore submitted that the proposed development will derive a number of material benefits that are not significantly and demonstrably outweighed by any adverse impacts. On the basis of the above it is considered that the "titled balance" approach should apply and that the application for the erection of a single dwelling which constitutes an appropriate and sustainable form of development within an identified town development boundary should be approved without delay.

6.0 CONCLUSION

6.1 This application should be considered in the context of the presumption in favour of sustainable development as confirmed by the National Planning Policy Framework. The proposed development is acceptable in principle as the site is located within the development boundary for Leek and in a sustainable location with good access to the services, facilities and employment opportunities provided within the town via a range of transport modes.

6.2 Local Plan policy HC1 supports the provision of housing on unidentified windfall sites, such as parts of large residential gardens or large gaps between buildings, on unallocated areas of land within the development boundaries of towns and villages.

6.3 The proposal would also make a modest contribution to housing land supply in accordance with policy SS1 and SS5 of the Local Plan and the NPPF. The proposal is acceptable in relation to the character and appearance of the area, highway safety and residential amenity.

6.4 In addition the economic and social benefits which the development would bring in terms of its contribution to housing land supply, new homes bonus, jobs in construction and the construction industry supply chain and spending in local shops would also attract weight in favour of the proposal.

6.5 The proposed development therefore accords with the provisions of policies SS1, SS3, SS5, DC1, H1, NE1 and T1 of the Staffordshire Moorlands Local Plan and guidance contained within the NPPF. For these reasons it is therefore considered that the proposal is capable of being supported by the Council.

7.0 DESIGN & ACCESS STATEMENT

USE

7.1 The application proposes the use of the application site for residential purposes. The application site is located in a predominately residential area and reflects the nature and character of existing development which surrounds the site.

AMOUNT

7.2 The application proposes the erection of a single split level dwelling. This amount of development is considered to comply with the Council's Space About Dwellings Standards and is in keeping with the density of existing development in this area.

LAYOUT

7.3 The layout of the development will be as shown on the submitted site layout plan.

SCALE

7.4 The application proposes the erection of a single split level dwelling which would have a footprint of 74 sq metres and an overall floor area of 124sq metres (lower ground floor and first floor 62 sq metres each). The eaves at the front of the building would be 2.35m increasing to 4.1m at the rear with the overall ridge height of 4.8m at the front and 7.4m at the rear.

LANDSCAPING

7.5 Hard and soft landscaping works are shown on the submitted drawings.

APPEARANCE

7.6 The proposed development with deliver a traditional design using traditional materials.

ACCESS

7.7 The application proposes to retain and improve the existing access off Kiln Lane. Adequate provision will be provided within the site for the parking and turning of two vehicles. The site is within easy walking and cycling distance of the centre of the town which has a wide range of services and facilities. Public transport links are easily accessible to and other parts of the Staffordshire Moorlands as well as the neighbouring towns of Buxton, Ashbourne and city of Stoke on Trent.