

DELEGATED DECISION REPORT

SMD/2023/0067
Valid 06/02/2023

LAND ADJ KNOTT INN
STATION LANE
RUSHTON SPENCER

ERECTION OF NEW
DETACHED DWELLING AND
ASSOCIATED LANDSCAPING
WORKS

(FULL - MINOR)

MAIN ISSUES

- Principle
- Impact on green Belt
- Impact on neighbour amenity
- Amenity of future occupier
- Highway safety
- Trees
- Drainage
- Ecology

DESCRIPTION OF SITE

Agricultural grassland. The site occupies a 0.2ha 'neck' of land which leads from Station Lane into a more expansive area of open field to the south east. There is currently a vacant modern open-sided portal frame agricultural store set back some 30m from the road along the south westerly edge of the site. The field entrance from Station Lane is reinforced with hardcore mainly now grassed over.

Standing prominently against Station Lane to the immediate west of the entrance is the Grade II Listed Knott Inn. Rear of this building the pub car park and, beyond that, a large grassed area forming a pub garden stretches south east along the full length of the application site boundary.

A sinuous brook course well lined with mature trees such as Alder forms the north easterly boundary of the site. Across the brook is a detached modern 20thC dwelling with a large rear garden lying in parallel alongside at least some of the length of the application site.

An access to the former Churnet Valley Line (opened 1849) of the North Staffordshire Railway lies to the immediate west of the pub and now functions as a linear green way running south to Leek and managed by Staffordshire County Council as a walking and cycling amenity route. The green way emerges on to Station Lane on the west side of the inn between the inn and the former Station House, also Grade II Listed standing next west.

The inn and station house are significant and prominent buildings at the westerly end of Station Lane.

Consent was allowed at appeal in 2022 for outline consent for the erection of a detached dwelling with all matters reserved except for access following the demolition of the existing agricultural building on site.

PROPOSAL

Consent is sought for the erection of a detached dwelling, The dwelling proposed is a two storey property with 4 bedrooms with an internal annex. The property would benefit from a detached garage to the front with parking with a private garden to the rear.

The dwelling will be constructed with piece hall blend by York handmade brick work, Staffordshire blue ridge tiles.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan

SS1 Development Principles
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
DC2 The Historic Environment
DC3 Landscape and Settlement Setting
H1 New Housing Development
NE1 Biodiversity and Geological Resources
NE 2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) 1 – 14;
Section(s) 4 – Decision making; 11 – Making effective use of land; 12 – Achieving well designed places; 13 – Protecting Green Belt Land; 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

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2018/0570 – outline planning application for residential development of up to 3 houses with all matters apart from access reserved – refused

SMD/2020/0295- Outline planning application for residential development of a detached dwelling with all matters apart from access reserved and demolition of existing agricultural building- refused – allowed on appeal

CONSULTATIONS

Publicity

Site Notice expiry date: 16.03.2023
Neighbour consultation period ends:06.03.2023
Press Advert: N/A

Public Comments

1 letter of representation have been received objecting to the development for the following reasons:

- Development is not infill
- No details of gas storage or drainage

1 letter has been received supporting the development as it proposes a sensible use of road frontage land.

Town / Parish Comments

Rushton Parish Council object to the development for the following reasons:

- Original plan showed property in line with other properties on station lane
- Overbearing on neighbouring properties
- Bigger than original plan
- Positioning of garage and its bigger than on original plans. Garage could be converted.

Environmental Health

No objection subject to conditions

AES Waste

No issues

Environment Agency

Originally objected but following the submission of additional details they have no objection subject to conditions.

Staffordshire County Council Highways

No objection subject to conditions

United Utilities

Originally objected but following the submission of additional details they have no objection subject to conditions.

OFFICER COMMENTS

Principle of Development

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is a general presumption against new buildings in the Green Belt set out by the National Planning Policy Framework (the Framework), regarding them as inappropriate development. Paragraph 149 sets out a number of exceptions. One such being limited infilling in villages. The Framework does not define a 'village' or 'limited infilling'.

The previous allowed appeal decision considered that the proposed development would represent limited infilling in a village. The proposed development would be set back within the site in a similar location to the existing agricultural building that is to be demolished. The proposed dwelling will be a two-storey dwelling that is similar in scale and size to the neighbouring properties and therefore when visible would be seen as pattern of development on Station Lane.

With this in mind, the scheme would represent limited infilling in a village. I therefore conclude that the proposal would not be inappropriate development in the Green Belt. As such the principle of the development is acceptable.

Heritage

As regards the Listed Buildings – the Knott Inn and adjacent Station building – grouped adjacent to the south west of this site there is a statutory duty placed on the LPA, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the Listed Building affected, and its setting. Historic Environment Policy DC2 of the Local Plan is to give protection to designated heritage assets and their settings and non-designated heritage assets as set out in the NPPF.

An LPA can only discharge its duty if it has carried out a proper assessment of the impact on a Conservation Area and/or a Listed Building, is conscious of the duty and has demonstrably applied it in assessing the proposal. This assessment extends to setting, the surroundings in which a heritage asset is experienced.

NPPF paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, "great weight should be given to the asset's conservation".

Paragraph 194 goes on to say that: "any harm or loss [to a heritage asset] should require clear and convincing justification."

NPPF paragraph 196 states that: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

Although the positioning of the dwelling has been set further within the site it is considered that the proposed development would have a similar impact to the previous approval outline

consent where the appeal decision concluded that the proposed house would appear as part of a collection of dwellings in the village. The loss of this gap through the development of a dwelling would not adversely affect the rural setting which would continue to be provided by the open fields around them. The appeal decision concluded that there would be no harmful effect on the setting of the nearby listed buildings.

For this reason it is considered that the development would not harm the significance of the Knott Inn or the Station Building.

Impact on Visual Amenity

Policy DC1 is relevant to the outline application in 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 SPD". In particular new development should

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

The open fields and small groups of buildings in verdant surroundings, combine to give the area a rural, open character. As the proposal would be an infill development, it is not considered that the proposal would create or extend ribbon development and it would be well related to the existing pattern of development. The buildings adjacent to the application site are large, detached buildings and the proposed development has attempted to emulate the size of these buildings as to remain in keeping but also provide an appropriate form of development considering the sites Green Belt designation. Following negotiations with the application the footprint of main dwelling has been reduced slightly as to reduce the bulk of the dwelling. The design has also been amended so that the proposed dwelling takes characteristics of the dwellings surrounding the site to achieve a traditional design using traditional materials.

The development also proposes a single storey garage to the front with parking to the front of the property. Within the immediate area car parking is to the front and therefore this would not be out of character in the area.

The application site benefits from existing trees to the front of the site and along the brook which are proposed to be retained and therefore these will act as a landscape buffer to screen the development from Station Road. Some additional planting is also proposed which would benefit the site.

Amenity of neighbours

Policy DC1 states that new development should 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.

Sufficient separation distances can be achieved to ensure that the proposed dwelling would not have a detrimental effect on the neighbouring dwellings. A distance of over 21m would

be achieved to the nearest neighbour at the closest point ensuring that the development complies with the Council's SPD. No principal windows are proposed in the side elevations which would cause overlooking to neighbouring garden areas, and given the size of the plot within which the dwelling would sit, no overshadowing or overbearing impacts would occur. Existing planting will be retained which would provide a natural buffer between the neighbour to the east Cherry Brook.

Amenity of future occupier.

Like the above sufficient separation distances are achieved to ensure that the occupiers of the dwelling are not negatively affected by neighbouring dwellings.

The dwelling would be compliant with NDSS providing a 4 bedroomed dwelling with annex and a sufficient sized garden is proposed considering the size of the plot. The Environmental Health Department have recommended a condition relating to sound insulation. Existing planting is to be retained between the site and the property and the proposed dwelling is set further back than the public house adjacent to the car park. The sites private amenity space would not be adjacent to any shared boundary with the public house. The location of the public house adjacent to the site has not been raised by the Planning inspectorate and therefore it is considered unreasonable to attach this condition.

Ecology and Trees

Policy NE 1 states that the biodiversity and geological resources of the district and neighbouring areas will be conserved and enhanced by positive management and strict control of development (and having regard to relevant ecological evidence).

The application is supported by a preliminary Ecological appraisal. The report concludes that the site has high value habitat for nesting birds and recommendations are made to minimise impact. No immediate impact to protected bat species/roosts is predicted under the proposed scheme, with no structures considered suitable for roosting bats within the proposed application area. Conversely, a mature oak with a high number of potential features for roosting bats is considered as being marginally with the zone of influence of the development. No further surveys are considered on the proviso that the following site safeguard measures are made a condition of the planning licence. Subject to the mitigation outlined in the appraisal and the biodiversity enhancement recommended in the appraisal the development is considered to have an acceptable impact on ecology.

Policy NE 2 states that the Council will protect existing trees, woodlands and hedgerows, in particular, ancient woodland, veteran trees and ancient or species-rich hedgerows from loss or deterioration.

The application is supported by a tree survey which states that all retained trees will require protection during the construction work to make sure they are not damaged. Tree planting is also proposed as part of the landscaping scheme. As such subject to a suitable condition the development will have an acceptable impact on Trees and hedgerows.

Highway Safety

Policy T 1 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:

- 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.
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- Considering appropriate parking provision on a case by case basis with recourse to the parking guidance set out in Appendix 2.
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The site is located on Station Road and the junction is wide enough to accommodate vehicles accessing and egressing the site and therefore the highway authority consider that the site can accommodate the addition traffic generated by the erection of a dwelling on the site. The development also proposes a driveway with parking and a detached garage capable of accommodation the required vehicular parking for the property. The development is therefore considered to have an acceptable impact on highway safety subject to a condition relating to the implementation of the access and parking arrangements.

Drainage

The development is supported by details relating to drainage and these have been reviewed by the Environment Agency and United Utilities. Both consultees required additional information which was subsequently submitted. Following this both consultees considered that suitable pre commencement conditions could satisfy their original concerns.

Others Matters

It is considered appropriate to remove permitted development rights in Part 1 classes, AA,A,B,C,D,E and F and Part 2 classes A to C to safeguard the amenity of the area and to preserve the openness of the green belt.

CONCLUSION / PLANNING BALANCE

It is for the above reasons and having regard to all material considerations and matters raised that the application is recommended for approval.

OFFICER RECOMMENDATION :

That planning consent be approved subject to conditions.

Case Officer: Rebecca Bowers

Recommendation Date: 20.11.2023

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council