

DELEGATED DECISION REPORT

SMD/2024/0451
Valid 30/09/2024

109 HAREGATE ROAD
LEEK

CREATION OF A NEW
DRIVEWAY ACCESS

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Highway safety

DESCRIPTION OF SITE

The site consists of a two storey red brick semi-detached dwellinghouse and its associated curtilage, as well as the pavement and grass highway verge immediately outside the site, which is under the ownership of Staffordshire County Council. The property is bounded at the front with a concrete post and timber panel wall, approximately 1.3 metres in height.

PROPOSAL

The application seeks permission for the creation of a new highways access for the property which involves dropping the kerb of the pavement, as well as a wall replacing the existing. The proposed replacement wall is to be red brick to match, and 1.225 metres in height.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS5 Leek Area Strategy
DC1 Design Considerations
T1 Development and Sustainable Transport

Appendix 2: Parking Guidance

National Planning Policy Framework

Paragraph(s) 1 -14, 47, 55, 131, 135.
Section(s) 4 – Decision making, 12 – Achieving well designed and beautiful places.

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Schedule 2 Part 1 Class F

Schedule 2 Part 2 Class A

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Design Principles for Development in the Staffordshire Moorlands
- Staffordshire Moorlands Design Guide SPD
- Space About Dwellings SPD

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- None.

CONSULTATIONS

Publicity

Site Notice expiry date: 06/11/2024
Neighbour consultation period ends: 23/10/2024
Press Advert: N/A

Public Comments

None.

Town / Parish Comments

None.

Staffordshire County Council Highways

Conditional:

1. *The access crossing shall be constructed in accordance with the approved drawing PL02A submitted 13th November 2024.*
2. *The development hereby permitted shall not be brought into use until that part of the existing site access, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development hereby permitted is permanently closed and the access crossing reinstated as verge/footway in accordance with approved drawing PL02A submitted 13th November 2024.*

REASON: *To comply with NPPF Paragraph 114; to comply with SMDCLocal Plan Policy DC1; in the interests of highway safety;*

IMPORTANT INFORMATIVE TO BE INCLUDED ON DECISION NOTICE:

The dropped crossing to the site shall be constructed in accordance with the submitted drawing and SCC Highways requirements. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a link to 'vehicle dropped

crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form (or email to trafficandnetwork@staffordshire.gov.uk)

Vehicle access crossing (dropped kerb) - Staffordshire County Council

<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

The existing access dropped crossing to the site made redundant by the proposed development shall be reinstated to footway with full height kerb in accordance with approved drawing PL02A. Please note that prior to the reinstatement works taking place you require a Permit to Dig. Please contact Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to trafficandnetwork@staffordshire.gov.uk)

Severn Trent Water

Conditional:

- 1. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and*
- 2. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.*
- 3. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.*

Reason: *To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.*

Severn Trent Water advise that there is a public 225mm surface water sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

NO BUILD ZONES:

· 100mm to 299mm diameter – 3m either side of the pipe, measured from the centreline of the sewer.

The applicant is advised to visit: www.stwater.co.uk/building-anddeveloping/regulations-and-forms/application-forms-and-guidance/diversion-of-wasteassets-application/

IMPORTANT NOTE: *This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.*

Please note if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days.

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Planning Liaison Technician.

OFFICER COMMENTS

Principle of Development

In accordance with Policies SS1 and SS2 of the Staffordshire Moorlands Local Plan the Council expects all new development to make a positive contribution towards the sustainability of communities and to protect and where possible enhance the environment. The site is within the Leek Development Boundary and therefore acceptable in principle.

Design

SMDC Policy DC1 requires development to be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area; and 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, character and appearance. The design of the proposed development is acceptable as it replaces a concrete post and timber panel fence with a red brick wall, which would match materials as the host dwelling. The formation and construction of a means of access to a highway which is not a classified road, as in

this case, would appear to be permitted by Class B Part 2 of Schedule 2 of the GPDO.

Amenity

Paragraph 135 f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants. Local Plan Policy DC1 requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. The site is bounded by 107 and 111 Haregate Road, however neither property would be affected by the development in terms of amenity as the wall is lower than the one it is replacing.

Highway Safety

Paragraph 104 of the NPPF states that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. Policy T1 seeks to provide safe and sustainable access and ensure that development does not lead to an increase in on street parking. The proposed development would increase the parking availability of the property by increasing the driveway area. The Highway authority raise no objection subject to a condition. However because the development would appear to be permitted in any event under the GPDO, this would not be appropriate in this case. Overall the proposal complies with Policy T1.

Other Matters

SCC Highways and Severn Trent Water have requested pre-commencement and pre-use conditions be attached if the application were to be approved, however as noted above the proposed development would in fact fall within the applicants Permitted Development Rights as the wall is not higher than the one it replaces and is permitted in Schedule 2 Part 2 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); the proposed permeable driveway is permitted under Schedule 2 Part 1 Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); and the formation and construction of the means of access to a highway which is not a classified road' would appear to be permitted by Class B, Part 2, Sched 2 of the GPDO.

Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

Therefore, it is not considered that imposing the requested conditions above on the permission would not meet the necessary tests above, in terms of being necessary, enforceable and reasonable in all other respects as no such conditions are attached to the relevant parts and classes which permit the respective works.

OFFICER RECOMMENDATION : APPROVE, subject to conditions.

In light of the above, the application is recommended for approval, as the proposed development appears to be permitted by the GPDO. It is acceptable in principle, in terms of design, amenity and highway safety, and the works could in fact be carried out under Permitted Development Rights. There are no other concerns assessed against the policies of the development plan that would mean that the Local Planning Authority should not additionally, on the request of the application, grant an express planning permission for the development.

Case Officer: Reuben Berriman

Recommendation Date: 03/12/2024

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council