



Civic Centre, Riverside, Stafford
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Please note Date, Time and Venue of Meeting.

Dear Members

Planning Committee - Site Visit

A meeting of the Planning Committee will be held in the **Oak Room, County Buildings, Martin Street, Stafford on Tuesday 26 March 2019** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

The Committee will meet at the rear of the Civic Centre and depart at **9.30am** to visit the site as set out in the agenda and re-convene at the **County Buildings** at approximately **12 noon** to determine the application.

Members are reminded that contact officers are shown in each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

A.R. Well

Head of Law and Administration

PLANNING COMMITTEE - 26 MARCH 2019

**Chairman Councillor R M Sutherland
Vice-Chairman Councillor A S Harp**

A G E N D A

- 1 Apologies**
- 2 Declaration of Member's Interests/Lobbying**

	Page Nos
3 Planning Application(s)	3 - 14

MEMBERSHIP

Chairman Councillor R M Sutherland

C A Baron	W J Kemp
G R Collier	D B Price
B M Cross	J K Price
I E Davies	G O Rowlands
M G Dodson	R M Sutherland
A S Harp	C V Trowbridge
E G R Jones	

(Substitutes - F Beatty, R P Cooke, A P Edgeller, J Hood, S Learoyd)

PLANNING COMMITTEE - SITE VISIT - 26 MARCH 2019

Ward Interest - Nil

Planning Applications

Report of Head of Development

Purpose of Report

To consider the following planning applications, the reports for which are set out in the attached **APPENDICES**:-

		Page Nos
18/29364/FUL	Land Adjacent 104, Longton Road, Barlaston	4 - 14
	This application was called in by Councillor E G R Jones	
	Officer Contact -Richard Wood, Development Lead (Large Scale) - Telephone 01785 619324	

Previous Consideration

Nil

Background Papers

Planning application files are available for Members to inspect, by prior arrangement, in the Development Management Section. The applications including the background papers, information and correspondence received during the consideration of the application, consultation replies, neighbour representations are scanned and are available to view on the Council website.

Application	18/29364/FUL	Case Officer	Ed Handley
Date Registered	01 November 2018	Target Decision Date Extended To	21 December 2018 -
Address	Land adjacent 104 Longton Road, Barlaston	Ward	Barlaston
		Parish	Barlaston
Proposal	Erection of single detached dwelling and garage		
Applicant	Mr & Mrs A Hodgson		
Recommendation	Approve, subject to section 106 agreement and conditions		

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor E G R Jones (Ward Member for Barlaston) for the following reasons:-

‘Longton Road is a pleasant residential area in Barlaston East characterised in the main by large detached houses. The proposal seeks to introduce a large new house in the garden of 104 Longton Road hard on the boundary with 102 Longton Road. It is difficult to see how this can be done as proposed without damage to established hedges. Further it is difficult to see how the application, if approved, could be built without access to neighbouring property. It is noted that it is proposed to construct a balcony from a rear bedroom which would give a view into the garden area of 102 Longton Road if it was not restricted by condition.’

Context

The site forms roughly the western half of the curtilage of 104 Longton Road within the settlement boundary of Barlaston. The site measures approximately 600sqm with the remaining curtilage to No.104 measuring 850sqm.

This application is for a single dwelling and detached garage. An additional vehicular access onto Longton Road would be formed. Maximum dimensions of the proposed dwelling, including the front and rear projecting gables measure 9.9m (width) x 10.25m (depth) x 7.9m (height). The garage would measure 3.5m (width) x 5.5m (depth) x 3.7m (height).

The application follows 17/26237/OUT, under which outline consent was granted for a single dwelling in October 2017.

Officer Assessment – Key Considerations

1. Principle of development

The site forms part of the established residential curtilage of 104 Longton Road. The National Planning Policy Framework (NPPF) states that residential gardens in built up areas should not be considered to be previously developed land.

Whilst the NPPF (paragraph 117) encourages the use of previously developed land it does not preclude the development of greenfield sites provided such development does not result in harm to the character and setting of an area (paragraph 70). Housing development should be considered in the context of the presumption in favour of sustainable development, whereby development which accords with an up-to-date development plan should be approved without delay.

Proposals involving residential development within private gardens should, therefore, be considered on their individual merits as the release of greenfield land can be a legitimate and sometimes necessary alternative to previously developed land.

The site is in a sustainable location within Barlaston which is within the settlement hierarchy set out in Spatial Principle (SP) 3 of The Plan for Stafford Borough.

Furthermore, there is extant outline consent for a single dwelling on this site – 17/26237/OUT.

As such, the principle of development is considered to be acceptable, subject to other policy criteria being satisfied.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 7, 8, 10, 11, 12, 14, 70 & 117

The Plan for Stafford Borough
Policies: SP3 Stafford Borough sustainable settlement hierarchy; SP4 Stafford Borough housing growth distribution

The Plan for Stafford Borough: Part 2
Policies: SB1 Settlement boundaries

2. Character and appearance

The layout of the site would be almost identical to that approved under 17/26237/OUT; amendments include:

- The front projecting gable would be on the left-hand side of the dwelling rather than being central;
- The rear projecting gable would be offset to the right-hand side of the dwelling rather than being central;

- The access would be adjacent to the eastern boundary of the site, approximately 2.2m further east than previously approved; and
- The parking and turning area would extend the whole width of the site to the front of the proposed dwelling.

The application site comprises the eastern portion of the residential curtilage of 104 Longton Road and the scheme proposes a dwelling set significantly further back into the site than No.104. Although dwellings to the east are generally set out in a linear format, those to the west are much less formally arranged, including No.102 to the west-southwest of the application site, being situated behind No.100. The siting of the dwelling would, therefore complement the established pattern of development.

The proposed dwelling would have a similar footprint to those in the immediate vicinity and would be of similar height, having two-storeys. Whilst No.104 has a hipped roof, the majority of dwellings in the vicinity have pitched roofs similar to that proposed. The dwelling would be constructed of facing brickwork and have plain clay tiles. The surrounding area is characterised by the use of brick and render; it is, therefore, considered that the general form and design of the dwelling would be appropriate within the context of the area.

The garage would form an outbuilding which would clearly be subservient to the main dwelling given its size and palette of materials. The proposed position, being sited 1.8m in front of the proposed dwelling, is considered to be acceptable given the staggered relationship with No.104 and the less rigid pattern of development in the vicinity.

It is not considered that the proposal would result in any harm to the character and appearance of the surrounding area.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 124, 127, 128 & 130

The Plan for Stafford Borough
Policies: N1 Design; N8 Landscape character
Supplementary Planning Document (SPD) - Design

3. Residential amenity

The proposal would not result in any instance whereby the front and/or rear of existing properties would face directly onto the front or rear of the proposed dwelling; therefore guideline 2 of the Council's Design SPD (Supplementary Planning Document) is not considered to be relevant.

Furthermore, whilst guideline 6 of the Design SPD refers specifically to extensions and alterations to existing dwellings and is not strictly relevant in this case, it is considered that guideline 6 provides a reasonable approach in assessing potential harm with regard to the amenity of occupiers of existing properties when assessing the impact of proposed dwellings.

There are no principal windows to the side elevations of either 100 or 104 Longton Road. There is one non-principal window at first floor level at No.100 which would be 15m from the proposed dwelling. There are four non-principal windows at No.104 which face onto the application site; direct outlook from these windows would not be impeded.

Direct outlook from rear-facing first floor windows to No.104 would not be impacted, although outlook along a 45° line of sight would be impeded at a distance of approximately 9m. This impact was considered to be minor during consideration of 17/26237/OUT when the application site was under the control of the owner of No.104. Given that layout was approved at that time it is not considered that this impact would justify the refusal of this application.

The proposal would not result in any implications in terms of outlook or privacy with regard to existing windows at No 102.

Outlook along a 45° line of site from the first floor window of the proposed property (bedroom 2) would look over the southeast corner of the garden to 102 Longton Road at a distance of 19m. Given the oblique angle of outlook and distances involved the proposal is not considered to result in any undue harm to the privacy of the occupants of No 102.

The proposed dwelling would have one opening on the east elevation, a door serving the utility room, which would open onto the side elevation of the detached garage. There would be no openings on the west elevation.

Openings on the south and north elevations would benefit from unimpeded outlook across the rear garden and parking area to the front.

There would be a balcony to the master bedroom, from which views would be achieved to the east and west, looking into the gardens of Nos 104 and 102 respectively; it is considered that a condition should be attached to any approval to ensure that privacy screens are provided to the side elevations of this balcony in order to protect the privacy of the occupiers of these adjacent properties. Although this view would not be obtained from a habitable room it is considered that, in the summer, when the occupiers of neighbouring properties are likely to use their gardens more often, the proposed balcony is also likely to be in greater use.

Subject to this condition, it is not considered that the proposal would result in any undue loss of privacy with regard to the occupiers of 100, 102, or 104 Longton Road.

The scheme would result in a dwelling with a rear garden measuring 220sqm and would leave No 104 with a rear garden measuring significantly more; the proposal would, therefore, comply with the standards set out in guideline 3 of the Council's Design SPD.

The Environmental Health Officer raises no objection to the proposal, subject to a number of conditions. It is considered appropriate to attach conditions relating to hours of works, equipment to be left running outside of these hours, and burning on site; however it is considered that drainage is more appropriately dealt with under separate legislation.

Sufficient space would remain, and be easily accessible, for the storage of refuse and recycling bins within the curtilage of both the existing dwelling (No.104) and the proposed dwelling.

Policies and Guidance:-

The Plan for Stafford Borough

Policies: N1 Design

Supplementary Planning Document (SPD) - Design

4. Access and parking

The proposal would result in a single dwelling with three bedrooms, which under local plan parking standards would require two parking spaces. One parking space would be provided within the garage, whilst two additional parking spaces and manoeuvring space would be provided on the hardstanding to the front of the dwelling.

A new vehicular access would be created onto Longton Road at the north boundary of the site; this would be in a slightly different position to that approved under 17/26237/OUT - 2.2m to the east, immediately adjacent to the eastern boundary.

The highway authority raise no objection to the proposal, subject to conditions to secure the provision of visibility splays; the surfacing of the access drive in a bound and porous/permeable material for a minimum distance of 10m back from the highway boundary; and the provision of the access, parking, servicing, and turning areas.

Given that the application site extends into the curtilage of No 104, the relevant ownership certificate has been submitted and the owner of No 104 has been appropriately notified of the application. However, It is not considered appropriate in this instance to attach a condition to secure the provision of visibility splays as there is no specific agreement in place from the owner of No 104 which would leave open a question of reasonableness should the Council make a decision to enforce against any future owners. The Council's legal section advise that either the land required for the provision of the visibility splay be transferred before any conditional permission is granted or that a section 106 agreement is secured with the applicant and landowners as parties.

The applicant has provided a draft s106 agreement which would require the provision and retention of the proposed visibility splay with it to be kept free from all obstructions over a height of 600mm in perpetuity. Should this agreement be completed it is considered that the concerns of the Highway Authority would be resolved.

An informative should be attached to any approval to bring the comments of the highway authority to the attention of the applicant.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 105 & 106

The Plan for Stafford Borough

Policies: T1 Transport; T2 Parking and manoeuvring facilities; Appendix B - Car parking standards

5. Other

There are two trees within the application site (one to the front and one to the rear) and two mature trees immediately adjacent to the site to the west. The Tree Officer raises no objection to the proposal and requests that reference is made to comments made with regard to application 17/26237/OUT. At that time, the two mature trees adjacent to the proposed hardstanding were considered to be of low amenity value and the excavations for a new driveway would be outside of the critical rooting zone and likely to be relatively shallow in extent. The trees should not represent a prohibitive constraint to development.

Furthermore, whilst the twin stemmed tree situated immediately adjacent to the western boundary of the application site is not considered to be an arboricultural asset of significant value it is on third party land and an informative should, therefore, be attached to any approval to recommend that the applicant seeks advice from a qualified arborist with regard to the protection of this tree.

The western boundary comprises a hedge running adjacent to the access to No 102. At its closest point, the proposed dwelling would be 1.0m from the boundary - assumed to be centre of the hedge – whereby under the layout approved the dwelling would have been 1.5m from the boundary at this point. The hedge is clearly not 2.0m in width and has been represented in an indicative manner; it is not considered that the erection of a dwelling within this proximity of the hedge would result in its undue loss. Furthermore, the hedge forms part of the boundary of the residential curtilage of No 104 and, therefore, could be removed without permission.

The reason for this application being called-in to committee includes the process of erecting the proposed dwelling causing damage to the hedge and requiring access to third party land. It is considered that concerns over the hedge are covered above, whilst access to third party land in this manner is not considered to be a material consideration as the proposed dwelling could be erected using an overhand building technique - this would also minimise any harm to the hedge.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 170

The Plan for Stafford Borough
Policies: N4 The natural environment & green infrastructure

6. Conclusion

With regard to the extant outline consent for a single dwelling on this site it is considered that the proposal is acceptable. Concerns relating to visibility on the proposed access and privacy from the proposed balcony could reasonably be overcome through appropriate conditions. It is, therefore, not considered that the scheme would result in any undue harm to the character and appearance of the area; to the amenity of the occupiers of any

adjacent residential property; or to the safety and convenience of users of the highway. Furthermore, it is not considered that the scheme would lead to the loss of, or harm to, any arboricultural asset of significant value.

This application should, therefore, be approved subject to conditions and the associated s106 agreement.

Consultations

Highway Authority:

No objection, subject to conditions to secure the following:

- Provision of visibility splays as shown on submitted drawings;
- Access drive to be surfaced in a bound and porous/permeable material for a minimum of 10m back from the site boundary; and
- Provision of the access, parking, servicing, and turning areas in accordance with the submitted drawings.

Tree Officer:

(Surgery 14 November 2018):

Please refer to comments made during consideration of 17/26237/OUT. The proposal is in close proximity to a twin-stemmed tree; the developer should take advice from a qualified arborist.

(Comments from 17/26327/OUT):

No objection. The proposal would not result in the loss of, or detriment to, any arboricultural asset of significant value.

The two mature broadleaf trees on the driveway adjacent to the proposed new access are of low amenity value and/or not suitable for long term retention due to structural form.

Given that the excavations for a new driveway are outside the critical rooting zone, and would only be relatively shallow in extent, I don't consider that these trees should represent a prohibitive constraint to development.

Environmental Health Officer:

No objection, subject to conditions to secure the following:

- Restriction of hours of works and associated deliveries;
- Any equipment which must be left running outside of the allowed hours to be inaudible;
- No burning on site during development; and
- Provision of adequate surface and foul water drainage.

Barlaston Parish Council:

No objection in principle, however concerns are raised with regard to the balcony, the building line, and access onto the highway.

Neighbours (6 consulted):

Two representation received in objection raising the following points:

- The siting of the dwelling is out of keeping with the character of the local area;
- The dwelling would have an overbearing impact;
- The proposal is not in accordance with the earlier outline approval;
- The proposed dwelling would be cramped in a narrow site;
- Damage to the boundary hedge;

- Loss of privacy from the proposed balcony;
- Screening to the balcony would not resolve privacy concerns;
- Loss of privacy from windows to the front elevation; and
- Inadequate visibility splays.

Site notice expiry date: 13 December 2018

Relevant Planning History

17/26237/OUT - Erection of detached dwelling - Approved 5 October 2017

Recommendation

Approve, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-
 - 5429-001 revision B (Site layout plan)
 - 5429-002 revision D (Floor plans and elevations)
 - 5429-003 revision A (Site location plan & site block plan)
 - 5429-003 revision A (Existing topo & visibility splays)
3. No above ground construction works shall commence unless and until details of the finished floor levels of the proposed building(s), including their relationship to the levels of the site and existing adjacent dwellings, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
4. Notwithstanding any description/details of external materials in the application documents, no construction works above ground shall be commenced until precise details or samples of the materials to be used in the construction of the external wall(s) and roof(s) of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
5. Before the development is first brought into use privacy screens shall be installed on the side elevations of the balcony on the rear elevation serving the master bedroom in accordance with details to first be submitted to and approved in writing by the Local Planning Authority. The privacy screens shall thereafter be retained.
6. Details of hard and soft landscaping, including all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall thereafter be provided within 8 months of first occupation of the dwelling.

7. The development shall not be brought into use unless and until the access drive has been surfaced in a bound and porous material for a minimum distance of 10m back from the public highway.
8. The development hereby permitted shall not be brought into use unless and until the access, parking, servicing, and turning areas have been provided in accordance with the approved plans.
9. All construction works, including demolition and associated deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
10. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.
11. There shall be no burning on site during development.

The reasons for the Council's decision to approve the development subject to the above conditions are:

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
4. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
5. To ensure an adequate level of privacy for occupiers of adjacent residential properties (Policy N1e and Stafford Borough Council Space About Dwellings Guidance)
6. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
7. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
8. To ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).
9. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).

10. To safeguard the occupiers of nearby residential properties from undue noise. (Policy N1e of The Plan for Stafford Borough).
11. To safeguard occupiers of nearby residential properties from nuisance caused by fumes, smoke and smells (Policy N1e of The Plan for Stafford Borough).

Informative(s)

- 1 The Local Planning Authority consider the proposal to be a sustainable form of development and that it complies with the provisions of the National Planning Policy Framework.
- 2 The applicant's attention is drawn to the comments of the highway authority. All comments can be viewed online through the planning public access pages of the Council's website (www.staffordbc.gov.uk).
- 3 It is recommended that the applicant seeks advice from a qualified arborist with regard to the protection of any trees in close proximity of the boundary of the application site during development.

**18/29364/FUL
Land Adjacent 104
Longton Road
Barlaston
Stoke On Trent**

