

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

18th July 2024

Application No:	SMD/2023/0632	
Location	Land on north side of Tompkin Road, Stanley	
Proposal	Application for Permission in Principle for residential development of up to 1 house on land on the North Side of Tompkin Lane	
Applicant	Mr. John Pierpoint	
Agent		
Parish/ward	Endon and Stanley Parish/ Bagnall and Stanley Ward	Date registered 11 th Dec 2023
If you have a question about this report please contact: Arne Swithenbank tel: 01538 395578 or e-mail arne.swithenbank@staffs Moorlands.gov.uk		

REFERRAL

The application is for Permission in Principle (PIP) and is referred to Committee by the Head of Development Services as it is considered to be locally contentious noting the objections to this proposal from the Parish Council, SMDC Conservation Officer and neighbouring residents.

1. SUMMARY OF RECOMMENDATION

Approve with conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The site is a semi-open roughly rectangular piece of ground not obviously managed or associated with surrounding properties. It is bordered by an unfenced gravel lane along its eastern side which serves a series of detached dwellings of differing styles. These include Highfield Cottage which has its main outlook facing across the site; The Gables which is end-on to the site; and The Cliffs which is away from the site at the end of the lane. Backing on to the south end of the site is the rear elevation of a terrace of three cottages, Fern, Ivy and Poppy cottages. There are small obscured and/or non-principal windows in this rear elevation and, in the case of Poppy Cottage, some principal windows. Only Poppy Cottage has enclosed outside space giving it a defined area of garden curtilage bordering the development beyond its rear wall elevation.
- 2.2 There is a marked slope trend falling east to west across the site – see eg file photo 0781 – but a generally continuous level profile north to south save at the north edge where the land rolls down to meet a retaining wall.

Along the westerly border with Four Winds the land again gradually drops to meet a variable boundary which is mainly hedged but also comprises elements of informal walling marking the division with a long front garden and access approach to Four Winds. The house at Four Winds is well to the back (north) and aligns with the north end of the application site. It is well set down in its relative level with the application land.

- 2.3 On the extreme north edge of the site is a very large and spreading mature Sycamore tree. The branch spread of this tree reaches well into the site by some 10m to 12m. There is a further large tree towards the south east end of the site opposite Highfield Cottage. The site is within the Stanley Conservation Area and the trees are protected on this basis. The site area is stated in the application as being 0.17ha (0.4 acres).

3. DESCRIPTION OF THE PROPOSAL

- 3.1 As first submitted the application was for two dwellings. The LPA suggested to the agent that this was unlikely to succeed but that a proposal for one dwelling would be more finely balanced in assessment and the agent opted to amend the proposal to a single dwelling.
- 3.2 As an application for Permission in Principle the matters which the LPA can consider are limited to location, land use and amount of development.
- 3.3 If the PIP were approved there would need to be a follow up application termed 'technical details consent'. This must be decided in accordance with the terms of the permission in principle and for those matters not concluded by the PIP, in accordance with the Development Plan.

4. RELEVANT PLANNING HISTORY

- 4.1 None

5. PLANNING POLICIES RELEVANT TO THE DECISION

- 5.1 **Local Plan (adopted 9th September 2020)**
- SS1 Development Principles
 - SS2 Settlement Hierarchy
 - SS9 Smaller Villages Area Strategy
 - DC1 Design Considerations
 - DC2 The Historic Environment
 - DC3 Landscape and Settlement Setting
 - H1 New Housing Development
 - NE1 Biodiversity and Geological Resources
 - NE2 Trees, Woodland and Hedgerows
 - T1 Development and Sustainable Transport

National Planning Policy Framework December 2023

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed and beautiful places; 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 adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

6. CONSULTATIONS CARRIED OUT

Site Notice expiry date: 25th Jan 2024

Neighbour consultation period ended: 10th Jan 2024

Press Advert expiry: 31st Jan 2024

Public comments

6.1 The following concerns are raised:

- highway safety
- further development of the village will add to an existing speed problem through the village
- current roadside parked will obscure visibility for emerging vehicles
- the proposal is for big family homes shoe-horned into a small place
- the need is for smaller homes for young people and the elderly looking to down-size
- the proposal is just off the middle of a busy stretch of road where increased traffic in the village from more houses will not be conducive to the safety of pedestrians

From the occupier of Poppy Cottage

- concerned about losing access to maintain the rear of their property
- concerned about loss of views
- property devaluation
- there are roost boxes for bats within the site

From the occupier of Fern Cottage

- concerned about increased disturbance from additional traffic using the access lane to the side of the cottage
- evening pub parking close up to the track entrance off the road restricting visibility for turning – with attendant safety risks

- loss of light at the back due to a building so close when the windows are already very restricted – the value and role of these windows to Fern Cottage should not be overlooked
- higher levels of the site mean the new development would tower over
- disturbance from the new property's vehicles at the back of Fern Cottage
- concerned by risk that drainage and water could be altered to affect the house adversely at the back where it is built into the higher ground of the application site
- the land could be appropriately used as garden to Fern Cottage and its terraced neighbours but the owner has not been forthcoming to allow this
- fearful of losing maintenance access
- the open and naturalness of the site is beneficial without it being developed

From the occupier of Four Winds

- concerned by overlooking and loss of privacy both to the garden areas and the front windows
- proposal would not enhance community vitality or meet a social or economic need (as set out in policy) nor protect the residential amenity of the area
- concerned that the view up to the village edge from Post Lane would be harmed by the greater density of development along the edge
- Stanley village is a Conservation area and should not have every piece of ground developed to build housing of a size that in our view, is not needed and will negatively impact ourselves and our neighbours.

Endon with Stanley Parish Council

- 6.2 Concerns that the development will be detrimental to the amenity of the village residents.
- The open aspect the site gives to neighbours is befitting of the village location
 - the open space, the agricultural land provides is a both valuable and established part of the village setting
 - any proposed development of the land will create an irreversible change and form a dense block of development more associated to an urban infill plot rather than a rural setting
 - objects to the Proposal in Principle as an ill-fitting scheme that will harm the village setting for the existing residential dwellings

Environmental Health

- 6.3 No objection subject to conditions – noise during works; pollution during works; unexpected contamination; confirmation of soil suitability; new lighting.

Severn Trent Water

- 6.4 As this application at this stage does not relate to drainage, we would not be able to provide comment. However, we would like to advise that if this

application progresses, we would request the inclusion of the following drainage condition:

- The development hereby permitted shall 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 the scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

- 6.5 Severn Trent Water advise that there may be a public sewer located within the application site. Although the statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with 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 but there is no guarantee of consent.

SMDC Heritage Conservation Officer

- 6.6 Stanley is naturally isolated, with views or vistas through and out at extensive lengths, contributing to the sense of place. Most if not all dwellings at the core are sporadic in placement, some perpendicular, and some former barns are 'back to front' by modern standards due to non-domestic former use. Poppy, Ivy and Fern cottages affront the lane, and despite unsympathetic modern alterations, additions and obtrusive boundary treatments their vernacular character survives to a degree, and their simple orientation and relationship to the early core remains legible. Not sure that a dwelling in this location at the rear is appropriate. Risks appearing random or 'dropped in'. The surviving village layout generally has a direct relation to the historic lanes in which the pattern of development is seen against its natural back-drop.
- 6.7 The Conservation Officer makes a number of criticisms of the submitted heritage statement including that it provides insufficient appraisal of the Conservation Area and its setting.

SMDC Tree Officer

- 6.8 Tree T1 is a large mature Sycamore forming a notable feature on the skyline of Stanley village as viewed from Post Lane and the Caldon Canal, and also a very notable feature within the site and from nearby properties. It appears to be in good condition. Although there is no formal arboricultural report with the application I would judge that the indicated Root Protection Area for T1 is likely to be realistic and reasonably accurate; however I suspect that the southerly canopy spread (towards/over the application site) may in practice be a metre or two larger than indicated – perhaps more in alignment with the indicated RPA.

- 6.9 Tree T2 is not a Sycamore; it appears to be a Norway Maple (close relation and often assumed to be a Sycamore). Site photos on file appear to confirm the description at Paragraph 3.2 of the agent's statement, that the tree is of poor structural form/condition. I agree that loss of or other adverse impact on this tree would not appropriately be held as grounds for refusal nor, at a later stage, as a substantive constraint to the form/layout of any ensuing development.
- 6.10 I would take issue with the assertion at Paragraph 5.24 of the agent's statement that arboricultural impacts are (purely – my addition) matters for technical details stage; potentially, trees on/adjacent to any site could form an overriding constraint to its development, and it is therefore necessary even at outline/PIP stage to demonstrate that a proposed type and quantum of development could acceptably be accommodated with regard to any material arboricultural constraints. Notwithstanding this, in this instance and given that this application seeks only Permission in Principle, and that matters of layout, scale, appearance etc would be for subsequent detailed submission and assessment, it is evident that the site could accommodate a single dwelling and associated infrastructure without requiring the loss of T1, without having adverse impact on T1, or creating unacceptable relationship with T1.
- 6.11 That said, although I therefore have no objection to the principle of development of a single dwelling on this site, it is worth raising at this stage that the indicative layout shown on the Revision 1 illustrative site plan is unlikely to be considered acceptable with regard to the dwelling's proximity to and relationship with the Sycamore T1. With the realistic outer extent of the canopy of such a large tree being perhaps within 2m of one of the (presumed) principal elevations of the proposed dwelling, T1 would have a significant overbearing effect on the northerly outlook from the dwelling and its garden, overly dominating and inevitably leading to pressure for premature felling or unsympathetic substantial crown reduction.
- 6.12 The site is clearly large enough to re-position a dwelling significantly further from the tree to address these issues, although I acknowledge that this may then raise or exacerbate different planning issues such as space about dwellings and distances between dwellings etc. But these would be matters for later detailed design and assessment if PIP is granted at this stage.

Staffordshire County Council Highways

- 6.13 Recommendation Summary: Acceptance

Site Visit Conducted on: 01-Jan-2024

Personal Injury Collisions

Current records show that there were not any Personal Injury Collisions on Tompkin Road 43 metres either side of the property accesses for the previous five years.

Background

Tompkin Road is an unclassified road (Road No. D1058) with a speed limit of 30 mph. Tompkin Road has footways on either side of the carriageway. The road is lit.

Description of Proposal

Application for Permission in Principle for residential development of up to 2 houses on land on the North Side of Tomkin Lane.

Comment on Information submitted

The proposal seeks to establish the principle of delivering up to 2 residential dwellings on the site to establish whether the site is suitable in principle to deliver the proposal. Therefore, no details have been provided.

Highway Access

Access is via an existing shared private road connecting to Tompkin Road. There will be an intensification of use therefore, visibility splays should be provided. Visibility splay measurements should be taken from the centre of the proposed new access and should start by measuring 2.0m into the site from the carriageway (road) edge, including the kerb. This is known as the X distance. The Y distance should be measured to where the carriageway meets the kerb (based on the speed of the road (e.g. 30mph = 43m or the 85th percentile of passing traffic)).

You are advised to contact Staffordshire Moorland District Council to seek guidance on waste storage and collection and the positioning of any required communal bin collection point, that shall be rear of the public highway. This guidance should inform the access strategy/geometry.

Swept path analysis for an 11.9m refuse vehicle will be required.

Car Parking

These will be within the curtilage of the site and to comply with the local plan standards. Car parking size measured at: 2.4m x 4.8m / 3.6m x 6.0m – disabled spaces. These space dimensions comply with the national guidance. A minimum of 6m should be available from the rear of all parking spaces in order to aid vehicle manoeuvrability.

Garages

Any proposed garages should also comply with the national standards. Manual for Street gives some very clear guidance on dimensions for parking of vehicle and the space they need to manoeuvre. For example, Manual for Streets states that all new garages should have internal dimensions of: 6 x 3m for single garages; and 6 x 6m for double garages if they are to be practical for modern vehicles. Garages of this size can also store bicycles.

Non-Motorised User Audit

Secure weatherproof cycle parking should be provided, and numbers should be in line with the local plan guidance.

Recommendations

I have no objection (on Highway grounds) to the proposed development.

Note to Planning Officer:

It is noted that the application is Permission in Principle. The above reply is issued in response to the principle of development only. Any future application should include:

- A plan showing visibility splays in both directions which should be provided from the centre of the proposed access. The visibility splays shall be taken to the nearside kerb line and be within land under control of the applicant or Staffordshire County Council as highway authority. Thereafter, all splays shall be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
- Details of surfacing material(s) to be used on the proposed drive and car parking areas.
- The internal private driveway will also require details of how water run-off will be managed in order to avoid water flowing directly onto the public highway.

7. POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE

Principle of Development and Main Issues

- 7.1 In its general approach, in accordance with policy SS1, 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 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 the Local Plan shall be approved without delay, unless material considerations indicate otherwise.
- 7.2 Policy SS9 for the Smaller Villages sets out expressly to “ensure that new development reflects and enhances each village’s special character and heritage by protecting and enhancing the setting and historic character of the village, including heritage assets”. Included in SS9 is a policy of Enabling limited new housing development, including small infill schemes in accordance with Policy H1.
- 7.3 H1(3) sets out that “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”.
- 7.4 Relevant to this site location, H1(4) says “*limited infill residential development of an appropriate scale and character for the Spatial Strategy will be supported provided that... The development is well related to the existing pattern of development of a smaller village and will not create or extend ribbon development or lead to sporadic pattern of development*”; and provided that

“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”.

- 7.5 As the site location is within the Stanley Conservation Area Policy DC2 applies: *“The Council will conserve and where possible enhance heritage assets, including their setting in a manner appropriate to their significance”.* Protection is to be given as set out in the NPPF.
- 7.6 An important additional consideration is that under section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 there is a statutory duty on the LPA in assessing planning applications in respect to any land or buildings in a Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In reaching its decision the LPA has to demonstrate that the section 72 duty has been applied and discharged. Section 72 (and Footnote 7 of para.11 of the NPPF) creates a strong presumption in favour of the preservation of Conservation Areas and their setting. An LPA can only discharge its duty if it has carried out a proper assessment of the impact on a Conservation Area, 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.
- 7.7 In order to meet its statutory duty in considering whether to grant or refuse this application in heritage terms the committee must in other words focus on the extent to which the proposed development preserves or enhances the Conservation Area.
- 7.8 Within the set parameters of location, land use and amount of development the main issues therefore are ones of heritage; trees; implications for neighbours and the amenity of future occupiers; and highways.

Permission in Principle

- 7.9 From the Government’s Planning Practice Guidance: permission in principle is “an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development.” There are two stages: “the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second (‘technical details consent’) stage is when the detailed development proposals are assessed.
- 7.10 A decision on whether to grant permission in principle to a site must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise. **The scope of permission in principle is limited to location, land use and amount of development.** Issues relevant to these ‘in principle’ matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage.

- 7.11 Where permission in principle is granted by application, the default duration of that permission is 3 years. An application for technical details consent must be decided in accordance with the terms of the permission in principle granted for the site. The requirements that apply to decisions on other types of application for planning permission also apply, including that the decision must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise.

Location

- 7.12 The location is within the Stanley Conservation Area. The location is largely surrounded by existing dwellings of differing styles, historic dates and orientation relative to the application site. On its northern edge the location has a very large and prominent mature Sycamore. There is a further less sizeable broadleaved deciduous tree more centrally within the site. The location is accessed by a reasonably wide but essentially single track gateway opening between stone gate posts on the rear of the pavement to Tompkin Road. The application site ownership does not include land to the side of the gateway. The land to either side is garden land to adjacent properties and is drystone walled along the rear edge of the pavement line.
- 7.13 The proposed development of the location raises issues of character and appearance; implications for trees; neighbour amenity and highway safety.
- 7.14 In terms of character and appearance the development of this location raises potential visual impacts from Tompkin Road and from the more far off view towards the location from the north where the main view currently is of the large Sycamore and the modern dwelling at Fours Winds. In this section of Tompkin Road the main characteristic is of relatively traditional dwellings of humble scale arranged in parallel with the street in short terraces. There is little sense of the larger more modern properties for example at Four Winds, The Gables and The Cliffs set behind the older village layout as seen along the road. There is a risk that development of the location could disrupt this concealment if the new dwelling were of a height and scale that it were to overtop the humble terrace of Poppy, Ivy and Fern Cottages.
- 7.15 For views from the north there is a risk that the development if set towards the north edge adjacent to Four Winds could disrupt the important existing mainly tree defined appearance. This would be likely to be masked however if the development were set in to retain the existing large tree.
- 7.16 The Conservation Officer (CO) is concerned that the development could appear random or 'dropped-in' and this concern is understandable. Subject to avoiding roof line prominence from Tomkin Road it may not be unduly apparent however. The alignment of any visible roof line would however also have a key visual impact. As the CO has said the village tends to be aligned parallel to the road or at right angles from it as in the case of the access lane to the site with Iron Gate, Highfield Close and the Gables forming a row.

- 7.17 An obvious layout position could be in line between Four Winds and The Gables (which is how the submitted indicative plan presents the scheme). However, the large spreading tree to the north would prevent this arrangement for reasons the Tree Officer has set out – the tree would have a significant overbearing effect on the northerly outlook from the dwelling and its garden, overly dominating and inevitably leading to pressure for premature felling or unsympathetic substantial crown reduction. Any potential dwelling would have to be pushed south. To avoid it seeming random and dropped-in a sense of some degree of alignment with Four Winds and The Gables is needed.
- 7.18 In terms of neighbour amenity, positioning a dwelling too far to the south would risk overbearing intrusion on the outlooks of Four Winds and The Gables which are both generally southerly facing. Further south in the site would also conflict with the west facing outlook across the site of Highfield Cottage.
- 7.19 The Highways Authority has set out their minimum requirements. In principle, if these requirements could be met, there would not be a Highways objection to development at this location. This would be a matter for technical assessment based on measured drawings which would need to be submitted. It can be noted however that the existing exit visibility to Tompkin Road is restricted by the walls and hedges to either side – which are a component quality of the character and appearance of the Conservation Area – and there must be some significant doubt as to whether the Highways requirements can in fact be met.

Land use

- 7.20 Historically the land use is understood to have been agricultural and it would appear this baseline planning status is still current. There are not however seen with this small 0.4 acre parcel of village land to be any issues in planning terms with the loss and conversion of this agricultural use to domestic residential plot with garden.

Amount

- 7.21 The LPA concluded early in the assessment that in principle two dwellings were unlikely to be feasible and the applicant chose to reduce the amount applied for to one dwelling only.

8. CONCLUSION AND PLANNING BALANCE

- 8.1 In conclusion none of the issues identified are found necessarily to rule-out the possible development of a single dwelling at this site location. The chief consideration is the character and appearance of the Conservation Area. The position, scale and orientation of the indicative dwelling proposal is unlikely to succeed at technical details stage. However, a lesser scheme supported by technical analysis with accurate topographic survey to enable site levels to be fully taken into account, tree protection requirements, site landscaping

proposals, visual character assessment from village locations such as Tompkin Road, 'space-about dwellings' assessment and highways access visibility assessment may result in a feasible scheme.

- 8.2 It must be noted that it is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development. Local planning authorities can inform applicants about what they expect to see at the technical details consent stage. (PPG Paragraph: 020 Reference ID: 58-020-20180615).
- 8.3 The decision must specify the location of the site, the type of development and provide an indication of the amount of development the site has permission in principle for. The amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings (ie taking in to account any existing dwellings on the site) which are, in principle, permitted.
- 8.4 In this case the location is defined by the site red edge as submitted and the specific amount is stated as being up to one dwelling.

9. RECOMMENDATION

A. Approve Planning Permission in Principle subject to the following:-

- 1. This permission in principle has a default duration of three years only. Before any development can take place a further application known as the technical details application must be submitted to the Local Planning Authority for approval and only if this second application is approved can development take place.**
- 2. Any future technical details application will need to carefully consider the position, scale and orientation of the dwelling and in addition to design details should be accompanied by other relevant supporting information including topographic survey to enable site levels to be fully taken into account; details of tree protection requirements; heritage impact assessment in accordance with NPPF paragraph 200; site landscaping; 'space-about dwellings' assessment in accordance with the Council's adopted Supplementary Planning Document and highways access visibility assessment.**
- 3. For the purposes of this permission in principle the location of this site is as specified by the red edge drawn on the submitted 1:200 scale existing site block plan drawing. The amount of the development shall be for up to one dwelling.**

Informative

1. This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

B In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision

10. APPENDICES TO THE REPORT

10.1 The link below to the Council's website is where the detail of this application can be viewed.

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=176564>

10.2 – location plan

