

*Land adjacent to the Top Pub, Hill Top, Brown Edge.*

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## **PLANNING STATEMENT**

### **including design and access issues.**

**Client: Mr. Cooper and Mr. J. Gregory**

**Location: Land adjacent to the Top Pub, Hill Top, Brown Edge, Stoke-on-Trent, ST6 8TX.**

**Proposal: Erection of 3 houses and a bungalow; access to the proposed residential site through the pub car park; and the improvement of the car park to minimise conflict between future residents and customers and maintain and improve the efficiency of the car park.**

**Date: July 2020.**

## **1 INTRODUCTION**

1.1 This application seeks permission for the erection of three houses and a bungalow; access to the proposed residential site through the pub car park; the improvement of the car park to minimise any conflict between residents and customer's and maintain and improve the efficiency of the car park. The application site is located in the Green Belt at Hill Top to the north-east of Brown Edge.

1.2 The aerial photograph below shows the site. The red and blue lines are approximate. Please see the submitted location plan and site plan which are more accurate. All of the land in the aerial photo is in the Green Belt.

**Fig. 1 - Location**



1.3 As can be seen the site is part of a small enclave of residential development in the countryside. The Council consider Hill Top to be a village (see paragraph 5.2) and therefore national Green Belt policy relating to "limited infilling in villages" applies.



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## **2. PREVIOUS PLANNING HISTORY**

2.1 Pertinent to this application is a previous outline application (SMD/2016/0490) for residential development on the site and for the approval of access and layout. This was refused in May 2017 at the Planning Applications Committee. The Officers' Report to the Committee recommended "Approve with conditions".

2.2 However, the Committee refused the application for the following reason: -

*"The proposed access through the existing public house car park would lead to conflict within the carpark between vehicles entering and leaving the development and vehicles / pedestrians visiting the public house. The availability and ease of carparking is vital to the viability of the public house, which is a 'community hub', and sustains its client base. The impact on the efficient functioning of the car parking as a result of the proposed development would threaten the use of the site as a community facility, and would be an unsustainable form of development contrary to policies SS1a & C1 of the Staffordshire Moorlands Core Strategy."*

2.3 The refusal notice also includes the following informative:-

*"Whilst they do not form reasons for refusal, Members also expressed concerns regarding the suitability of the proposed access to the public highway and impact of the development on the openness of the Green Belt."*

*The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area."*

2.4 The previous application originally proposed six, 3-bedroomed semi-detached houses and two 3-bedroomed, detached houses but this was amended following officer discussions to one, 2-bedroom bungalow and three 3-bedroom, detached houses.

2.5 The Committee report addressed the following issues:

- The principle of development.
- Design, layout and residential amenity.
- Access.
- Drainage, contamination and trees.

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2.6 The Committee report made the following points: -

- The proposed development was acceptable “limited Infill in a village” and was therefore acceptable in principle.
- “Overall no issue is raised on design grounds and there is considered to be compliance with Policy DC1 of the Core Strategy and the NPPF.”
- The layout had been amended during the course of the application in response to comments made by the Local Highway Authority. The Highways Officer was satisfied that the layout, after amendment, incorporates safe access points subject to appropriate conditions.
- No issues were raised in respect of drainage or contamination subject to conditions.
- There are no existing trees or landscape features on the site which would be adversely affected by the proposal. There is existing hedge planting to the site boundary which could be retained and enhanced by the proposal.
- A condition, protecting the proposed residential units from noise and requiring the submission and approval of a suitable scheme, was recommended.

2.7 The Planning Applications Committee however, did not agree with the Report’s approval recommendation and refused the application.

### **3. THE PROPOSAL**

3.1 This is a full application and elevation and floor plans are submitted. The submitted plans show the provision of three three-bedroom detached houses, and a detached bungalow. The house and garden layout is essentially the same as that previously recommended for approval but refused. Access to the proposed housing site would be through the car park from the road. The number of car park spaces would remain the same as at present; that is 20.

3.2 There are some minor changes changes/improvements to the previous amended layout: -

- Vehicular and pedestrian access to the residential part of the site would be gated. The vehicular gates would be remote controlled and the pedestrian gates by a combination lock. The presence of a gate would slow vehicles leaving and entering the proposed housing site.

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- A new pedestrian access, from the footpath which is situated immediately to the north of the site linking Back Lane to the road to the immediate east of the Top Pub, would be created at the north-western end of the site. This would enable occupants of the houses to walk from the site without going through the pub carpark. This access would be gated and controlled with a coded key-pad.
- 2 speed bumps would be installed in the car park to reduce traffic speed. One would be close to the entrance from the road and the other located towards the south-western end of the car park. The latter would reduce the speed of vehicles exiting the proposed housing site.
- A third speed bump would be located in the housing site to reduce traffic speeds there.
- A pathway from the pub entrance to the other side of the car park would be marked out on the car park surface to channel people to the other side of the carpark. The marked pathway would continue along all the spaces on the southern side of the car park to encourage people to walk there. Signs would be erected asking people to use the marked pathway. Signs could also be erected at the entrance to the car park asking drivers to be aware of pedestrians.
- The removal of the conifers to the south-east of the access onto the road would improve visibility for traffic leaving the site and make it safer for both pub users and future residents of the proposed properties. This is as agreed with Highways in the previous application.

### 3.3 Other points to note: -

- The number of car park spaces would remain the same as at present – 20 spaces.
- This proposal is supported by the pub landlord. See submitted letter.
- The red line demarcating the application site also includes a small piece of land in the garden of the house, Glenroyd, to the south-east (see submitted site plan). This piece is included as the conifer trees on the border of the garden impede the proposed visibility splay. The applicants' have agreed with the owners' of Glenroyd that the trees can be removed as part of the proposal.

3.4 The applicants also own the Top Pub. Notice of the application has been sent to the landlord.



3.5 Details of the appearance of the proposed houses and bungalow - design, layout, scale and access are shown on Drawings 00941- AL(0)01A; 00941 AL(0)02A; and 00941- AL(0)03.

Site Area and other measurements

3.6 The total site area, including both the land owned by the applicants and the area edged red in the car park, is 2178 square metres.

3.7 Other measurements: -

- Bungalow footprint – 79.7 sq.m.
- Individual house footprint – 49.6 sq. m.
- Internal floor area of bungalow – 68.8 sq.m.
- Internal floor area of each house – 81.8 sq. m.

#### 4 PLANNING POLICY

4.1 The Development Plan for the Staffordshire Moorlands currently consists of the Core Strategy (2014). The emerging new Local Plan is in the latter stages of the public examination and is likely to be adopted in the relatively near future this year and many of the policies now carry “weight”. Once adopted the Local Plan would replace the Core Strategy. However, there are no specific overarching Green Belt policies in either the Core Strategy or the emerging Local Plan. Therefore, the Green Belt policies in the National Planning Policy Framework apply.

4.2 A list of the key issues and the relevant policies in the Core Strategy, the emerging Local Plan and in the National Planning Policy Framework is set out in the table below.

4.3 Key issues and relevant policies

	<u>Issues</u>	<u>Core Strategy Policies</u>	<u>Emerging Local Plan Policies</u>	<u>NPPF policies as relevant</u>
•	Green Belt - appropriateness	-	-	Chapter 13, para. 145(g)
•	Green Belt – openness & policy	-	-	Para. 145(g)
•	Landscape Impact	DC3	DC3	Chapter 15
•	Rural Housing	SS6c, R2	SS10, H1(5)(e)	-

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•	Impact on residential amenity of occupants of surrounding dwellings.	DC1	DC1	Para127 (f) Chapter 12.
•	Design, including density.	DC1	DC1	Chapter 12
•	Access – highways.	T1	T1	Chapter 9
•	Housing	H1	H1	Chapter 17 & para 11
•	Sustainability	SS1a	1a,SD1(2) & (3)	Paras 1-12, Chapter 2

4.4 Other pertinent national, Core Strategy and emerging Local Plan policies are discussed where relevant. For the sake of brevity, policies are discussed in detail in the next section – the Case in the Support of the Application - as appropriate.

## 5 THE CASE IN SUPPORT OF THE APPLICATION.

5.1 The key issues are listed in the table in para. 4.3 above and are discussed below in same order as in the table. There were 19 letters of objection to the previous application on the site and main issues from the objections are also addressed below as appropriate.

### **Green Belt - the principle of development and impact on openness and the landscape.**

#### The principle: -

5.2 New buildings are considered inappropriate development and are not permitted in the Green Belt apart from certain exceptions listed in the NPPF. One of these exceptions (NPPF, para 145[e]) is *“limited infilling in villages”*. The previous Committee Report (para. 6.5) stated clearly that *“the site does occupy a village location”* and *‘it represents a natural “rounding off” of the settlement’* (para. 6.6) and concluded that the development is *“appropriate development”*.

5.3 The layout of the actual housing site is fundamentally the same as that in the previous application. Therefore, the Committee Report’s officer conclusions (paras. 6.6 and 6.8) that the development was appropriate development and did not conflict with Policies SS6c of the Core Strategy and the NPPF are highly relevant to this application. The current proposal, in this respect, is the same as the previous application; it is limited infill in a village and as such is appropriate development and does not conflict with Policies SS6c of the Core Strategy and the NPPF.

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*Impact on openness*

- 5.4 The proposed development site, as concluded in the previous Committee report, occupies a location which is largely enclosed by existing development and bounds agricultural land on one side. The development would therefore read as part of the settlement and have negligible impact on the openness of the Green Belt. In simple terms the development would be seen as, and form, part of the village.
- 5.5 The Supreme Court ruled in February this year that visual impact is not an obligatory consideration when assessing Green Belt openness. The Court, found that “on a proper reading of the NPPF in its proper historic context, visual quality of landscape is not in itself an essential part of openness for which the Green Belt is protected”. Therefore, in plain language, “*landscape Impact*” and “*openness*” are not one of the same and that the visual quality of landscape is not in itself an essential part of openness for which the Green Belt is protected”.
- 5.6 The lack of any caveat in paragraph no. 145(e) of the NPPF requiring that infill development must preserve the openness of the Green Belt and not conflict with Green Belt purposes indicates that the Government considers that such development, by its nature, would not have any impact on openness or conflict with the purposes.

*Landscape impact*

- 5.7 In terms of landscape impact alone, the development would have little impact because, as explained above, the buildings would be ensconced amongst, and surrounded on three sides by other dwellings and buildings. From the south and south-west, it would be seen against a backdrop of the existing houses and buildings and would merge visually with the existing buildings.
- 5.8 The proposed development would not harm or be detrimental to the character of the local and wider landscape or the setting of the settlement and is as such in accord with Core Strategy Policy DC3 and the emerging Local Plan Policy DC3.



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#### **Housing.**

- 5.9 Although, the site is in open countryside where Core Strategy Policy SS6c restricts new housing to specified limited categories national Green Belt policy (para. 145) takes precedent and that policy allows limited infill in villages in the Green Belt.
- 5.10 There is currently, and has been for over ten years, a significant shortage of deliverable housing land supply in the District and as a result the Core Strategy housing policies are out of date and, there are no adverse impacts that would outweigh the benefits of the proposal and should prevent approval of the application.
- 5.11 Whilst, the housing land supply shortage may end when the new Local Plan is adopted and new housing sites become available Green Belt Policy allowing limited infill development will still remain the pertinent policy. Further, the Council has failed to meet its annual housing build-targets for several years now and it is likely to take some time to meet the targets; an issue likely to be exacerbated by the Covid-19 crisis.
- 5.12 The proposal is also in accord with Policy H1 (4b) in the emerging Local Plan. The proposal represents a windfall site and is well related to the existing pattern of development and will not create or extend ribbon development or lead to sporadic pattern of development.
- 5.13 An infill development of one house was given outline approval (SMD/2017/0658) in November 2017 and the reserved matters were approved in August 2018 on Hill Top Close which is part of the same settlement as the application site.

#### **Impact on residential amenity of occupants of surrounding dwellings.**

- 5.14 The layout of the houses is the same as the layout on the previous application and this layout was considered acceptable.

#### **Design**

- 5.15 The proposed layout and house design accords with the relevant parts of the Core Strategy Policy DC1.

5.16 The present proposal addresses the reason for refusal on the previous application revising the design of both the pub car-park and the housing site to minimise conflict between car park. The proposed introduction of speed-bumps would slow vehicle speeds in both the car-park and housing site as would the proposed gated access to the housing site. Further, the introduction of a pedestrian gateway onto the public footpath which runs to the north of the site would mean that pedestrians would not necessarily need to walk through the car-park.

5.17 The issue of the viability of the public-house is addressed later in paragraph 6.1.

### **Sustainability**

5.18 This proposal is in accord with national Green Belt policy and as such is sustainable development as defined in the NPPF.

5.19 There is a bus service (No. 8A) to Hanley and to Endon from the Post Office at Brown Edge which is 0.8 miles (1.29km) and a 14 minutes' walk away (Source: moovit). Further, the shops and other facilities are also within easy cycling distance of Brown Edge. The Government publication "The Manual for Streets" advocates that walking offers the greatest potential to replace short car trips, particularly those under 2 km.

5.20 The proposal will result in net gains across the economic and social objectives:-

- Economic objective – The development would create jobs during the construction phase; would use and buy from local traders; and future occupants are most likely to support local shops and local facilities in Brown Edge; the nearest large village.
- The New Homes Bonus is a further economic benefit.
- Social objective – The development would: -
  - provide four dwellings in the Moorlands where there is, and has been for ten or eleven years, a significant shortage of deliverable housing land. This is a significant benefit;
  - Be in accord with Paragraph 121 in the NPPF which requires local planning authorities to take a positive approach to applications on unallocated land to help meet identified development needs. Here, the development need is for more houses in the District;
  - provide much needed family houses in the area.
  - make a positive contribution to the housing stock in the area.



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## **6 OTHER MATTERS**

### The viability of the pub business

- 6.1 The reason for refusal on the previous application centres on the perceived conflict between vehicles entering and leaving the development and vehicles/pedestrians visiting the public house and the threat that this would pose to the viability of the pub and its use by the community. No evidence was put forward by the Council to substantiate this claim. Submitted with this letter is a letter from the pub's landlord who has no objection to the proposal.

### Pertinent Appeals

- 6.2 Two appeal decisions are appended to this statement. The first, the Offley Arms in Madeley, Newcastle-under Lyme (appeal reference: APP/P3420/W/17/3169702 (Appendix 1) relates to the proposed development of three dwellings at the back of the pub's car park. The appeal was approved and costs awarded against the Council. The planning application reasons for refusal were highway related.
- 6.3 The appeal is similar to this application in that the Inspector considered the effect of the development on the operation of the car park; and the effect on a community facility. With regard to the car park the present proposal does not result in the loss of any car parking. With regard to the impact of the proposal on the operation of the car park the proposed traffic management measures will mitigate possible conflict. Further, the proposed sight-line improvements would improve highway safety and are as agreed with the Highway Authority.
- 6.4 Appendix 2 contains the allowed decision relating to an appeal for two houses on part of the car park at The Priory on Abbots Road, Leek (APP/B3438/W/17/3178673). The reason for refusal was adverse effect on a "community hub", in particular the loss of carparking spaces. The inspector considered that *"20 parking spaces would remain which would still represent a reasonably sized carpark"*. The reason for refusal of the Priory planning application was that the proposal was contrary to Core Strategy Policy C1; the same reason for refusal as the previous application (SMD/2016/0490) on the current application site.
- 6.5 In both the above planning applications (appeals) the highways had no objections and the planning officer recommended approval but the planning committee refused

them. A similar situation to the final scheme on the previous application on the Top Pub site.

## **7 CONCLUSION**

### **7.1 In conclusion the proposal would: -**

- be limited infill development in a village and as such would be appropriate development in the Green Belt; and would not harm openness;
- provide much needed housing;
- whilst the proposed number of dwellings is relatively small all new houses are important because of the significant shortage of deliverable housing land; the length of time (over 10 years) and the failure to meet annual build targets over several years.
- integrate well with the surrounding built-development which encloses three sides of the site;
- not harm the landscape and would be in accord with Core Strategy Policy DC3;
- represent a windfall site and as such is in accord with emerging Local Plan Policy H1(4);
- accord with the relevant parts of the Core Strategy Policy DC1 in particular it will not result in significant and demonstrable adverse impacts to neighbouring residential amenity or the amenity of future occupants of the dwellings.
- not adversely affect the viability, or community use, of the pub;
- not reduce the number of car-park spaces. The number would remain the same as at present.
- mitigate/avoid through the proposed traffic management measures any conflict between vehicles and pedestrians.
- be sustainable.
- The proposed access and visibility splays onto the road are as approved by highways on the previous application and would improve highway safety;
- not have any adverse impacts that would outweigh the benefits of the proposal.