

The application is for outline planning permission for the erection of three detached dwellings on a site measuring 0.93 hectares, off Manor Road, a C class road, some 650 metres due west as the crow flies of the edge village of Baldwin's Gate. The access details have been submitted for approval, with all other matters of detail (scale, layout, appearance and landscaping) reserved for subsequent approval. The application follows upon the refusal of application (13/00678/OUT)

The application site is located within the open countryside which is designated as an Area of Landscape Maintenance (Policy N19), as defined on the Local Development Framework Proposals Map.

The application has been referred to the Committee for decision at the request of two Councillors due to public concerns expressed about the location and greenfield nature of the site amongst many other material and policy considerations. One has since withdrawn his call in.

The 8 week period for the determination of this application expires on 26th March 2014.

RECOMMENDATION

Refuse

- **The development is contrary to specific policies within the NPPF as it is in an isolated location that would not enhance or maintain the vitality of a rural community. Notwithstanding that the Council cannot demonstrate a 5 year housing land supply, in the absence of special circumstances there is no presumption in favour of permitting this development.**
- **The adverse impacts of the development arising from its isolated location - the dwellings having a greater carbon footprint whilst also harming the intrinsic character of this part of the countryside - significantly and demonstrably outweigh the benefits of the development. The proposal therefore represents an unsustainable development that is contrary to the guidance of the National Planning Policy Framework (2012)**

Reasons for Recommendation

Whilst the Council cannot currently demonstrate a 5 year supply of deliverable housing sites as required by the National Planning Policy Framework, it is considered that there is no presumption in favour of this development as the proposal would result in new dwellings in an isolated location that would not enhance or maintain the vitality of a rural community. The special circumstances which could justify isolated new dwellings do not exist in this case. The adverse impacts of the development significantly and demonstrably outweigh the benefits of the development.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

It is considered that the proposals are unsustainable and do not conform to the core planning principles of the National Planning Policy Framework and it is considered that the applicant is unable to overcome the principal concerns in respect of the location of this development.

Policies and Proposals in the approved Development Plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (CSS)

Strategic Aim 11: To focus development within the settlements of Loggerheads, Madeley and Audley Parish to support their function as Rural Service Centres
Strategic Aim 15 : To protect and improve the countryside and the diversity of wildlife and habitats throughout the plan area
Policy SP1: Spatial Principles of Targeted Regeneration
Policy ASP6: Rural Area Spatial Policy
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N4: Development and Nature Conservation – Use of Local species
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy N17: Landscape Character – General Consideration
Policy N19: Area of Landscape Maintenance

Other material considerations include:

National Planning Policy Framework (March 2012)

Draft National Planning Practice Guidance (August 2013)

Supplementary Planning Guidance/Documents

Space Around Dwellings (July 2004)
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)
Planning for Landscape Change – Supplementary Planning Guidance to the Staffordshire and Stoke on Trent Structure Plan

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Relevant Planning History

13/00678/OUT Outline planning permission for the erection of three detached dwellings Refused
October 2013

Views of Consultees

The **Environmental Health Division** have indicated that they have no objections subject to contaminated land conditions.

The **Landscape Development Section** raises no objections subject conditions requiring the submission of a Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and landscaping scheme, and implementation.

The **Highways Authority** raises no objections subject to conditions seeking an access width of 4.5 metres for the first 6 metres, details of parking, turning, drainage and surfacing materials, and location of any gates.

Whitmore Parish Council strongly objects to the proposal due to the site being outside of the village envelope of Baldwin's Gate; it is a greenfield site; the proposal does not qualify as maintenance of the landscape, no special circumstances are identified; it is not sustainable; there is no regular bus service along Manor Road; it would generate unnecessary extra car journeys; the planning application is opportunistic and relies solely on the Council's lack of a 5 year housing supply. The roads are not

safe for pedestrians and the development would be totally dependent upon the motor vehicle for the majority of trips. The construction of Code Level 6 housing is not convincing.

Staffordshire Wildlife Trust have not responded to their consultation and as the period for comments has expired, it must be assumed that they have no observations to make upon the proposal.

The **County Council as Minerals and Waste Planning Authority** has not responded to their consultation and as the period for comments has expired, it must be assumed that they have no observations to make upon the proposal.

Natural England's standing advice for protected species (2011) has been taken into account

Representations

Eight letters of representation have been received objecting to the application for the following reasons;

- The development is contrary to the NPPF due to it being Greenfield and in an isolated location
- The site is not sustainable being 15-10 minute walk from the village
- It would increase traffic on the highway
- There is a lack of amenities in the area
- The development would be out of keeping with the character of the area and neighbouring properties
- Code Level 6 housing is not reason to allow the development
- Central Government wants new homes to be zero carbon
- The amount of carbon off setting cannot be certain due to the application being for outline permission only
- No evidence is provided to substantiate the claimed benefits of the proposed development.
- The roads are of poor quality
- The highway regularly floods
- The access would be hazardous due to speeding vehicles
- There are plenty of Executive homes on the housing market in the locality
- There are a lack of jobs and there is no need for Executive homes
- Allowing smaller housing development would encourage other developments in the open countryside
- It is not within one of the three largest rural service centres
- The site is located in open countryside in a Landscape Maintenance Area
- The development would materially change the landscape
- The dwellings would be reliant on a private motor vehicle
- A cluster of five properties would be out of keeping with others in the locality which are well spaced.
- Baldwin's Gate cannot sustain all the new housing proposed due to a lack of existing services and schools in particular

Applicant/agent's submission

As with the previous application the applicant has submitted a set of indicative layout plans together with a **Planning Statement, Design Statement, Vehicular Carbon Emissions Analysis** and an **Ecological Scoping Report**.

This application now includes a **Landscape and Visual Appraisal (LVA)** and an **Executive Summary of Proposed Sustainability Philosophy**.

The amended **Planning Statement** details that it is demonstrated that whilst the proposed dwellings are located outside of the main settlement of Baldwin's Gate (which does have a range of local services and is accessible by public transport), that the high standard of design and carbon offsetting measures proposed would ensure that the proposed development would comprise sustainable development in accordance with paragraph 14 of the National Planning Policy Framework, and as such, planning permission ought to be granted in accordance with Section 38(6) of the 2004 Planning and Compulsory Purchase Act.

The applicant considers that the development would deliver the following benefits :-

- Contribution to the housing supply of Newcastle-under-Lyme
- The provision of executive/ aspirational housing to meet the needs identified for the North Staffordshire conurbation
- Benefits to the local economy in terms of jobs created and increased local spending power
- Local finance benefits for the area in terms of New Homes Bonus Contributions
- A contribution to the sustainability of Baldwin's Gate in terms of attracting additional families to the area
- The delivery of new dwellings to a high level of sustainability that would offset carbon emissions generated by vehicle movements to and from the site,
- The properties will be built to Code Level 6 which could be secured via a condition,
- There would be no ecological impacts and enhancements would be proposed, and
- The LVA concludes that the size of the development would be such that the scale of the proposals would appear diminished when viewed from Baldwin's Gate and beyond.

The **Design Statement** outlines the following key points:-

- The aesthetics of traditional farm architecture and planning have been applied to the proposed development
- Applying the typology to the proposed development, the existing dwelling on the proposed site ('Farcroft') has been envisaged as the 'farmhouse' with the proposed units envisaged as 'outbuildings' subservient to the farmhouse.
- These would be of two storeys in height and have relatively simple roofscapes with steeply pitched roofs and exposed gable ends, with the buildings possibly linked by garden walls to give the feel of a complex rather than a selection of separated buildings.
- Contemporary elevational treatment and detailing would appropriately mimic agricultural buildings as shown in other modern buildings.

The **Vehicular Carbon Emissions Analysis** details the following key points:-

- The proposed residential development of the site is within a rural location and therefore does not benefit from regular bus services, pedestrian friendly walking environments, or bicycle network infrastructure. It is therefore considered that the development of this site would be dependent on the motor vehicle for the majority of trips.
- In order to achieve a sustainable site, carbon off-setting methods need to be introduced to discount the use of the private motor vehicle.
- It is calculated that 33 two way trips per day could be generated by the proposed development
- The method of carbon emissions assessment uses recognised carbon calculators prepared and published by the Department for Transport.
- Based on 33 trips per day over a year the quantum of carbon to be offset due to the use of the private motor vehicle equates to 7,227 kg or 7.2 tonnes per year.

The **Landscape and Visual Appraisal** provides analysis on the landscape and visual impacts that the development may have when considered from a variety of receptors (viewpoints). It concludes that the proposed development does not erode the quality of the existing landscape and it could provide an overall landscape benefit in line with NLP Policy N19: Landscape Maintenance Areas. Further reference will be made to the appraisal later in the report

The **Executive Summary of Proposed Sustainability Philosophy** explains that a fundamental objective of the project is to produce an energy efficient development which is truly innovative, whilst at the same time mitigating the development's carbon footprint due to any perceived reliance on private transport. The summary details that in order for the development to achieve Code for Sustainable Homes level 6 the proposals must attain a minimum score of 90 out of 100 across 9 categories, some of which are mandatory and some which are not. Those which need to be addressed over and above the 'norm' in order to achieve level 6 are:-

- The Dwelling Emission Rate (DER) which takes into account the overall U values of the fabric of the building,
- The fabric of the building will need to be super-insulated
- The dwellings will have an energy use display device
- At least 15% reduction in CO₂ emissions will be achieved solely attributable to the use of low or zero energy technologies such as bio mass boilers and Photovoltaic arrays
- Occupants will be encouraged to work from home to reduce vehicular movements and thus an appropriate and dedicated home office will be incorporated into all dwellings.
- All dwellings will be designed to contain water usage to a certain level through the use of low consumption appliances and rainwater harvesting
- All materials used in the physical construction of the development will be energy efficient, sustainable and from responsible sources.
- The peak run-off and annual run-off of surface water will not exceed those which prevailed on the site prior to the development and sufficient for a 1 in 100 yr 6 hr storm with 30% climate change allowance.
- The dwellings will have sufficient dedicated facilities to encourage the use of waste separation, storage and recycling together with composting
- The dwellings will be detached and designed to maximise health and wellbeing
- Occupants will be briefed and supplied with a comprehensive user manual to optimise the energy efficiency and sustainability characteristics of their homes
- A high level of security will be an integral part of the design and specification
- All appropriate existing ecological features will be retained and habitat provided for

The application plans and documents can be viewed by following this link www.newcastle-staffs.gov.uk/planning/FarcroftBaldwinsGate

KEY ISSUES

This application is a resubmission following a refusal for the same development in October 2013, application reference 13/00678/OUT. The application is again for outline planning permission with the only matter for approval being the access details with all other matters of detail (scale, layout, appearance and landscaping) reserved for subsequent approval. An indicative layout has been provided which shows three detached dwellings – one on the Manor Road frontage, set back about the same distance from that road as Farcroft, and separated from Farcroft by the shared vehicular access. The other two dwellings would be further into the site, set back from Manor Road roughly in line with the former Nursery building which is now a dwelling. The application also indicates that the houses would be two storey in height and each of about 300 sq metres in floorspace. The access for the application site would use the existing access for Farcroft which is off Manor Road.

The application site is located within the open countryside approximately 650 metres as the crow flies from the village envelope of Baldwin's Gate and designated as an Area of Landscape Maintenance.

The previous proposal was refused on the grounds of its unsustainable location on greenfield land within the open countryside in an isolated location that would not enhance or maintain the viability of a rural community. It was also concluded that the adverse impacts of the development arising from its isolated location, and its harm to the intrinsic character of the countryside, significantly and demonstrably outweighed the benefits of the development. Access arrangements and ecology impacts were considered acceptable with limited harm caused to the landscape. Further justifications and supporting documents have been provided with this application, as detailed above in the applicant's submission section and in the absence of any other change, the main issues in the consideration of this new application are:-

- The acceptability of residential development in this location in consideration of current housing policy and guidance on sustainability
- Would any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework?

The acceptability of residential development in this location in consideration of current housing policy and guidance on sustainability

The previous application was refused on the following grounds:-

“The development of this greenfield site within the open countryside is contrary to specific policies within the National Planning Policy Framework as it is in an isolated location and would not materially enhance or maintain the viability of a rural community and is an unsustainable location for development. Notwithstanding that the Council cannot demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, given the absence of special circumstances as referred to in paragraph 55, there is no presumption in favour of permitting this development. For these reasons the proposed development is contrary to the requirements and guidance of the National Planning Policy Framework (2012)”.

The Council still cannot demonstrate an up to date 5 year plus 20% supply of deliverable housing supply. This is significant given that the NPPF in paragraph 49 indicates that *“housing applications should be considered in the context of the presumption in favour of sustainable development... relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”*. Accordingly it is accepted that policies such as NLP H1 with its reference to village envelopes, such as that at Baldwin’s Gate, and CSS ASP6 with its reference to Rural Service Centres (of which Baldwin’s Gate is not one) have to continue to be considered to be ‘out of date’ and conflict with such policies does not mean that the application should be refused.

Nevertheless the site remains an isolated and unsustainable location that would not materially enhance or maintain the viability of a rural community. However, the applicant has submitted further supporting information to justify the development despite its unsustainable and isolated location.

Paragraph 55 of the NPPF focuses on housing in rural areas and indicates that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural communities. An example given is where there are groups of smaller settlements, development in one village may support services in a village nearby – an example that does not apply to this case. The NPPF further details that local planning authorities should avoid new isolated homes in the countryside unless there are ‘special circumstances’. Although three dwellings are proposed they do meet the definition of isolated homes.

An indication is given in the paragraph as to what could be considered as ‘special circumstances’ such as the exceptional quality or innovative nature of the design of the dwelling. The guidance goes onto indicate that such a design should :-

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area

Code Level 6 housing would provide environmental benefits, with the applicant detailing that the proposal demonstrates that carbon emissions as a result of vehicle movements to and from the property would be offset by way of delivering environmentally sustainable, energy efficient homes. Officers do not have evidence of their own to dispute these findings and it has to be accepted that Code Level 6 housing would help to support a low carbon future but as a factor that could only have limited weight with the NPPF detailing that all efforts should be made for all new development to contribute to this aim, and as already indicated these steps are to a significant degree simply mitigating the development’s carbon footprint due to the reliance (of the site) on private transport.

The architect (from a Newcastle based practice) does submit – in the context of the above criterion - that there are very few examples of projects built to this level in the UK and certainly none known to them in Newcastle-under-Lyme (which your officer is not in a position to dispute).

However even if it is considered an innovative design, as indicated above **all** of the criteria need to be met (to present the required special circumstances to justify development in an isolated location)

The proposal still remains in outline form and only indicative (layout) details have been provided. The application does not detail how the design of the dwellings will reflect the “highest standards in architecture”. The submission is supported by a Design Statement (which incidentally does not appear to be followed in the indicative layout), but even so that gives no guarantee that at reserved matters stage a scheme that “reflects the highest standards in architecture” will come forward. Conditions have to meet various tests including ones of precision. A standard of architecture is simply not a matter which can be precisely prescribed in a condition of a planning permission.

As to whether the development would ‘significantly enhance its setting’ and be ‘sensitive to the defining characteristics of the area’ the submitted LVA only purports to demonstrate that the development would maintain the appearance of the landscape or marginally improve (by native planting) its quality. That falls a long way short of designs that would significantly enhance their immediate setting, and arguably the proposals by the creation of a cluster are not sensitive to the defining characteristics of the area anyway.

Therefore it is considered that such matters do not amount to ‘special circumstances’ that would justify such isolated development which is otherwise contrary to a policy in the NPPF.

As such it can be argued that the proposal is contrary to specific policies in the NPPF that indicate development should be restricted and therefore that there is no presumption in favour of granting permission in this case.

Would any adverse impacts of granting permission significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework ?

As indicated above the proposal still remains contrary to a specific policy within the Framework. However the NPPF leaves some room for interpretation so it is appropriate to go onto consider what the adverse impacts of granting planning permission might be and whether they significantly and demonstrably outweigh any benefits – the alternative or additional test (to that considered in the preceding section) that has to be addressed when policies on the supply of housing are ‘out of date’.

In its decision on the previous application the Authority concluded that “*the adverse impacts of the development arising from its isolated location – everyday services being more expensive to provide and the occupiers having a greater carbon footprint whilst also harming the intrinsic character of this part of the countryside – significantly and demonstrably outweigh the benefit of the development.*”

The NPPF presumes against new isolated houses in the countryside because that is not a sustainable form of development, as detailed in the previous reason for refusal. However it is recognised, upon reflection, that it may not be possible, in a location such as this, where there are already some dwellings along the same road that are provided with services such as waste collection, postal services and utilities, to bring specific evidence as to the additional cost of the provision of services – the ‘traditional’ argument against more dispersed settlement patterns. The applicant’s case that the occupiers’ additional carbon footprint arising from their inability to access public transport can be mitigated by achieving Code 6, may well in those narrow terms be true, but it is not a comparison with the footprint of a dwelling of that same standard but located in a more inherently sustainable location, say within the conurbation. However the number of dwellings involved is quite limited which must have a bearing on the quantum of harm..

As indicated the new application is accompanied by a Landscape Visual Appraisal which concludes that the development “*is highly unlikely to be harmful to the character and appearance of the area and will not erode the landscape quality associated with policies of the Newcastle-under-Lyme Local Plan*”. The view was previously taken that by consolidating what is at present a loose open pattern of development (along Manor Road), the development does adversely impact upon the character of this part of the countryside (set on one of the approaches to Maer Hills a popular recreational spot). The LVA draws attention to the fairly limited viewpoints from where this development will be visible from, and also draws attention to the potential benefits which could arise from native structural planting that could be associated with the development (it includes a Landscape Strategy). Whilst both points are true, the current loose pattern of development would be undoubtedly be consolidated (and in a manner that would be plainly apparent from a significant receptor Manor Road and your officer remains of the view that this is an adverse impact, and whilst initial planting can be conditioned, in the

long term the use of exotic non-native species is often associated with residential development as occupiers exercise their choice over planting.

In conclusion there remains harm to be weighed in the balance.

On the benefits site reference has already been made to the present lack of a five year supply. The development would make a contribution to this supply albeit a limited one

The applicant also details that the proposed dwellings would be executive/ aspirational dwellings and that these would provide economic and social benefits to the area. They detail that there is a clear need for these types of dwellings within the North Staffordshire area as identified in various publications RENEW and NSRP Executive Housing Market Study, the North Staffordshire Regeneration Partnership Business Plan, the Integrated Economic Development Strategy, Implications of the Integrated Economic Development Strategy and the North Staffordshire Strategic Housing Market Assessment.

It is recognised that executive and aspirational housing can provide a positive contribution to the housing offer and provide economic and social benefits. However, the applicant has not carried out their own exercise which demonstrates that there is a need for the executive homes in this location and the key study referred to states that the overall size of the executive housing market is limited in North Staffordshire and therefore it states that a target of just 10 – 20 new-build executive homes (in the £500,000+ price-band) per year across the whole of North Staffordshire would be ambitious but realistic. It states that in a few especially attractive locations there may be market pressure for such development but generally the economics for this type of development in North Staffordshire will not favour low density, high specification executive housing. There is no specific support for executive housing within the Framework – the focus is on meeting identified housing needs – which have to be demonstrated and have not been. Furthermore, whilst many perspective purchasers of executive homes are willing to travel longer distances to jobs and services this goes against sustainable development objectives. The future occupiers of the proposed development would be reliant on private motor vehicles to access even the basic services and amenities.

Taking all of the above into account it is considered that the adverse impacts of the development do significantly and demonstrably outweigh the benefits of the development and accordingly the proposal also fails this further test and the second reason for refusal, albeit amended to delete reference to the cost of providing rural services, continues to be applicable

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

26th February 2014