

LAND REAR OF 24 – 36 HEATHCOTE ROAD MILES GREEN
MILWOOD LTD

14/00081/FUL

The application is for full permission for the erection of 6 no. bungalows with vehicular access off Heathcote Road.

The site is outside but immediately adjacent to the village envelope of Miles Green, but not within the Green Belt or an area with a specific landscape designation as defined on the Local Development Framework Proposals Map.

The application has been called to Committee for decision by two Councillors due to public concerns particularly development outside the village envelope with a narrow access to the main road.

The statutory 8 week period for the determination of this application expires on 28th March 2014.

RECOMMENDATION

Permit subject to conditions relating to the following matters:-

a) Subject to the applicant first entering into a section 106 obligation securing one dwelling, in perpetuity, for affordable housing by 27th March 2014, permit the application subject to conditions relating to the following matters:

- 1. Standard Time limit**
- 2. Approved plans/drawings/documents**
- 3. Approval of all external facing and roofing materials**
- 4. Details of all boundary treatments**
- 5. Details of all surfacing materials**
- 6. Landscaping scheme**
- 7. Tree protection measures**
- 8. Development is undertaken in accordance with the recommendation of the Tree Quality Survey and Development Implications**
- 9. Provision of details relating the reconstruction of the site access**
- 10. Approval of proposed access surfacing materials**
- 11. Provision of the parking and turning areas**
- 12. Restricted use of the proposed garages**
- 13. Approval of any gates being proposed**
- 14. Approval of private highway signage**
- 15. Provision of a Construction Method Statement**
- 16. Provision of surface water interceptor**
- 17. Approval of recyclable materials and refuse storage**
- 18. Hours of construction restriction**
- 19. Report of unexpected contaminated land**
- 20. Prior approval of any importation of soil or waste**
- 21. Approval of details of surface and foul water disposal**
- 22. Approval of finished floor levels**

b) Should the matters referred to in (a) above not be secured within the above period, that the Head of Regeneration and Planning Services be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to ensure an appropriate level of affordable housing or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

In the context of the Council's inability to demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, it is not appropriate to resist the development on the grounds that the site

is within the rural area outside of a recognised rural service centre. It is not considered that any material additional highway danger would arise from the development and as such no objection could be sustained on the grounds of impact on highway safety. It is considered that the proposal will not result in any visual harm.

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

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 – 2026

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP6:	Rural Area Spatial policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change
Policy CSP5:	Open Space/Sport/Recreation
Policy CSP6:	Affordable Housing

Newcastle under Lyme Local Plan 2011

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16:	Development – General Parking Requirements

Other Material Considerations include:

Relevant National Planning Policy

National Planning Policy Framework (NPPF) (March 2012)
National Planning Practice Guidance (August 2013)

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance: Space about Dwellings (July 2004)
Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance (adopted December 2010).

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

Relevant Planning History

99/00540/FUL	Refused -	Residential Development (Appeal lodged and later withdrawn)
99/00759/FUL	Refused -	Residential Development (Dismissed at appeal)
01/00073/FUL	Refused -	Residential Development (Dismissed at appeal)
13/00956/FUL	Withdrawn –	Erection of 6 no. bungalows

Views of Consultees

The **Environmental Health Division** has no objections subject to conditions relating to the following:-

- Construction Hours
- Prevention of mud and debris on the highway
- Reporting of unexpected Contamination
- Importation of soil/material.

The **Highway Authority** has no objections to the proposal subject to conditions relating to the following:-

- Details of the reconstruction of site access
- Provision of and the surfacing detail of the private road
- No occupation until the access road, parking and turning area are provided
- Restriction of the use of the proposed garages
- Approval of any gates to be provided
- Approval of "private drive" signage
- Approval of bin storage area for collection
- Construction Method Statement
- Provision of surface water drainage interceptor

United Utilities have no objections subject to subject to conditions relating to the following:-

- No build within a 3 metre buffer either side of public sewer
- No deep rooted trees./ shrubs to be planted within the vicinity of the public sewer
- No surfaced water to discharge into the combined sewer

The **Landscape Development Section** has no objection subject to conditions relating to the following:-

- All recommendations provided in the submitted information relating to trees are to be adhered to
- Tree Protection Plan
- Landscaping scheme

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Any views/comments received from **Audley Parish Council**, the **Waste Management Section** and **Housing Section** will be reported at your meeting.

Consultation responses from the previous 13/00956/FUL proposal

County Council as the **Education Authority** had previously advised given the proposal is a fewer than 7 dwellings no education contribution would be requested. In light of their comments they were not re-consulted on the current application

Representations

None to date.

Applicants submission

The following documents have accompanied the application:-

- A Design and Access Statement
- Draft Heads of Terms (in respect of a S106 obligation)
- Tree Quality Survey and Development Implications Review

All of these documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/HeathcoteRoad

Key Issues

This application is for full planning permission for 6 no. detached bungalows comprising two types of dwellings – the "Ludlow" which is a 4 bedroom property utilising the roof space of the dwelling with dormer windows, and the "Chadwick" which is a single storey 2 bedroom property. The proposal would provide 5 "Ludlow" properties and 1 "Chadwick" property. which is being offered as an affordable housing unit.

A singular vehicular access is being proposed off Heathcote Road.

The application site is a Greenfield site. It falls between the village and the open countryside i.e. outside Miles Green Village Envelope but not within the Green Belt or the Area of Landscape Restoration the boundaries of which adjoin the site.

The site was subject to two planning applications in 1999 and 2001 for similar residential development. The first was refused by the Local Planning Authority (LPA) on the grounds that the proposal would be harmful to the reasonable amenities of occupiers of adjacent properties. At the subsequent appeal the Inspector found that the proposal was acceptable in terms of residential amenity however dismissed the proposal on the reason that it was contrary to guidance relating to the release of Greenfield sites for residential development. The later proposal was again refused by the LPA for the reason the Inspector gave in the earlier appeal, at the subsequent appeal the Inspector dismissed that appeal agreeing with LPA's reason for refusal.

The key issues to assess are:

1. The principle of residential development
2. The Context and Design of the proposal
3. Residential Amenity
4. The impact to highway safety
5. The need for affordable housing on the site.

The principle of residential development

As reported above residential development on this site has been refused and defended at appeal on two occasions, however the last of these was over 13 years ago and since that time national planning policy has been changed and a different local housing environment now exists.

The site lies within the Rural Area of the Borough just outside of the village envelope of Miles Green, in the open countryside. Policies in the Development Plan do not promote residential development on the site as it does not fall within a village envelope of a key Rural Service Centre as referred to in Policy ASP6 of the CSS, (although it directly adjoins the boundary of Miles Green which is one of the villages of Audley Parish which is defined as a Rural Service Centre). However, notwithstanding this, as the Local Planning Authority is unable to demonstrate a five year supply of deliverable housing sites the principle of residential development on the site must be assessed against paragraph 49 of the NPPF which states 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 to up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*"

Paragraph 14 of the NPPF details that at the heart of the Framework is a presumption in favour of sustainable development, and for decision taking (i.e. the determination of planning applications and appeals) this means, unless material considerations indicate otherwise:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:-
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The examples given of specific policies in the footnote to paragraph 14 however indicate that this is a reference to area specific designations such as Green Belts, Areas of Outstanding Natural Beauty and similar. The application site is not subject to such a designation.

Having regard to the facilities contained within the villages of Audley (a designated Rural Services Centre) and that the site directly adjoins the boundary of one of the villages (and is as close to such facilities as other locations within those villages) it is considered that it would be difficult to demonstrate that the site is in an unsustainable location. In such circumstances it is considered that there is a presumption in favour of this development, unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the development on the supply of housing land. Such impacts are addressed below.

The context and design of the proposal

The site is located at the rear of existing detached single storey residential properties which front on to Heathcote Road, the road gently rises from south to north. The proposed vehicular access would be provided off Heathcote Road between nos. 34 and 36.

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy under the heading of 'Design Quality' advises new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape.

The adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document purpose is to provide a practical tool to help to:

- Promote good, sustainable, urban design
- Explain how spatial principles and design policies in the Core Spatial Strategy will be applied
- Provide guidance in relation to planning applications: to applicants when formulating proposals; to planning officers when assessing them; and to politicians when making decisions, on what constitutes good, sustainable urban design
- Provide guidance to public sector commissioning bodies on strategies and proposals.

Section 7 of the document addresses residential development. R21 advises "*New housing must be designed with care and with a coherent design approach that influences the whole building from its form, to the elevations and including the detailing (whatever the architectural style may be)*".

Five of the proposed six dwellings that are proposed are of the same design – a 4 bedroom dormer bungalow, each with a detached double garage in their proposed garden areas. The properties are of a relatively simple in appearance with gable features. The other dwelling would be a smaller single storey dwelling being 2 bedroom, again the design of this is relatively simple. All the dwellings are of traditional design using traditional materials.

It is considered the proposal provides an appropriate design solution for this site which reflects the sites location and in the context of the existing adjacent dwellings.

Residential Amenity

Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy under the heading of Design Quality advises development should have public and private spaces that are safe, attractive, easily distinguished, accessible, and complement the built form (point 6).

Supplementary Planning Guidance (SPG) 'Space Around Dwellings' provides guidance on residential development including the need for privacy, daylight standards, and environmental considerations.

The adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides advice at R16 stating *Developments must provide some form of private or shared communal outdoor space, in the form of balconies, terraces and/or gardens for each dwelling. This space should be usable and should relate to the house type and occupiers.*

The proposed development complies with the requirements of space around dwellings SPG in respect of the separation distances that are achieved between the proposed and existing dwelling. In addition it is considered that the development provides an appropriate level of residential amenity to both existing adjacent occupiers and to future occupiers of the proposed development.

The impact on highway safety

The application site is to be accessed from Heathcote Road, which runs from Alsagers Bank to Miles Green where there is an existing field access at the south of the site

The proposed 4.5 metre access road would provide vehicular access to all the proposed properties, all having on plot parking, including a detached double garage for 5 of the proposed dwellings. It is intended that the proposed access would be maintained as a private road rather than be adopted by the Highway Authority.

Whilst there is a pinch point close to the junction with Heathcote Road, which reduces the width of the access from 4.5 metres to approximately 4 metres, it is considered the proposal provides a safe access with an acceptable level of visibility. This is supported by the Highway Authority who has not raised an objection to the proposal subject to a number of conditions.

In view of the above it is considered there are no sustainable reasons to refuse the proposal on highway grounds.

Affordable Housing.

Policy CSP6 of the CSS states that for new residential development within rural areas, on sites or parts of sites proposed to, or capable of, accommodating 5 or more dwellings will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided.

Affordable Housing is normally secured via an obligation under section 106 of the 1990 Act, to ensure that first of all that it is secured by a legal agreement, and that the affordable housing built is occupied in perpetuity only by people that fall within the identified categories of need for affordable housing, that there are appropriate trigger and phasing clauses.

The applicants has discussed this matter with Officers and are offering one of the units as affordable housing unit, this being the smaller 2 bedroom unit

Whilst the views of the Council's Housing Policy section have not been received at the time of writing, it is anticipated that no objections will be made to the provision of a single affordable unit within this development given its size.

Conclusion

The development will not result in any adverse impacts that would significantly and demonstrably outweigh the benefits of the development on the supply of housing land as such there is a presumption in favour of this development.

Background Papers

Planning File
Development Plan

Date report prepared

26th February 2014