

The application is for outline planning permission for the erection of a 2/3 bedroom chalet style bungalow. Approval is sought for means of access and layout of the development at this stage with appearance, landscaping, and scale all reserved matters for subsequent approval. Access is proposed off Pinewood Drive. The footprint of the dwelling indicated on the submitted plans measures 14.6 metres by 8 metres.

The site is an unused small field situated between existing residential properties. It lies within the rural area outside of the village envelope of Loggerheads as defined on the Local Development Framework Proposals Map. The proposal also impacts upon trees which are subject to a Tree Preservation Order. The site area is approximately 0.1 hectares.

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

RECOMMENDATION

PERMIT subject to conditions relating to the following:-

- **Standard time limit.**
- **Reserved matters submissions.**
- **Approved Plans.**
- **Access and parking provision.**
- **Tree and hedgerow protection measures.**
- **Landscaping along the northern boundary of the site to be included in reserved matters.**
- **Contaminated land and gas remediation.**

Reason for Recommendation

Taking into account that outline planning application (reference 05/00507/OUT) for a detached dwelling house and garage on this site has previously been refused by the Authority in 2005, which was subject to appeal the development now applied for must be considered in the context of current planning policy and circumstances. No tree loss is proposed and it is considered that all existing trees can be retained. In the context of the Council's inability to demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, and acknowledging the proximity to existing local services 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. The impacts of the development – principally the site being Greenfield land outside of a rural service centre or village envelope and the loss of some greenery to accommodate the dwelling within the locality do not significantly and demonstrably outweigh the benefits of the development which relate to boosting housing land supply and accordingly permission should be granted.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework no amendments have been considered necessary.

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

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

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP2	Spatial Principles of Economic Development

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 CSP4	Natural Assets

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
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 N17	Landscape Character – General Considerations
Policy T16	Development – General Parking Requirements

Other Material Considerations

National Planning Policy Framework (March 2012)
National Planning Practice Guidance (August 2013)
Circular 11/95 Conditions

Supplementary Planning Guidance

Space Around Dwellings (July 2004)

Newcastle under Lyme and Stoke on Trent Urban Design Supplementary Planning Document (2010)

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

Planning for Landscape Change – SPG to the former Staffordshire and Stoke on Trent Structure Plan

Planning History

Outline planning application (reference 05/00507/OUT) for a detached dwelling house and garage on this site has previously been refused by the Authority in 2005 and subsequently dismissed at appeal.

Views of Consultees

Highway Authority – no objections subject to the imposition of a condition relating to approval and future retention of parking and turning areas.

Landscape Development Section – have no objections subject conditions relating to:

1. The measures provided within the submitted arboricultural implications study being followed in full.
2. Prior approval and implementation of an arboricultural site monitoring schedule and tree protection plan.
3. Prior approval of a landscaping scheme.

Environmental Health Division – no objections subject to conditions relating to:

1. The report and remediation of unexpected contamination.
2. Ground gas investigation, risk assessment and remediation measures.
3. The importation of soil.

Loggerheads Parish Council – object to the development on the grounds that the proposal represents overdevelopment of the area as it was sold originally in ½ acre plots which should

be maintained. For this reason the proposal would not be in keeping with other properties in the area.

Natural England – comment that the site is close to the Burnt Wood Site of Special Scientific Interest (SSSI) but are satisfied the development would not have an adverse impact and have no objections. They indicated that their standing advice should be considered in respect of the impact of the proposal on protected species.

County Footpaths have also been consulted. As no response has been received by the due date it is assumed that they have not comments to make.

Representations

4 letters of representation have been received objecting to the proposal on the grounds that:

- it will increase pressure on village facilities which are already strained;
- the loss of trees is unacceptable;
- it represents over development of the area and is out of keeping with surrounding properties;
- it will reduce the privacy levels and light levels enjoyed by neighbouring properties;
- the access shared with no. 6 will result in risk of vehicles colliding where the accesses converge;
- the site has become naturalised over time and its development would harm flora and fauna;
- approval would be contrary to other previous planning decisions in the vicinity and housing policy in rural areas.
- The proposed chalet type bungalow is not consistent with properties surrounding the site.

Applicants/ Agents submission

The requisite plans and application forms have been submitted along with a Design and Access Statement and Tree Survey. The applicant has submitted a letter in response to the representations received, the main points of which are summarised as follows:-

- The five properties on Pinewood Drive are bungalows, with two being chalet style with rooms at first floor.
- Notwithstanding the Parish Council's 'Neighbourhood Statement' 2013 which argues that there is a need for significant infrastructure investment, the density of housing in Pinewood Drive is well below government guidance even for development in a rural area. The approval of the dwelling will have a minimal impact upon local services.

The submitted information is available at the Guildhall and at www.newcastle-staffs.gov.uk/planning/landpinewooddrive

Key Issues

The application is for outline planning permission for the erection of a 2/3 bedroom chalet style bungalow. The details of the means of access and the layout of the development are sought for approval at this stage with appearance, landscaping, and scale all reserved matters for subsequent approval. The foot print of the dwelling indicated on the submitted plans measures 14.6 metres by 8 metres. The site is a small field located within the rural area as defined by the Local Development Framework Proposals Map. The application involves trees protected by a woodland Tree Preservation Order. A public footpath also runs along the northern boundary.

Paragraphs 214 and 215 of the NPPF state that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. In other cases and following this 12-month period (post 29th March 2013), due weight should be given to relevant policies in

existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Outline planning application reference 05/00507/OUT for a detached dwelling house and garage on this site was refused by the Authority in 2005. Following an appeal, the development was found to be unacceptable on grounds primarily relating to the proposal being contrary to policies at that time relating to the protection of the open countryside and an adverse impact on the character and appearance of the area also taking into account harm to surrounding trees. There have been significant changes in planning policy since that decision and current circumstances must be examined to establish if the same conclusions made previously are still reasonable. The key issues to consider are:

1. Is the principle of residential development in this location acceptable?
2. What is the impact upon the character of the area and wider landscape, and is the impact acceptable?
3. Is the impact to surrounding trees acceptable?
4. Would the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development be adequate?
5. Is the use of the existing access for the dwelling acceptable in highway safety terms?
6. Would the proposed development have an adverse impact on the Burnt Wood Site of Special Scientific Interest (SSSI) or protected species?
7. Do any adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

1. Is the principle of residential development in this location acceptable?

Policy SP1 of the Core Spatial Strategy (the CSS) seeks to direct new housing towards sites within identified urban centres and targeted regeneration areas to make sure that investment opportunities and population are not drawn away from where they are needed to areas that are more immediately attractive for development. The policy also seeks to minimise energy consumption and the need to travel. Policy ASP6 of the CSS seeks to restrict new housing development in rural areas to brownfield land within the village envelopes of key rural service centres to meet identified local requirements. The development plan also consists of saved Local Plan policy H1 which directs new housing to the urban areas and village envelopes. The thrust of the Development Plan policies is to ensure that housing is provided in suitable, sustainable locations where the efficient and effective use can be made of land.

The National Planning Policy Framework (NPPF) advises, at paragraph 49 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 (the LPA) cannot demonstrate a five-year supply of deliverable housing sites.

At paragraph 14, the Framework also states that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole.

The Local Planning Authority (the LPA), by reason of the NPPF, is however required to identify a supply of specific deliverable sites sufficient to provide 5 years worth of housing against its policy requirements (in the Borough's case as set out within the CSS) with an additional buffer of 5% to ensure choice and competition in the market for land. Where, as in the Borough, there has been a record of persistent under delivery of housing, the LPA is required to increase the buffer to 20%. The Borough is currently unable to demonstrate a five year supply of deliverable housing sites. The most recently calculated shortfall in the number of deliverable housing sites (including a 20% buffer) is 949 dwellings and the latest housing land supply figure is 3.27 years. This position has been reported to and noted by the Planning Committee on 4th June 2013. A more up to date figure to reflect the position as at 31st March

2014 will be calculated in due course (the process involves site by site visits to check completions, the making of certain assumptions, and the taking into account of the national planning practice guidance issued on the 6th March 2014). Until this process is completed the Authority has to rely upon the currently published figure but there are no substantive grounds at present to consider that the picture will be materially different– i.e. the Borough will continue to be unable to demonstrate a 5 year supply allowing for an appropriate buffer as required by the NPPF.

Given that the Borough Council is currently unable to demonstrate a five year supply of deliverable housing sites the provisions of paragraph 49 of the Framework and, on that account, paragraph 14 are triggered.

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.

In this particular case the site is not located within the village envelope of Loggerheads, an identified Rural Service Centre. It is however within the settlement of Ashley Heath which directly adjoins that village envelope on a site about 600 metres away from the enclave of local services within Loggerheads situated off Eccleshall Road which includes a supermarket. There is also a regular bus service within reasonable walking distance. Relative to many other sites outside of Rural Service Centres it is in a sustainable location and closer to services than many of the existing properties within the Loggerheads village envelope boundary. It cannot be said to be in a isolated location. It should also be acknowledged that the Inspector in dismissing the appeal on the site in 2005 also found this particular location to be a sustainable one.

As paragraph 14 of the NPPF states, the test that has to be applied is whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The other key elements of the proposal are now considered.

2. What is the impact upon the character of the area and wider landscape, and is the impact acceptable?

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.

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. The Councils Urban Design SPD provides further specific detailed design guidance in complement to this provision.

The site does not have a specific landscape character designation in terms of the Development Plan. The area is characterised by low density residential development with a variety of housing styles within large plots situated in the context of established tall trees and hedgerows. The pockets of greenery present along Pinewood Road which largely include landscaped garden land contribute significantly to the prevailing character of the area. The public footpath running adjacent to the northern boundary of the site, marked by fencing either side, is screened from No.5 (Green Gates) by existing hedgerows and trees. The application site in the context of trees and hedgerow and cannot be directly viewed from Pinewood Road or Tower Road (to the south). To a degree, existing trees and hedgerows also interrupt views of the site stood from the public footpath, but not to the full extent of the boundary.

The development would have an impact upon the character and appearance of the area in that a portion of undeveloped greenery would be lost to accommodate the dwelling. The site does not form part of an existing garden area and therefore cannot be said to make an

existing residential curtilage smaller. It is evident that the size of the site is smaller than the majority of surrounding residential curtilages in the immediate vicinity. However, the land if developed, would still allow for a generous amount of garden and associated greenery. Given the variety of housing styles evident in the area a bungalow property would not be inappropriate. Any assessment of harm to the impact upon the character of the area also needs to take into account potential tree loss occurring – trees being a key characteristic of the appearance of the area and its overall attractiveness.

Overall it is considered that the principle of developing is acceptable in respect of form and character of the area.

3. Is the impact to surrounding trees acceptable?

Policy N12 states that the Council will resist development that would involve the removal of any significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where, exceptionally, permission can be given and trees are to be lost through development, replacement placement planting will be required on an appropriate scale and in accordance with a landscaping scheme. Where appropriate developers will be expected to set out what measures will be taken during the development to protect trees from damage.

The applicant does not propose to fell any trees and the Landscape Development Section, having assessed the submitted information accept that it is possible to construct a dwelling on the site without loss of trees and as such do not object to the application. Their advice remains consistent with that considered by the Planning Authority in 2005 under application 05/00507/OUT. Whilst at appeal the Inspector raised concerns that the construction and subsequent use of the proposed access would result in damage to the surface roots of trees along the northern boundary it is considered that a no dig construction for the access driveway together with other tree protection measures during construction would allow trees to be retained without suffering significant damage to their health.

Accordingly subject to planning conditions the requirements of policy N12 can be satisfied. Without tree loss the harm to the character of the area and landscape is significantly lower than previously determined.

4. Would the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development be adequate?

Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance on the assessment of proposals on matters such as light, privacy and outlook. No.5 Pinewood Drive (Greengates) is located to the north-east of the application site and no.6 (Seren) to the south-west and are the neighbouring properties which would be most impacted upon by the proposal. Both of these properties are approximately 14 metres away from the footprint of the proposed dwelling. Taking into account existing boundary treatments and distances from surrounding properties any substantial harm to neighbouring living conditions in terms of reduction of privacy can be avoided subject to the consideration of reserved matters. Adequate privacy and daylight can also be enjoyed by and future occupants of the proposed dwelling in accordance with the terms of the SPG subject to additional landscaping along the northern boundary adjacent to the public footpath.

It is therefore considered that an acceptable level of amenity can be achieved from neighbours and the occupiers of the proposed dwelling. In reaching this conclusion it is noted that the Inspector in the previous appeal was satisfied that any residential development on this site could be undertaken without unacceptably affecting the living conditions of neighbouring properties.

5. Is the impact to highway safety acceptable?

Access to the site is proposed from Pinewood Drive which also serves no.6 (Seren). Although the visibility is poor where the driveways of Seren and the application site converge the Highway Authority are satisfied subject to conditions there would be no significant detriment to public safety. A sight mirror could also be installed to allow greater visibility where the driveways converge if needed by the relevant land owners but in the absence of any public safety harm this is not a significant concern.

6. Would the proposed development have an adverse impact on the Burnt Wood Site of Special Scientific Interest (SSSI) or protected species?

Whilst the site lies in close proximity to the Burnt Wood SSSI the proposed development is not considered to result in any adverse impact upon it.

With respect to the impact to flora and fauna, the site has been inspected by your officer and there was nothing compelling to suggest that protected species are living within the grassed area where the footprint of the dwelling is proposed or within the site boundary and existing trees and hedgerow are to be retained. There is also scope for landscape enhancements.

7. Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

In consideration of the above points, the development would result in some local impact on the character and appearance of the area in that a portion of open greenery would be lost to accommodate a dwelling. However, the view now taken is that harm to trees and therefore the potential for tree loss can be avoided, and that the proposal otherwise represents sustainable development which would make a contribution towards addressing the undersupply of housing in the Borough. Overall, the adverse impacts which arise would not significantly and demonstrably outweigh the benefits of the proposal. It is therefore considered that the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted.

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

12 March 2014.