

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.

The application has been called to Committee for decision by two Councillors due to it being in the public interest to bring to committee a site that has a history of refusal.

The statutory 8 week period for the determination of this application expires on 21st May 2014.

RECOMMENDATION

a) Subject to the applicant first entering into a section 106 obligation securing one dwelling, in perpetuity, for affordable housing by 14th June 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. Provision of waste and recyclable materials storage and collection areas in accordance with approved plans**
- 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. No build within a 3 metre buffer either side of public sewer**
- 23. No deep rooted trees./ shrubs to be planted within the vicinity of the public sewer**
- 24. No surfaced water to discharge into the combined sewer**
- 25. 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

The application, through amendments to the proposed dwellings by introducing further variety in the house types, and by identifying areas for the storage and collection of waste and recyclable

material has addressed the reasons for refusal of application reference 14/00081/FUL. The applicant is required to enter into a S106 obligation to secure an affordable housing unit within the development in accordance with policy. The development, provided appropriate conditions are included, would have an acceptable impact upon residential amenity, highway safety, waste management and drainage. The application is therefore considered to be a sustainable form of development which complies with Policies ASP6, CSP1, CSP3 and CSP6 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 -2026, Policy T16 of the Newcastle-under-Lyme Local Plan 2011, and the objectives of the National Planning Policy Framework.

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	(March 2014)

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
14/00081/FUL	Refused	Erection of 6 no. bungalows

Views of Consultees

The **Waste Management Section** of the Council, the **Environment Agency** and **Severn Trent Water** have been consulted and any comments received will be reported.

United Utilities has 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
- The site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the nearby water course.

The **Highway Authority** has no objection subject to the conditions relating to the following:

- No development to commence until details of the reconstruction of the site access at the junction with Heathcote Road has been approved. The access is to be provided in accordance with the approved plans and retained for the life of the development.
- The development is not to be brought into use until surfacing details for the private road have been approved. The private road is to be surfaced in accordance with the approved details prior to any occupation.
- The development shall not be occupied until the access road, parking and turning areas are provided in accordance with the approved plans.
- The garages are to be retained for the parking of motor vehicles and cycles and shall at no time be converted to living accommodation.
- Any gates to the proposed access shall be sited in accordance with details that shall have been approved.
- Prior to first occupation of the dwellings a sign indicating a private road shall be erected at the junction with Heathcote Road and retained for the life of the development.
- Prior approval of a Construction Method Statement including details of a site compound; parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials; and wheel wash facilities.
- Dwellings shall not be occupied until a surface water drainage interceptor, connected to a surface water outfall has been provided.

The **Environmental Health Division** has no objections subject to the conditions which were recommended on application 14/00081/FUL. The conditions recommended are as follows:

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

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.

Audley Parish Council object to the application for the following reasons as previously submitted in relation to earlier applications for the site:

- Drainage will be a problem
- There is more traffic now than in past years and often the speed limit is ignored, this is also a school route
- The entrance is not wide enough and will cause access problems
- Undesirable back infill
- There are still enough brown field sites within the Parish and the Borough that can be built on before green belt and green field sites are used
- The collection and storage of waste is still considered to be an issue
- It is overlooked by properties 24 – 36 Heathcote Road, Miles Green.

Staffordshire County Council as the **Education Authority** have previously advised given the proposal is a fewer than 7 dwellings no education contribution would be requested. In light of this comment 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
- Comments of the Council's Recycling Strategy and Commissioning Manager confirming that the proposal is acceptable.

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

Key Issues

The application is a resubmission following the refusal of planning application 14/00081/FUL on the following grounds:

1. The proposed development is of a design that is not in keeping with the character of its village setting.
2. The design of the affordable housing unit being visually distinguishable from the other development on site, contrary to policy.
3. The applicant has not demonstrated that the design and layout of the development can achieve appropriate provision for the storage and collection of waste and recyclable materials.

The present application is again for full planning permission for 6 no. detached bungalows. Each bungalow would be of an individual type, 4 are dormer bungalows, two single storey dwellings. It is proposed to provide one affordable dwelling on site, which shall intended to be plot 1, which contains a 2/3 bedroomed single storey bungalow.

A single access is being proposed to the site being a single track vehicle one from Heathcote Road.

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

In refusing the previous application earlier this year (14/00081/FUL), for the reasons that are reported above, it was concluded that the principle of residential development of this site was acceptable and that the proposal did not raise any highway safety concerns. There have been no material changes in planning policy or other material considerations relating to these issues since that decision and as such a different conclusion could not reasonably be reached at this time particularly when it is noted that the same level of parking provision is achieved as the previous scheme and the Highway Authority have no objections to the proposal. In light of this it is considered that the key issues to address in the determination of the current application are as follows:

1. The appropriateness of the design in this village location and the design of the affordable housing unit
2. Residential amenity
3. Whether the design and layout of the development achieves appropriate provision for the storage and collection of waste and recyclable materials.

The appropriateness of the design in this village location and the design of the affordable housing unit

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)*".

The site is located on back land separated from the highway by a row of individually designed mid-20th Century single storey properties. Whilst the development would not be viewed in the context of these properties, the choice of single storey and dormer bungalows within the proposed scheme, all of different designs, to an extent reflect the character of the adjoining dwellings. The proposed dwellings, with one exception, have a bigger footprint than the adjoining dwellings, but, like these properties, are of a traditional design using traditional materials. Overall it is considered that the proposal provides an appropriate design solution for this site in keeping with the existing adjacent dwellings and the wider village character.

Within the previous scheme five of the six dwellings that were proposed were of the same design – a 4 bedroom dormer bungalow, each with a detached double garage in their proposed garden areas. The other dwelling was a small single storey dwelling of a different design. The individual property was proposed to be the affordable housing unit within the development and given that this could be easily distinguished from the other dwellings the proposal was refused on the grounds that it was contrary to affordable housing policies.

As described above, within the current scheme each dwelling is different. Whilst the affordable housing unit within the development is smaller than the others it would, nevertheless, be difficult to establish within this development that there was an affordable housing unit. As such it is considered that this reason for refusal has been appropriately addressed.

Residential Amenity

The previous scheme was considered acceptable in this regard. It remains necessary, however, to consider the current proposal given the differences between the two schemes.

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 design and layout of the development achieves appropriate provision for the storage and collection of waste and recyclable materials.

The current proposals identify an area for bin storage within each plot. Additionally an area where bins and other receptacles can be stored on collection day is identified within the site adjoining the access 15m to the rear of the highway boundary. The collection area is approximately 90m from the bin storage area of the plot furthest away.

The Council has an agreed 'Waste Management and Recycling Planning Practice Guidance Note' the key objective of which is to ensure that new developments are fully equipped with well designed, suitable waste and recycling storage facilities that will ensure sound site management, and that waste and recyclable materials can be collected easily and efficiently from the site. The proposed development accords with the guidance set out in this document as it addresses the need to provide bin storage areas within each plot and ensures that there is a dedicated collection area. In addition the access pathway from the storage area to the collection point accords with the guidance in all respects other than the collection point is more than 10m from the point where the collection vehicle will stop. Notwithstanding this it is noted that pre-application advice has been obtained by the applicant from the Council's Waste Management Section which suggests that this is acceptable.

The views of the Council's Waste Management Section have been sought and will be reported. However it appears that the reason for refusal has been addressed.

Planning obligations to make the development policy-compliant

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 2/3 bedroom dwelling on plot one. It is considered that this is

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

25th April 2014