

The application is for full permission for the erection of 4 detached 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.

The statutory 8 week period for the determination of this application expires on 2nd September 2014.

RECOMMENDATION

PERMIT subject to the following conditions:

- 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 which shall be set at a minimum of 130.75 AOD**
- 26. The erection of temporary protective fencing along the edge of the river corridor buffer zone during the course of the construction**

Reason for Recommendation

The application, through a reduction in the number of proposed dwellings to four, no longer triggers the policy requirement to provide affordable housing and as such has addressed the reasons for refusal of application reference 14/00247/FUL. 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 (NPPG) (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
14/00247/FUL	Refused	Erection of 6 no. bungalows

Views of Consultees

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 **Waste Management Section** is happy with the proposed construction of a collection point, which is within an acceptable pull out distance for operatives, and is of an appropriate size to accommodate recycling containers and bins from the proposed properties for collection.

The **Environment Agency** has no objections in principle to the proposed development. They advise that given that the site is located within Flood Zone 1 and the site area equates to 0.36 hectares a site specific Flood Risk Assessment is not required. However given that there is an existing watercourse located along the southern boundary of the site a condition should be imposed requiring prior approval of the finished floor levels of the dwellings in order to mitigate against any risk of flooding associated with this watercourse. A further condition is recommended requiring the erection of temporary protective fencing along the edge of the river corridor buffer zone during the course of the construction.

United Utilities has no objections 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 **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.

The **Environmental Health Division** has not commented upon this application but has previously recommended conditions as follows:

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

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.

The views of **Audley Parish Council** have been sought and if received will be reported.

Representations

Two letters of objection has been received raising concerns relating to the following:-

- The design of the bungalows is out of keeping with the neighbourhood environment and the development would amount to serious 'cramming' in what is a low density area.

- The prestige development proposed does not meet the needs of the local small community with young families.
- The development overlooks and could be overlooked by the existing adjacent properties.
- Garden areas are very small.
- The development will be visible from the road and the public footpath to the rear.
- The bin collection point, near the entrance of the site would add to the unacceptable visual impact of the development and is inadequate in size.
- Lack of lighting is of concern from a safety and security perspective.
- The absence of a footpath is a highway safety concern, particularly when considering the need to transport waste to the collection point.
- The access is too narrow and has a blind bend and as such is unsafe.
- The proposal would introduce additional traffic and result in highway danger,
- There is no evidence to demonstrate that the requirements of the Environment Agency have been met.
- The residents would not be integrated into the community.
- Maintenance of the private road would not take place and would lead to conflict.
- The bin collection point is over the sewer.
- The development would have an adverse impact on wildlife and their habitats contrary to policy. A list of flora and fauna that have been observed on the site has been included and a copy of a letter from Staffordshire Badger Conservation Group (dated 17th March relating to application reference 14/00081/FUL) which indicates that they would contact the Council and advise that a full ecological survey is required (such a letter has not been received).

Applicants submission

The following documents have accompanied the application:-

- A Design and Access Statement
- 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/1400533FUL

Key Issues

The application site is a greenfield site which falls between the defined Miles Green village envelope and the Green Belt and Area of Landscape Restoration. The application is a resubmission following the refusal of planning application 14/00247/FUL on the grounds that the design of the affordable housing unit was visually distinguishable from the other dwellings on the site, and as such was contrary to policy.

The current application is again for full planning permission for detached bungalows; however the number of bungalows proposed in the current application has been reduced from 6 to 4 in total. Each bungalow is a different house type and, as with the previous applications, a single access is being proposed to the site from Heathcote Road.

There have been no material changes in planning policy or other material considerations relating to issues of the principle since the previous decision and as such the proposed residential development of this site requires no further consideration at this time and remains acceptable.

The access details are the same as the last application and given that the previous development of 6 dwellings was considered to be acceptable in respect of highway safety it would be unreasonable to reach a different conclusion in the absence of any material change in circumstances in respect of the current application which relates to 4 dwellings.

The bin collection point, in respect of its size and position, is as proposed in the last application and it is considered that it is acceptable for a development of 4 dwellings as currently proposed and it should be noted was considered to be acceptable for a development of 6 dwellings. Its location does not conflict with the requirements of United Utilities.

The proposed development in the last application was considered to be acceptable in respect of the design and the density of development. The reduction in the density of development that is currently proposed is not considered to be harmful to the character of the area nor is the design of the dwellings, which were included in the last application.

In light of the above it is considered that the key issues to address in the determination of the current application are as follows:

1. Has the reason for refusal of the previous application been addressed?
2. Is an acceptable level of amenity achieved within this revised development?

Has the reason for refusal of the previous application been addressed?

Policy CSP6 of the CSS states that within rural areas proposals for new residential development of 5 or more dwellings shall provide a contribution towards affordable housing. The current application is for a reduced number of dwellings and does not trigger the policy requirement to include affordable dwellings. No affordable housing units are proposed or can be required and as such the reason for refusal of the previous application has been satisfactorily addressed.

Residential Amenity

The previous two proposals were considered acceptable in respect of residential amenity however it remains necessary to assess the current proposal.

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 separation distances that are achieved between the proposed and existing dwelling considerably exceeds that which is set out in the guidance contained within the SPG and are similar to that which were proposed in the previous application and which were found to be acceptable. In addition the garden areas more than double that which is recommended in the SPG. As such 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.

Background Papers

Planning File
Development Plan

Date report prepared

13th August 2014