

The application is for outline planning permission for residential development of up to two dwellings at land south of Co-operative Lane, Halmer End. All matters of detail (access, appearance, landscaping, layout and scale) are reserved for subsequent approval.

The site lies within the village envelope of Halmer End, as indicated on the Local Development Framework Proposals Map.

This application has been called in by two councillors due to residents' concerns regarding lack of information relating to the siting of the dwellings on the site.

The 8 week period for the determination of this application expires on the 18th March 2015.

RECOMMENDATION

PERMIT subject to conditions:

- 1. Time limit condition**
- 2. Approval of all reserved matters**
- 3. Full suite of contaminated land conditions**
- 4. Any reserved matters submission relating to access shall show a 4.5 metre wide access for 6 metres rear of the current access road (Co operative Lane)**
- 5. Prior approval of surface water drainage and surfacing materials**

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 greenfield. No adverse impacts of the development have been identified that would significantly and demonstrably outweigh the benefits of the development, which is sustainable being within the village of Halmer End identified as part of the villages of Audley Rural Service Area 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

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

Policies and proposals in the approved development plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 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 CSP4: Natural Assets

Newcastle-under-Lyme Local Plan (NLP) 2011

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

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

Planning Practice Guidance (PPG) (2014)

Supplementary Planning Guidance/Documents

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

Planning for Landscape Change – Supplementary Planning Guidance to the Staffordshire and Stoke on Trent Structure Plan

Relevant Planning History

N15269	Refused	1986	Dwellinghouses
N2097	Permitted	1976	Retention of caravan for living accommodation
N617	Permitted	1974	Retention of caravan for living accommodation
NNR6390	Permitted	1973	Stationing of caravan

Views of Consultees

The **Environmental Health Division** recommends full contaminated land conditions are attached to any grant of planning permission and a condition relating to the restriction of construction hours

The **County Council Footpaths Officer** states that there is a public footpath running along Minnie Close/ Cooperative Lane (map attached) which will serve as the access to the properties. Cooperative Lane, according to our records, is a private, unadopted track. While the proposed development will not impact on the public footpath or its users, the developer needs to inform prospective purchasers that the highway authority is only responsible for maintaining the track to a standard suitable for pedestrians and not for vehicular use.

The **Highway Authority** has no objections to the application subject to conditions relating to:

- Prior approval of parking and turning space within the site curtilage
- Prior approval of a 4.5 metre wide access for 6 metres rear of the current access road (Co operative Lane)
- Prior approval of surface water drainage and surfacing materials

The Highway Authority notes that Co-operative Lane is a private road and not adopted highway. It was also noted that the surface of the private road appears to be in poor condition. The applicant is advised to confirm that they have vehicular rights to use Co-operative Lane. The proposed development would require 2no. parking spaces per dwelling based on each dwelling having up to 3no. bedrooms. A parking space consists of a minimum width of 2.4m and a minimum length of 4.8m per car.

United Utilities have no objections.

Audley Rural Parish Council has been consulted and any comments that they make will be reported to the Planning Committee via a supplementary report.

The **Landscape Development Section** and the **Coal Authority** have been consulted, however as they have not commented by the due date it is assumed that they have no comments on the proposed development.

Representations

12 representations have been received, all of which are objecting to the application. The comments made are summarised below:

- Insufficient information relating to three dwellings on the site
- Loss of amenity and privacy
- Access to the site is via a private lane that is part of a public footpath and is not an adopted road
- Traffic would degrade the lane further
- Pedestrian safety issues, in particular school children who use the footpath
- Rural green space would be lost
- Wildlife habitat would be lost
- The development of this site would set a precedent for further housing development in the area

Applicant's/Agent's submission

The application plans, supporting information and form are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/1400929OUT

Key Issues

When the application was initially submitted the description of development was residential development for 2 bungalows (3 bed) or 3 houses (2 bed). However, in the interests of clarity and in recognition that publicity undertaken (press notice) by the applicant prior to the application being submitted indicated the proposal was for two dwellings, it has been agreed that the application is for outline planning permission is sought for up to two dwellings on the site. All matters of detail are reserved, therefore only the principle of development is sought for approval under this application.

The site is within the village envelope of Halmer End as indicated by the Local Development Framework Proposals Map. Access to the site is via Co-operative Lane and Minnie Close. Co-operative Lane is an unadopted highway.

The key issues in the determination of this application are considered to be:

- Is the principle of residential development on this site acceptable?
- Would an acceptable impact upon the visual amenity of the area be likely to be achievable?
- Is the development acceptable in terms of highway safety and car parking?
- Would a development of two dwellings be capable of achieving an acceptable impact upon residential amenity?

Is the principle of residential development on this site acceptable?

Policy ASP 6 of the Core Spatial Strategy states that there will be a maximum of 900 net additional dwellings of high design quality – primarily located on sustainable brownfield land within the village envelopes of the key rural service centres or the villages of Audley Parish, of which Halmer End is one. Whilst the application site is greenfield it is considered to be a sustainable location.

Saved Policy NLP H1 indicates that planning permission will only be given in certain circumstances – one of which is that the site is in one of the village envelopes. As indicated above the site is within aof village envelope.

The Local Planning Authority is currently unable to demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF). It is therefore accepted that paragraph 49 of the NPPF applies to this application as follows:

“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.”

The application has therefore to be assessed against the NPPF including paragraph 14 which states:

At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

...For decision-taking this means:

- ...where...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.”

Consideration will be given to whether there are any adverse impacts arising from granting planning permission for the development proposed that would outweigh the benefits of the provision of housing land under the headings below and a conclusion reached at the end of the report regarding the acceptability of the proposed development in principle.

Would an acceptable impact upon the visual amenity of the area be likely to be achievable?

The National Planning Policy Framework places great importance on the requirement for good design, which is a key aspect of sustainable development. Policy CSP 1 of the Core Spatial Strategy broadly reflects the requirements for good design contained within the NPPF, and the Urban Design Supplementary Planning Document provides detailed policies on design and layout of new housing development.

The indicative layout shows how two dwellings could be accommodated within the site. The layout does not appear cramped with opportunities for landscaping and tree planting to help assimilate the development into its surroundings.

The development would comprise backland development in a predominantly residential area, surrounded by a mixture of styles of residential properties on all sides of the site.

Overall, it is your officer's view that a residential development of up to two dwellings would be capable of having an acceptable impact upon the character and appearance of the area, subject to approval of detailed design and layout, landscaping and scale, as part of a reserved matters application.

Is the development acceptable in terms of highway safety and car parking?

Policy T16 of the Local Plan and its associated appendix sets out maximum parking standards for new development. The Highway Authority has assessed the outline application on the basis that the dwellings may be up to three bedrooms in size, therefore two parking spaces would be required, as the maximum standard, per dwelling. It would appear that the site would be capable of providing this level of car parking provision.

The access is onto Co-operative Lane, an unadopted highway, which has a junction with High Street. Co-operative Lane joins Minnie Close to the east of the site which has a junction with Heathcote Road. The junction of Co-operative Lane and High Street appears to be substandard, however the occupants of the proposed dwellings would have the option to use Minnie Close which has an acceptable junction with Heathcote Road. As such it is considered that a safe and suitable access could be achieved and it is noted that Highway Authority has no objections to the application in terms of the access.

Would a development of two dwellings be capable of achieving an acceptable impact upon residential amenity?

The Council's Space Around Dwellings SPG sets out the required residential amenity standards to be achieved for new residential properties, and to ensure that they have an acceptable impact upon the amenity of adjacent dwellings.

Considering at the indicative plan, it can be seen that the development would be capable of achieving the separation distances required by the Space Around Dwellings SPG, and would be capable of achieving satisfactorily sized private garden areas.

Conclusion

The principle of development on the site is acceptable, it would be capable of achieving an acceptable design, having a safe and suitable access and having an acceptable impact upon residential amenity. It is therefore considered that any adverse impacts arising from the development would not significantly and demonstrably outweigh the benefits of the provision of housing land and as such there is a presumption in favour of this development.

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared
12th February 2015