

KESTREL DRIVE, LOGGERHEADS
ASPIRE HOUSING

14/00905/OUT

The application is for outline planning permission for the erection of a detached dwelling. Details of access and layout of the development are applied for at this stage with all other matters of detail (appearance, scale, and landscaping) reserved for subsequent approval. A parking area is also proposed for the dwelling adjoining the site.

The application site lies within an Area of Landscape Active Landscape Conservation located beyond the village envelope of Loggerheads as specified on the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expired on the 3rd February 2014.

RECOMMENDATION

PERMIT subject to conditions relating to:

- **Standard time limit;**
- **Approved plans;**
- **Approval of reserved matters;**
- **Prior approval of external facing materials;**
- **Replacement tree planting;**
- **Tree protection measures and arboricultural method statement ;**
- **Highway matters.**

Reason for Recommendation

The site is located approximately 200 metres (by road) beyond the village envelope of Loggerheads. Locations within the village envelope are accepted as sustainable location for new housing by the Councils current Development Plan, those outside it are not. Since the adoption of the National Planning Policy Framework March 2012 and in the context of the Council's inability to demonstrate an up to date 5 year housing land 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 negative impacts of the development – principally the site being outside of a rural service centre or village envelope and the loss of some trees (taking into account replacement tree planting can be secured) 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.

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. No amendments were considered necessary during the course of the application.

Key Issues

The application is for outline planning permission for the erection of a detached dwelling. Layout and access details are applied for at this stage with all other matters of detail reserved for subsequent approval. The site is situated approximately 300 metres to the south, outside of the village envelope of Loggerheads.

The site is located at the end of a spur off the main Kestrel Drive and involves two parcels of land either side of the road. One of the parcels contains 7 garages and hardsurfacing. The other parcel contains a group of trees and scrub.

The site is within 500 metres of the Burnt Wood Site of Special Scientific Interest (SSSI) but is unlikely to have any significant impact upon flora and fauna in the immediate vicinity given it is already developed. Therefore the impact to wildlife is not a concern.

The main issues for consideration in the determination of this application 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 and is the loss of garages acceptable?
6. 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 this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?

The site is approximately 500 metres from the enclave of village services offered with Loggerheads Village. The distance is walkable and the route is safe for pedestrians.

Policy SP1 of the Core Spatial Strategy states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provide access to services and service centres by foot, public transport and cycling.

CSS Policy ASP6 on the Rural Area 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 Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

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 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.

In light of the above policy considerations, in this particular context it is only the fact that the site is beyond the village envelope which counts against it. There is a presumption in favour of this development, therefore, unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal. Such impacts are addressed below.

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 character of the area comprises of mostly detached houses and some terraced housing fronting Kestrel Drive. To the north of the site is dense woodland. Due to the terraced housing being set back from the other detached houses fronting Kestrel Drive the position of a detached property would not appear harmful to the form and character of the area.

3. Is the impact to surrounding trees acceptable?

The site contains a number of mature trees. Some tree loss is required to accommodate the development in the part of the site where turning area and informal parking for an adjoining property are to be provided. Taking into account the amenity value of the trees concerned it is considered that the degree of tree loss involved is acceptable. It is also the case that tree planting can be secured within any subsequent landscaping scheme. Tree protection measures can be employed as to minimise harm to other remaining trees.

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. As details of layout have been submitted for approval at this stage the proposal can be assessed against the guidance.

The SPG recommends a separation distance of 21 metres between two storey properties containing principal rooms. It also advises minimum garden area sizes should be around 11 metres long and at least 65 square metres in area. Minimum separation distances can be exceeded and therefore adequate privacy and light levels for existing surrounding occupiers can be secured as well as sufficient garden space for the new dwelling.

5. Is the use of the existing access for the dwelling acceptable in highway safety terms?

Adequate visibility can be provided for the access sought. The vehicle movements associated to a further single additional dwelling would not have a significant detrimental impact on existing public safety levels. Subject to standard conditions recommended by the Highway Authority relating to proposed access, parking and turning area provision the impact to highway safety is acceptable.

As indicated above the proposal does involve the loss of seven garages. The information provided indicates that 4 of these garages are leased to two individuals and that they are not required for off street parking for the lessees vehicles as they have parking space available at their properties. The properties that front on to this part of Kestrel Drive all have off street parking with the exception of the dwelling directly adjoining the site and the proposed development includes parking spaces for that property.

The case therefore is that the loss of the garages and the parking area to the front would not be contrary to policy H4 of the Local Plan as it does provide parking facilities serve a local need and this is accepted.

6. 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?

In consideration of the above points there is no demonstrable harm to consider and the proposal otherwise represents sustainable development which would make a contribution towards addressing the undersupply of housing in the Borough. Overall, the impacts which arise, namely the development of brownfield land, outside of the village envelope of

Loggerheads, do 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.

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

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 -2026 (adopted 2009) (CSS)

| | |
|-------------|---|
| 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 |

Newcastle-under-Lyme Local Plan 2011 (NLP)

| | |
|------------|---|
| Policy H1 | Residential development: sustainable location and protection of the countryside |
| Policy H4 | Housing development and retention of parking facilities |
| Policy T16 | Development – General parking requirements |
| Policy T18 | Development servicing requirements |
| Policy N18 | Areas of Active Landscape Conservation |

Other Material Considerations

National Planning Policy Framework (March 2012)

Planning Practice Guidance (March 2014)

Supplementary Planning Documents/Guidance

Space Around Dwellings SPG (SAD) (July 2004)
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD

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

Relevant Planning History

None relevant.

Views of Consultees

Loggerheads Parish Council – object to the proposal on the basis that:-

- The site is not brownfield within the village envelope of Loggerheads.
- The proposal is for market housing which is not supported by the Development Plan in this location.
- The 5 year housing land supply could be addressed with other more sustainable sites including Council owned land.
- The Councils projections are out of date and if they were updated by current population statistics (using national statistics) there would be a 5 year housing land supply evident taking into consideration a large number of sites that could be developed for residential purposes in the Council's ownership.
- There is no evidence of an attempt to let the vacant garage units.
- The majority of journeys to and from Loggerheads are reliant on car due to low levels of public transport provision which is not sustainable.

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

- Access and parking provision.
- The development shall not commence until the parking area for 36 Kestrel Drive has been provided in accordance with the submitted details and retained for the life of the development.
- The prior approval and provision of a refuse vehicle turning area.

The **Landscape Development Section** comments that:-

- A number of trees are to be removed and there are no objections to the principal of that subject to further information related to remaining tree retention methods.
- If permission is granted it should be subject to provision of a suitable landscaping plan and tree replacement planting to mitigate loss.

The **Environmental Health Division** – no response received by the due date 30 January so it is assumed there are no comments.

Representations

7 letters of representation have been received relating to the following matters:-

- Unacceptable location for residential development remote from adequate infrastructure and facilities and not in accordance with the Development Plan.
- No identified need for the dwelling.
- Unsafe access with no footpath provision.
- Out of character in scale and appearance to properties in the vicinity of the site.
- Inadequate parking
- Unacceptable loss of garages.
- Loss of privacy.
- May resulting in flooding off site.

Applicant/agent's submission

A Planning Statement, Tree Survey, Contaminated Land Assessment and Traffic & Transport Review have been submitted. The application documents are available for inspection at the Guildhall and via the following link www.newcastle-staffs.gov.uk/planning/1400905OUT

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

17 March 2015.