

The Application is for full planning permission for the erection of four detached dwellings.

The application site lies within the open countryside as indicated on the Local Development Framework Proposals Map.

**A decision on the application was deferred at the meeting of the Committee held on 23<sup>rd</sup> June 2015 to allow the submission and consideration of amended plans repositioning the accesses to limit the loss of trees.**

**The 8 week period for the determination of this application expired on 8<sup>th</sup> July 2015 but the applicant has agreed an extension to the statutory period until 24<sup>th</sup> July 2015.**

### **RECOMMENDATION**

**Subject to no adverse comments being received from the Highway Authority, in response to additional information that has been received, which cannot be dealt with by appropriate condition(s),**

**Permit, subject to conditions relating to the following: -**

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. Materials**
- 4. Boundary treatments**
- 5. Approval of recyclable materials and refuse storage**
- 6. Tree protection**
- 7. Arboricultural Method Statement**
- 8. Landscaping proposals**
- 9. Revised access details**
- 10. Visibility splays**
- 11. Provision of access, parking and turning areas**
- 12. Garages to be retained for parking**
- 13. Construction Method Statement**
- 14. Construction hours**

### **Reason for Recommendation**

Whilst the site is not located within a Rural Service Centre it is considered that it is in a sustainable location in close proximity to existing local services and in the context of your Officer's position that a robust 5 year supply of deliverable housing sites cannot be demonstrated there is a presumption in favour of the development. The negative impacts of the development – principally the loss of an area of undeveloped land do not significantly and demonstrably outweigh the benefits of the development which relate to boosting housing land supply.

Subject to no adverse comments being received from the Highway Authority in consideration of additional information that has been received which cannot be dealt with by appropriate condition(s) and subject to the imposition of suitable conditions it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits 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 and no amendments were considered necessary.

## **Key Issues**

This application is for full planning permission for the erection of four detached dwellings. The main issues in the consideration of the application are:

- Is the principle of residential development on the site acceptable?
- Is the proposal acceptable in terms of its impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Is the proposal acceptable in terms of highway safety?
- Would there be any adverse impact on trees?
- 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?

### Is the principle of residential development on the site acceptable?

The application site lies within the Rural Area of the Borough, outside of the village envelope of Loggerheads, in the open countryside.

CSS Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

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

Furthermore, Policy H1 of the Local Plan seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

As indicated above this site is not within a village envelope and the proposed dwellings would not serve an identified local need and as such is not supported by policies of the Development Plan.

The site lies approximately 400 metres from the shops and services within Loggerheads and there is also a regular bus service within reasonable walking distance. It is considered that the occupiers of the proposed dwellings would have some option for alternative modes of transport to the car. There is residential development close to the site and therefore it cannot be said to be in an isolated location. 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. In terms of sustainability therefore, it is considered that the site is in a relatively sustainable location. It should also be acknowledged that in considering an appeal for a new dwelling on Pinewood Drive (Ref. 14/00053/OUT) which is the adjacent road to the north, the Inspector concluded that the site comprised an accessible location close to shops, services and public transport nodes.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that, unless material considerations indicate otherwise, 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, in the opinion of your Officer, is currently unable to robustly 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) given that it does not have a full and objective assessment of need. The starting point therefore must be one of a presumption in

favour of residential development. As has already been stated the development is considered to represent sustainable development and the issue of whether this is an appropriate location for a new dwelling will be considered further at the end of the Key Issues section of this report.

Would the proposed development have a significant adverse impact on the character and appearance of the area?

The site comprises a greenfield site surrounded to the north, east and south-east by residential development.

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.

The Urban Design Supplementary Planning Document, at R12, indicates that residential development should be designed to contribute towards improving the character and quality of the area. Where in or on the edge of existing settlements developments should respond to the established character where this exists already and has definite value. Where there is no established character the development should demonstrate that it is creating a new character that is appropriate to the area. At RE7 it indicates that new development in the rural areas should respond to the typical forms of buildings in the village or locality; RE6 states that elevations of new buildings must be well composed, well-proportioned and well detailed; and RE7 says new buildings should respond to the materials, details and colours that may be distinctive to a locality.

The proposal is for four reasonably large detached dwellings each with an integral double garage. The surrounding area is generally characterised by large residential properties set within spacious plots and therefore at the scale proposed the dwellings would be in keeping with the character of the area. There are a variety of styles of dwellings in the area and it is considered that the design of the dwellings now proposed would be acceptable in this location.

Reference has been made by Loggerheads Parish Council to an appeal against the refusal of planning permission for a dwelling behind No. 5 Pinewood Drive, Ashley Heath (Ref. 14/00053/OUT). In that case, the Inspector dismissed the appeal on the grounds that the proposal would enclose an area of open land and result in the loss of a landscaped gap which would have a harmful effect on the character and appearance of the area and set a precedent for similar developments on other sites. That site differs from the application site in that it was a smaller area of land that currently provides a visual break between the adjacent residential properties. Due to the irregular shape of the land, the proposed development would have involved the development of a significant proportion of the plot. The application site is a larger site that is at the end of Tower Road. This particular part and north-west side of Tower Road comprises more ad-hoc development with space between some of the properties. As such your Officer's view is that it does not provide the same visual break between development that the appeal site does. It is not considered therefore that the development of this site would have any significant adverse impact upon the character and appearance of the area.

Would there be any adverse impact on residential amenity?

Supplementary Planning Guidance (SPG) Space about Dwellings provides advice on environmental considerations such as light, privacy and outlook.

With respect to the interrelationship of the proposed dwellings with the neighbouring properties, sufficient distances are proposed between existing and proposed dwellings in compliance with the Council's SAD SPG.

With regard the proposed dwellings, it is considered that an acceptable level of amenity would be achieved.

In conclusion, it is not considered that a refusal could be sustained on the grounds of impact on residential amenity.

Is the proposal acceptable in terms of highway safety?

Each property would be served by a separate vehicular access off Tower Road and each dwelling would have a turning area and sufficient parking spaces.

A revised Engineering Layout Plan has been submitted which the applicant's agent states illustrates the provision of appropriate visibility splays to each individual access. It is proposed to afford a pedestrian right of way inside the site adjacent to Tower Road which will allow the existing trees/hedgerow to remain but provide greater connectivity for pedestrians and cyclists to the public footpath network.

The Highway Authority had no objections to the original scheme subject to conditions. Their views have been sought on the amended plan and a further report will be given to Members on the matter.

Would there be any adverse impact on trees?

There are a number of trees on the boundaries of the site and the application is accompanied by a Tree Report. Further to initial concerns raised by the Landscape Development Section (LDS) additional information has been received indicating the loss of just one Category B tree and replacement planting of 12 native species trees. The LDS is satisfied that the layout as now proposed is acceptable subject to approval of tree protection and landscaping proposals. Subject to the imposition of conditions, it is not considered that an objection could be sustained on the grounds of impact on trees.

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 this particular case, it is not considered that the adverse impacts of allowing the proposed development significantly and demonstrably outweigh the benefits and accordingly 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 (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
Policy CSP5:	Open Space/Sport/Recreation

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16:	Development – General Parking Requirements
Policy N12:	Development and the Protection of Trees
Policy N13:	Felling and Pruning of Trees

**Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)

Planning Practice Guidance (PPG) (2014)

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (SAD) (July 2004)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

### Views of Consultees

The **Environmental Health Division** has no objections.

The **Landscape Development Section** considers that the amended layout is acceptable in respect of trees, subject to approval of tree protection and landscaping proposals. A 'no dig' detail will be required for the proposed surfacing within the RPA of T12.

The **Highway Authority** has no objections to the proposal subject to the imposition of conditions regarding submission of revised access details, provision of visibility splays, provision of access, parking and turning areas, retention of garages for the parking of motor vehicles and cycles and the submission of a Construction Method Statement. The views of the Highway Authority have been sought on the amended plans.

**Loggerheads Parish Council** objects to the proposal on the following grounds:

- The Planning Committee considered an update on the five year housing supply on 3<sup>rd</sup> June which confirmed that the Borough has a 5 year supply of housing land in this area so existing policies and the CSS will apply to this application.
- The application is outside the Village Envelope in Loggerheads.
- Part of the Inspector's decision letter in dismissing an appeal against refusal of 14/00053/OUT was that allowing a development in this area would set a precedent for the construction of dwellings in large gardens and would have a detrimental effect on the character and appearance of the area.
- The surrounding properties are individually designed detached houses and a high proportion of bungalows in generous sized landscaped gardens. This development of four houses all of similar design in small plots would urbanise the area and completely change the appearance of it.
- The plots are small in comparison to other properties in the area and the footprints of the dwellings would involve the development of a significant proportion of the site.
- Three of the proposed houses would directly overlook bungalows.
- The land is extremely wet and buildings and hard surfacing of driveways will exacerbate this problem.

### Representations

Seven letters of representation have been received. Objection is made on the following grounds:

- The site is a greenfield site outside the village envelope.
- The Borough has a 5 year supply of housing land and as such development outside village envelopes is not in accordance with existing policies.
- The development is not included in the Loggerheads Parish Council 5 year plan.
- The infrastructure cannot cope with these developments with the roads, school, and doctors already to capacity.
- Adverse impact on character and appearance.
- The plots are small in comparison with the existing properties in the area and the footprints of the new dwellings would involve the development of a significant proportion of the sites.
- Four houses of similar design in small plots would urbanise the area and completely change its appearance.
- The land is very wet and buildings and driveways will exacerbate the problem.
- Impact on privacy.
- There is sufficient housing in Loggerheads.
- The development will set a precedent.
- Impact on wildlife.

- Tower Road is an unadopted, unmade road and is badly eroded. The additional traffic will further degrade the surface.

Applicant's/Agent's submission

The application is accompanied by a Design & Access Statement and a Tree Survey. These documents are available for inspection at the Guildhall and on [www.newcastle-staffs.gov.uk/planning/1500353FUL](http://www.newcastle-staffs.gov.uk/planning/1500353FUL)

Background papers

Planning files referred to  
Planning Documents referred to

Date report prepared

8<sup>th</sup> July 2015