

**1-2 MOSS COTTAGES, MOSS LANE BALDWINS GATE**  
**MRS & MRS QUINN**

15/00319/FUL

The application is for full planning permission for the erection of a 4 bedroom detached house with associated parking and amenity area.

The site is presently used as garden land serving 1-2 Moss Cottages (but is separated from those properties by Moss Lane).

The site lies within an Area of Landscape Restoration and outside of the village envelope of Baldwin's Gate as defined on the Local Development Framework Proposals Map.

**The 8 week period for the determination of this application expired on 12 June 2015.**

**RECOMMENDATION**

**PERMIT subject to conditions relating to:-**

- 1. Time limit**
- 2. Plans**
- 3. Materials**
- 4. Landscaping scheme (inclusive of open water channel to be created)**
- 5. Tree protection measures**
- 6. Vehicle parking, turning and access provision**
- 7. Contaminated land remediation**

**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 the Council's inability to robustly demonstrate a 5 year plus 20% supply of deliverable housing sites, given that it does not have a full and objective assessment of housing need, there is a presumption in favour of the development. The negative impacts of the development – principally the loss of trees, loss of an area of undeveloped land and its location beyond the village 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**

The proposal is considered to be a sustainable form of development and subject to planning conditions no amendments to the scheme are considered necessary.

**Key Issues**

The main issues for consideration in the determination of this application are:

1. Is this an appropriate location for residential development?
2. Would the effect on the character and appearance of the area be acceptable?
3. 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?
4. Are trees affected and, if so, is the impact acceptable?
5. Is parking and access provision for the dwelling acceptable in highway safety terms and is the loss of garages acceptable?
6. Can local flood risk concerns be properly managed?

7. Do any adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against relevant planning policies taken as a whole?

1. Is this an appropriate location for residential development?

The Newcastle-under-Lyme and Stoke-on-Trent Core Strategy (CS) sets out a spatial vision for the Borough. CS policy SP1 directs new housing primarily to larger centres. The rural areas spatial policy, ASP6, provides for additional dwellings primarily located on sustainable brownfield sites within the village envelopes of key rural service centres. Saved policy H1 of the Newcastle-under-Lyme Borough Local Plan (LP) sets out instances when planning permission for housing will be given.

The site being a garden is greenfield land. Given that the site is outside of the settlement boundary of Baldwins Gate, the proposal for housing development is contrary to the Council's current Development Plan. At a national level, paragraph 55 of the National Planning Policy Framework (the Framework) indicates that to promote sustainable development in rural locations where it will enhance or maintain the vitality of rural communities and confirms that isolated new homes in the countryside should be avoided other than in special circumstances.

The Framework states at paragraph 49 that "Housing applications should be considered in the context of the presumption in favour of sustainable development 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 Council is currently unable to robustly demonstrate a 5 year plus 20% supply of deliverable housing sites given that it does not have a full and objective assessment of housing need. As such paragraph 14 of the Framework applies.

Paragraph 14 details a presumption in favour of sustainable development, and for decision taking this means, *unless material considerations indicate otherwise granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.*

Baldwins Gate has a range of local services including a post office, newsagents, public house, petrol filling station, primary school and village hall. It is recognised, however, that future occupants of a dwelling here would largely have to travel further afield to meet needs such as main food shopping and healthcare but as there is an hourly bus service running through the village linking it to larger villages and towns there is some opportunity to avoid private motor car use. Taking into account all of those factors the Inspector who dealt with the recent Gateway Avenue appeal found Baldwins Gate village to be a sustainable location. It is only the fact that the site lies beyond a defined village envelope which counts against the proposal in broad locational terms. It is therefore

In terms of the implications of the development on the economy, the development would undoubtedly create associated construction jobs and the construction of housing in the rural area in a district that does not have a five year supply of housing. The development would fulfil a social role by delivering a mix of market housing and affordable housing in the rural area, the latter which following the Ministerial Statement of 28<sup>th</sup> November 2014 can now only be expected from sites of more than 10 units in rural areas. The issue of the environmental impact of the scheme will be considered fully below.

As paragraph 14 of the NPPF states, the test that has to be applied is whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

2. Would the effect on the character and appearance of the open countryside be acceptable?

Policy CSP1 of the Core Spatial Strategy sets out the Council's approach to assessing design which is 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 Council's Urban Design SPD sets out further detailed guidance which includes that proposals should respond to local character and where possible minimise the impact on landscape character. One of its aims is to create a strong green edge for rural settlements where the existing landscape character is not already high quality.

Those Development Plan provisions are consistent with broad national planning design policy advice which also encourages Planning Authorities to seek to promote or reinforce local distinctiveness.

Dwellings in the immediate vicinity vary in architectural style. The development site itself (which is garden) is heavily treed with a central clearing. There are existing dwellings immediately to the north (1-3 Moss Cottages) and to the west of the site (Hawthorne Cottage). The site being at the end of Moss Lane has residential gardens either side of it.

The detached dwelling proposed has a steep roof pitch with a series of small pitched roof gable windows and a substantial chimney stack. The dwelling is closely grouped with existing properties and will occupy a position sandwiched between residential gardens. The design under consideration although different to the style of architecture of surrounding properties nearby has a semi-rural character and subject to soft landscaping provision is not considered to be harmful to the appearance of the surrounding area.

### 3. 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 development proposals on matters such as light, privacy and outlook.

With respect to privacy levels there is a separation distance of around 13 metres between the proposed dwelling and numbers 1, 2 and 3 Moss Cottages (which are linked together) at the closest point. Given there is an access road separating the site from those properties the amount of separation distance is sufficient. In addition no significant privacy problems would result to the occupants of Hawthorn Cottage taking into account window positions and established boundary plantings.

Numbers 1 and 2 Moss Cottages (which are within the ownership of the applicant) would be left with only a small amount of private amenity space situated on the opposite side of Moss Lane to the application site. However the remaining amount is considered sufficient.

### 6. Can local flood risk concerns be properly managed?

The potential for flooding has been identified as a problem by a local resident. In accordance with National Guidance the site is in a location where flood risk is extremely low. However the site is known to have a buried watercourse running across it from the east boundary to the west boundary. The applicant has been in discussions with the Environment Agency and subsequently the Lead Local Flood Authority (LLFA) in relation to this. The culvert takes water from a pond in the garden of Hawthorn Cottage through the application site and the neighbouring property 3 Moss Cottages where it passes under a brick built barn and out into a field drainage ditch. The arrangement exists between the properties because of the flow of local ground water.

The applicant proposes to open up the existing buried stream to de-culvert and re-align the watercourse and to plant either side to promote wildlife. The LLFA have no objection to the principle of doing and advise that this would require separate consent from them.

### 5. Are existing trees affected and, if so, is the impact acceptable?

The site is heavily treed and tree reports have been submitted with the application to assess their health and value. Some limited tree removal is proposed in order to accommodate the dwelling to the front of the site. The Landscape Development Section has no objections to the specific trees identified to be removed because the trees concerned are mostly trees of low individual amenity value and also the limited scope for tree retention given the dwellings footprint. Having said that, existing trees do provide valuable greenery when seen as a group and it is therefore considered that in addition to approval of a detailed soft landscaping scheme tree protection measures are required to ensure the retention of the remaining trees.

5. Is the use of the access and parking provision proposed acceptable in highway safety terms?

Paragraph 32 of the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Three off road parking spaces are provided within the site boundary which is the maximum level of parking for a four bedroom dwelling as set out within the adopted Local Plan. The Highway Authority has assessed the additional use of the access road to serve the development as well as car parking and circulation considerations and have no objections. The development would not have an adverse highway safety impact.

7. Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole?

At the heart of the Framework is a presumption in favour of sustainable development. The Framework seeks to promote sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of local communities.

The contribution of a single dwelling toward additional housing supply and construction activity is extremely modest and the amount of weight applied has to be proportionate. But overall, the adverse effects of this proposal namely marginal tree loss proposed, the loss of an area of undeveloped land and the fact that the site is beyond the village boundary do not outweigh the benefits. Therefore 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)

- CSP1: Design Quality
- CSP3: Sustainability and Climate Change
- SP1: Spatial Principles of Targeted Regeneration
- SP3: Spatial Principles of Movement and Access
- ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
- ASP6: Rural Area Spatial Policy

Newcastle under Lyme Local Plan 2011

- H1: Residential Development: Sustainable Location and Protection of the Countryside
- N12: Development and the Protection of Trees
- N17: Landscape Character – General Considerations
- N21: Areas of Landscape Restoration
- T16: Development – General Parking Requirements

**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)

### **Planning History**

None relevant.

### **Views of Consultees**

**Chapel and Hill Chorlton Parish Council** object on the grounds that the development is unsustainable due to its location outside of the village envelope and is not in keeping with surrounding cottages. Also the area is subject to flooding.

The **Highway Authority** has no objections subject to the provision of parking areas in accordance with the submitted plans before occupation.

The **Environmental Health Division** has no objections subject to ground gas investigation and risk assessment being approved together with mitigation measures to be installed in the buildings if required, or if the investigation is not undertaken approval of details of ground mitigation measures for the buildings.

The **Landscape Development Section** does not object as visually prominent category B trees to the rear of the site can be protected but concerns are expressed about the protection of the remaining retained trees/hedgerow which may suffer greater damage than is described. Should the development be permitted the following conditions should be applied:-

1. Hard and soft landscaping details including replacement tree planting.
2. Tree protection measures.
3. Prior approval of an Arboriculture Method Statement.

**Local Lead Flood Authority** have no objections but would recommend that an informative be given on any permission granted that separate drainage consent will be required from them for the works to the existing culvert.

**Whitmore Parish Council** have been consulted, however as they have not responded by their due date it is assumed that they have no comment.

### **Representations**

Two letters of representation has been received raising the following objections:-

1. There is a stream nearby and flooding is an issue in the area.
2. Parking could be relocated to the opposite boundary negating the need for stream diversion and the possible removal of trees.
3. Moss Lane is a narrow unadopted private road the further use of the land would have a negative impact on safety and access.
4. The development of garden land in this location would set precedent and lower amenity levels in the area.
5. The dwelling is out of keeping with the character of the area.

The period for public comment ends on 27 July.

### **Applicant/agent's submission**

Application forms and indicative plans have been submitted along with a Design and Access Statement, a tree survey, and an aboricultural impact assessment. The application documents are available for inspection at the Guildhall and via the following link [www.newcastle-staffs.gov.uk/planning/1500319FUL](http://www.newcastle-staffs.gov.uk/planning/1500319FUL)

**Background Papers**

Planning File  
Planning Documents referred to

**Date Report Prepared**

5<sup>th</sup> August 2015