

LAND ADJACENT TO COTSWOLD, NEWCASTLE ROAD, LOGGERHEADS

MISS J CHAMBERS

15/00525/OUT

The application is for outline planning permission for a detached dwelling house. Access, Appearance and Layout are applied for at this stage with all other matters of detail reserved for subsequent approval.

The site is presently used as garden land serving the property known as "Cotswold" and has an approximate area of 370m².

There is a public footpath which is included within the application site boundary.

The site lies within the village envelope of Loggerheads as defined on the Local Development Framework Proposals Map.

The application has been "called in" to the Planning Committee by two elected members due to concerns regarding local impact, overdevelopment, design, public safety and transport matters.

The 8 week period for the determination of this application expires on 27 August 2015.

RECOMMENDATION

REFUSE the application for the following reason:-

1. The development will appear cramped owing to the resultant small plot size for Cotswold and also the new dwelling proposed which is not in keeping with surrounding properties and is harmful to the character of the area.

Reason for Recommendation

The site is located within the Loggerheads village envelope an identified Rural Service Centre which is considered to be a sustainable location for new housing development. Whilst the principle of residential development in this location is broadly in accordance with adopted policy given the Council's inability to robustly demonstrate a 5 year plus 20% supply of deliverable housing sites such policies can be given no weight in the determination of this application. The proposal must be considered in the context of paragraph 14 of the NPPF. In this case, however, the negative impacts of the development – principally the nature of the plot to building ratio relative to other properties in the vicinity would result in development that appears cramped and which would be harmful to the prevailing character of the area – significantly and demonstrably outweighs 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 application is for outline planning permission. The layout and appearance of the development and access have been submitted for approval at this stage with all other matters of detail (landscaping and scale) reserved for subsequent approval. The proposed dwelling has a footprint of 8.5 metres by 9.2 metres by 6.6 metres in maximum roof ridge height.

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. Would the public right of way be impeded?
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 but is within Loggerheads village envelope which is defined by the Core Strategy as a sustainable location for new housing development.

The National Planning Policy Framework states 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 to be 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 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.*

The merits of the scheme are now considered.

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 Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered that it is consistent with the NPPF and therefore, can be given weight. Policy RE2 of the SPD indicates that new development associated with existing villages should retain, enhance and incorporate some of the existing features and characteristics of the settlement pattern, wherever possible.

Dwellings in the immediate vicinity of the site are detached properties varying in architectural style. Neighbouring properties are situated on generous sized plots. By subdividing the residential curtilage of Cotswold the resultant plot for that property and the new dwelling to be created is far smaller than any neighbouring property in the immediate vicinity. That includes consideration to the new dwelling permitted by the Planning Authority under planning

application reference 13/00295/FUL on the adjacent plot immediately to the north currently under construction. The development would appear cramped and not in accordance with the settlement pattern in this part of the village to the detriment of its character.

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. Adequate separation distances are achieved between neighbouring residential properties in accordance with the terms of the SPG. The resultant garden area for the existing dwelling and the garden provided for the proposed dwelling will be limited in size but would be sufficient.

4. Would the impact to existing trees be acceptable?

The applicant proposes to retain existing trees on the site. The Landscape Development Section has no objections to the proposal subject to tree protection measures. Subject to appropriate protection secured by planning condition the impact to trees is acceptable.

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.

A shared access is proposed with Cotswold with independent parking areas for the existing and proposed dwellings. The Highway Authority have assessed the additional use of the access road joining with Newcastle Road (A53), the shared access arrangement proposed, as well as car parking and circulation considerations and have no objections. The development would not have an adverse public safety impact subject to retention of the garage area for parking and the provision of the access details proposed by the applicant. As such there is no highway safety objection to this proposal.

6. Would the public right of way be impeded?

The public footpath which runs against the eastern boundary of the site would not be impeded by the footprint of the dwelling. The position of the footpath does however result in a smaller plot size than the submitted location plan suggests which also needs to be taken into account in the assessment of the impact to the character of the area.

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. Overall, the adverse effects of this proposal namely the harm to the character and appearance of the area outweigh the benefits. Therefore permission should be refused.

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
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

Loggerheads Parish Council object to the application on the following grounds:-

1. The application is overdevelopment of the area.
2. Would result in adverse impact on the character and appearance of the area.
3. The access via a shared driveway does not give appropriate space for vehicles.
4. The inclusion of a public footpath in the dimensions of the proposed site is misleading.
5. The design statement refers to a bungalow but the drawing displays a 2 storey house.

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

1. Parking and turning area provision.
2. Retention of the garage for parking for the life of the development.

The **Environmental Health Division** has no objections subject to:

1. Noise levels.
2. Report of unexpected land contamination and remediation.

The **Landscape Development Section** has no objections subject to conditions relating to:-

1. The submission of an Arboricultural Impact Assessment and Tree Protection Plan.

The **County Footpaths Officer** has been consulted but no comments have been received by the due date so it is assumed that there are no objections to the proposal.

Representations

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

1. There is a public footpath at the rear of the proposed development site running from Newcastle Road to Mucklestone Wood Lane which is not owned by the applicant and should not be included within the development site area.
2. The access off Newcastle Road serves 4 domestic properties rather than 5 as stated by the applicant.
3. The access to the new dwelling is not sufficient in size.

4. Trees will be harmed.
5. The development appears shoe horned into the site and out of keeping with surrounding properties which have generous plots and large footprints.
6. The proposal will result in a loss of privacy to the dwelling being constructed under permission 13/00295/FUL.
7. Allowing the proposal would set a harmful precedent.

A right of access issue over the land joining Newcastle Road (A53) has also been raised. Modifications to the access joining A53 have been undertaken to achieve adequate visibility for a new dwelling permitted under planning application 13/00295/FUL (for a detached dwelling adjacent to the application site) includes land beyond the applicant's control. This particular issue is a civil matter which is not material to the determination of the planning application.

Applicant/agent's submission

Application forms and indicative plans have been submitted. The application documents are available for inspection at the Guildhall and via the following link www.newcastle-staffs.gov.uk/planning/1500525FUL

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

5th August 2015