

The application is for full planning permission for the erection of a detached bungalow, associated access and car parking arrangements.

The application site lies outside of Loggerheads village envelope as indicated on the Local Development Framework Proposals Map. The site contains a number of trees that are protected by Tree Preservation Order no. 9.

The 8 week period for the determination of this application expired on 22nd 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. Construction to be carried out in accordance with the submitted tree report**
- 6. Approval of construction details of all new surfacing within Root Protection Areas of existing trees**
- 7. Landscaping proposals to include tree planting to mitigate the loss of trees**
- 8. Provision of access, parking and turning areas prior to occupation**
- 9. Garages to be retained for parking**
- 10. Gates to be in the position shown on the approved plans and to open away from Birks Drive.**
- 11. Implementation of the recommendations of the Bat and Nesting Bird Survey**

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 garden area 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 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 a detached bungalow in the rear garden of the existing property, Silver Birch. 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.

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 1km from the shops and services within Loggerheads. Access to the facilities in Loggerheads, and the hourly bus service, would be along an unmade and unlit roads. It is considered that the occupiers of the proposed dwellings would have some option for alternative modes of transport to the car but would be dependent on the use of the private car. There are other dwellings around 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.

It is also worth noting, in consideration as to whether this is a sustainable location, the comments of the Planning Inspector who dismissed the appeal in respect of planning application 04/00259/OUT, to convert and extend the existing garage to form a dwelling. The Inspector acknowledged that a new house at the site would be likely to generate more short car journeys than a house within a large conurbation and that walking to the village centre was not an attractive proposition. However taking these factors into consideration the Inspector, nonetheless, did not consider that this was sufficient to refuse planning permission.

In terms of sustainability therefore, it is considered that the site is in a relatively sustainable location.

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 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 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 any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits will be considered 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, garden, site surrounded 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 the construction of a modest detached bungalow at the rear of the existing property. An existing garage would be demolished.

The surrounding area is characterised by medium to large residential properties set within plots of varying sizes but which are generally larger than the plots that would be created by the subdivision of the existing garden as proposed.

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. Due to the irregular shape of that land, the proposed development would have involved the development of a significant proportion of the plot and the Inspector considered that the building to plot ratio would be significantly higher than of surrounding dwellings. The application site at 0.27ha is a larger site than the site at Pinewood Drive (0.1ha). The building to plot ratio of the proposed development whilst higher than of surrounding dwellings, would not be significantly higher. As such your Officer's view is that the development would not have as significant an impact on the visual break between dwellings as the appeal site does. It is not considered therefore that the development of this site as proposed would have any significant adverse impact upon the character and appearance of the area and that refusal is justified on this ground.

There are a variety of styles of dwellings in the area and it is considered that the design of the dwelling proposed would be acceptable in this location.

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.

Notwithstanding the comments of the Environmental Health Division it is not considered that the site is sufficiently close to the A53 that the occupiers of the development would be adversely affected by

traffic noise and as such the condition they suggest, that design measures be agreed, is not recommended. With regard the proposed dwelling, 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?

The proposed dwelling would share a driveway with the existing dwelling and both properties would have parking space for two vehicles. The level of parking is considered to be adequate. In addition it is considered that additional vehicle movements generated by the new dwelling would not result in a highway safety concern.

Would there be any adverse impact on trees?

There are a number of trees on the site and the application is accompanied by a Tree Report. It is proposed to remove 4 category U trees to accommodate the development but which would in any event need to be removed in the interest of good tree management. There can therefore be no basis to object to such tree removal particularly when it is possible to accommodate replacement tree planting within the site as part of a landscaping scheme.

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)

Relevant Planning History

03/00097/OUT	Refuse	Erection of dwelling
03/00096/FUL	Refuse	New double garage with driveway, turning area and access point
04/00259/OUT	Refuse	Conversion of existing garage and extension to form a retirement bungalow. Subsequent appeal dismissed.
07/00397/FUL	Refuse	Single storey rear extension, porch and double garage
07/00852/FUL	Permit	Single storey rear extension and front entrance

Views of Consultees

The **Environmental Health Division** has no objections subject to a condition requiring details of design measures, supported by an appropriate assessment of road traffic noise from the A53 to be submitted and approved. In addition it is requested that an informative on the importation of waste materials is attached to any permission.

The **Landscape Development Section** indicates that most of the trees on site are included in a Tree Preservation Order number 9. The proposals take account of the majority of the trees but certain trees have not been included on the tree constraints plan and full comments can't therefore be provided. If the proposals are permitted, however, all the recommendations of the tree report should be secured by condition. In addition conditions requiring approval of construction details of all new surfacing within Root Protection Areas of existing trees and a landscaping scheme requiring tree replacement should be included.

The **Highway Authority** has no objections to the proposal subject to the imposition of conditions regarding submission of provision of the access, parking and turning areas prior to the occupation of the dwelling and gates to be provided as shown on the plan and open away from Birks Drive.

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

- The site has a long history of refusals for almost identical proposals.
- Development of a garden/green field site is contrary to national policy.
- The site is open countryside outside of the village envelope.
- The Council has a five year housing supply and as such Development Plan policies can be taken into consideration.
- In dismissing the appeal against the refusal of 14/00053/OUT was that the development would set a precedent for the construction of dwellings within large gardens that would have a detrimental effect on the character and appearance of the area.
- The loss of trees will breach the TPO on the site and erode its relevance, value and purpose.
- Bats have been observed on site and the trees form their environment for transit, resting and food.
- The site is located off an inferior, unfunded and poorly maintained unadopted road.
- When granting permission for a dwelling on the neighbouring site 'the Owl House' the vote was close and given the above this should not equate to automatic granting of permission at this site.
- More similar applications for housing development at Ashley Heath can be expected. Yet another precedent here will lead to the transformation of the area into an area where speculation comes first and the wellbeing of the existing residents and their environment comes second.

Representations

Eleven letters of objection have been received. The main concerns expressed are summarised as follows:

- Publicity of the application is inadequate.

- The proposal is contrary to national policy which seeks to protect gardens from being developed on.
- It involves the removal of visually significant, protected, trees and affects wildlife habitats contrary to policy. There would be insufficient space to replace them.
- This is not a location where new residential development is supported by the Development Plan and such policies can be taken into consideration as the Council does have a 5 year housing land supply. There is little risk to the Council if the application is refused and the recent successful appeal at the Owl House should not be seen as having created a precedent.
- Highway safety concerns due to Birks Drive and Tower road being rough, unlit single lane tracks well used by pedestrians including school children.
- Circumstances have not changed since the similar applications were refused.
- The development is out of keeping with the area, which is characterised by individual houses set in their own grounds. The existing and proposed properties would have quite small gardens.

Applicant's/Agent's submission

The application is accompanied by a:

- Design & Access Statement
- A, revised, Arboricultural Impact Assessment, tree Survey, tree removal, tree constraints and tree protection plans.
- Bat and nesting bird survey.

The applicants have also provided a letter in support of the application making the following comments:

- The property will be built to a high standard.
- Two trees are to be removed for safety as they are in a poor condition. No more trees will be removed.
- There are no bats in the building to be removed and new bat houses are proposed.
- The driveway will be constructed to minimise noise to adjoining properties. The entrance and fencing will be reconstructed and driveway entrance and a section of the road resurfaced.
- The development is not for financial gain, it is to enable the applicants to down size and stay in Ashley Heath.

These documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/15000435FUL

Background papers

Planning files referred to
 Planning Documents referred to

Date report prepared

7th August 2015