

The application seeks planning permission for the erection of two detached dwellings on land which currently forms part of the residential curtilage of Smithy Cottages. A detached double garage to serve the existing dwelling is also proposed.

The application site lies within the Conservation Area of Madeley, as defined by the Local Development Framework Proposals Map. The site adjoins Ye Olde House, a Grade II Listed Building.

The application has been called in to Committee by two Councillors on the grounds that the development is out of keeping with the old part of Madeley village, would result in road safety issues and is over development of the site.

**The statutory 8 week determination period for the application expired on 12<sup>th</sup> May 2016.**

### **RECOMMENDATION**

**PERMIT subject to the following conditions;**

- 1. Time limit**
- 2. Approved plans**
- 3. Provision of access, parking and turning prior to use of development**
- 4. Provision of visibility splays in accordance with plans prior to use**
- 5. Surfacing of access drive in bound and porous material for 5 metres back from public highway**
- 6. Retention of garage for parking of vehicles and cycles**
- 7. Gates to be located a minimum of 5 metres back from highway boundary**
- 8. Protection of retained trees and hedgerows throughout all demolition, construction and earthworks (drainage)**
- 9. Prior approval of Arboricultural Method Statement**
- 10. Prior approval of landscaping proposals, to include proposals gapping up boundary hedgerows and replacement tree planting**
- 11. Prior approval of facing and roofing materials, and hard surfacing materials**
- 12. Prior approval of finished floor levels**
- 13. Full suite of contaminated land conditions**
- 14. Removal of Permitted Development Rights for porches and roof lights on the front elevation**

### **Reason for recommendation**

The principle of residential development of this site, within the village envelope of Madeley, is acceptable and in compliance with Policy ASP6 of the Core Spatial Strategy and with the aims and objectives of the National Planning Policy Framework. The proposed development would not harm the character of the Conservation Area, and would not harm the setting of the adjacent Grade II Listed Building. The development would be acceptable in terms of access and highway safety, and would retain a good level of mature landscaping (trees and hedgerows) to retain the landscape character of the plot. The development would therefore comply with Policies N12, N13, B5, B9, B10, B13 and B15 of the Newcastle under Lyme Local Plan, Policies ASP6, CSP1 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy, and with the aims and objectives of the Newcastle under Lyme and Stoke on Trent Urban Design Guidance Supplementary Planning Document and the National Planning Policy Framework.

**Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with this application**

Amendments were requested and received during the course of the application relating to the height of the dwellings and land levels. This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

## **KEY ISSUES**

Full planning permission is sought for the erection of two detached dwellings and a detached garage within the garden area of Smithy Cottages, Smithy Corner, Bar Hill, Madeley. The site is within the village envelope and Conservation Area of Madeley, as indicated on the Local Development Framework Proposals Map.

The two dwellings are sited at the rear of the plot, and the proposed detached garage, which would serve Smithy Cottages, would sit approximately half way back from the front of the site, behind the garden to Smithy Cottages. The dwellings would both have four bedrooms and integral garages.

The site would utilise the existing access point off Bar Hill. There is a Grade II Listed Building – Ye Olde House –adjacent to the site to the west of the site.

The key issues in the determination of the application are considered to be:

- The principle of the development
- The impact of the development on the character and appearance of the area and Conservation Area
- The impact of the development on trees and hedgerows
- The impact of the development in highway safety terms
- The impact upon residential amenity

### The principle of the development

Policy ASP 6 of the Core Spatial Strategy requires a maximum of 600 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key rural service centres of Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements.

The site is a garden, so is not considered to represent brownfield land development. However, the site is located within the rural service centre of Madeley, which offers shops, services, a primary and high school and good public transport links to nearby town centres. It is therefore a sustainable site for housing development.

The Council does not have a five year housing land supply at present, and the National Planning Policy Framework states 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 sites.

Overall, taking into account the sustainability of the site, and its location within the rural service centre of Madeley, the principle of residential development of this site is considered acceptable, and accords with the aims and objectives of the National Planning Policy Framework.

### The impact of the development on the character and appearance of the area and Conservation Area

The National Planning Policy Framework 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 outlines how the design of new development is assessed which includes amongst other requirements the need to promote and respect the areas character and identity.

The National Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Permission should be refused where a development will lead to substantial harm or total loss of significance of a designated heritage asset.

Policy B5 of the Local Plan states that the Council will resist development proposals that would adversely affect the setting of a Listed Building. Ye Olde House is a Grade II Listed Building, and is located adjacent to the application site. The Listed Building is an extended dwelling and its curtilage is defined by a domestic garden/ plot which extends to the rear and to the properties along Moss Lane. The proposed houses are set back in the site than the existing garages on the site. The opinion of the Conservation Officer, that the introduction of the two dwellings on the land west of Smithy Cottages will not harm the setting of Ye Olde House which is within a compact area of the village, is accepted.

Policies B9, B10 and B13 of the Local Plan all concern the prevention of harm to Conservation Areas, and the requirement to preserve or enhance their character. Policy B15 relates to trees and landscape in Conservation Areas, and states that landscape features should be retained where these contribute to the character and appearance of the area. The policies of the Urban Design SPD reflect the aims of the Local Plan Policies, which are consistent with the aims of the National Planning Policy Framework.

The two dwellings are proposed to be located to the rear of the plot, and their design is traditional, with features found extensively in Madeley village incorporated into the design of the dwellings. The retention of vegetation (trees and hedgerows) on the site will provide screening of the two dwellings, and will help the development assimilate with the surrounding area. The design of the dwellings is appropriate and set well back from the road this will make them less visible in the street scene.

This part of the village is varied in density, with some properties located in close proximity to each other, and others more widely spaced within larger curtilages. The plot sizes of the proposed dwellings and that which remains for the existing are considered acceptable, and it is considered that the dwellings would not create a cramped appearance. The garage to the frontage of the dwellings would not detract from the character of the area.

Amendments were requested to seek to reduce the height of the dwelling on plot 2, to improve the relationship with the neighbouring dwelling. These amendments were received, lowering the height of the roof over the garage on Plot 2 by approximately one metre.

It is important that the access drive should not be over engineered in appearance, and the trees and landscaping protected to ensure the landscape appearance of the site is protected. Surfacing materials of the driveway can be conditioned to ensure its appearance is satisfactory in appearance and to avoid damage to trees and landscaping.

It is considered relevant to remove permitted development rights for alterations to the front elevation, including front porches and rooflights, which are covered by Classes C and D permitted development rights to ensure that such additions are carefully controlled in the interests of the appearance of the dwellings.

Overall, the proposed development is considered to achieve a good design and appearance in this part of the Madeley Conservation Area, and would comply with Policies B9, B10 and B13 of the Local Plan, Policies CSP1 and CSP2 of the Core Spatial Strategy, and with the aims and objectives of the National Planning Policy Framework.

#### The impact of the development on trees and hedgerows

There are several trees on and around the site, which contribute to the sites green character. Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design.

The Landscape Division has no objections to the proposed development. They suggest that the boundary hedgerows are retained and protected throughout this development, and request planning conditions relating to tree and hedge protection to retained trees and hedgerows to BS5837:2012 throughout all demolition, construction and earthworks (drainage), prior approval of an Arboricultural

Method Statement, and prior approval of landscaping proposals to include gapping up boundary hedgerows and replacement tree planting.

Overall, the proposed development is considered to have an acceptable impact upon trees and hedgerows, provided conditions are included to ensure the retained trees and hedgerows are adequately protected during the construction phase.

#### The impact of the development in highway safety terms

The development would utilise the existing access from Bar Hill. The drive would be private, and would have a width of 4.5 metres at the entrance, narrowing down to 3 metres. A turning area would be provided to the frontage of plot 1. Plot 1 would have two car parking spaces (one within the garage and one on the driveway), and plot 2 would have three car parking spaces (one within the garage and two on the driveway). Whilst the existing access is sited close to the junction of Moss Lane and Bar Hill, the additional vehicular movements associated with the proposed two dwellings would not result in any highway safety concerns.

There would be two car parking spaces within the new detached garage for Smithy Cottages, plus space for an additional two cars to be parked to the frontage of the garage.

For a four bed dwelling, the maximum car parking standard is for 3 car parking spaces. Plot 2 will provide 3 spaces, however plot 2 will provide 2. Policy T16 states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on street parking or traffic problem. In this case, one space less than the maximum standards is not considered a significant under provision. Furthermore, the turning area is large enough to accommodate a parked car and still allow space for turning.

The Highway Authority has no objections to the proposed development, subject to several conditions aimed at ensuring the visibility splays, turning and parking areas are all provided prior to the use of the development. The garages should also be retained for the parking of motor vehicles and cycles, as they go towards provision of adequate car parking for the development.

Overall, the development is considered to provide an acceptable level of car parking space, and would have an acceptable impact upon highway safety. The development proposal therefore complies with Policy T16 of the Local Plan and with the aims and objectives of the National Planning Policy Framework.

#### The impact upon residential amenity

The Framework states within paragraph 9 states that pursuing sustainable development involves seeking positive improvements in peoples quality of life, including improving the conditions in which people live, work, travel and take leisure. The impact upon the amenity of surrounding residents has to be taken into consideration. Paragraph 17 sets a core planning principle that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on development including the need for privacy, daylight standards, and environmental considerations.

The two dwellings are proposed to be situated to the rear of the plot. The proposed garden sizes exceed the minimum required size of 65 square metres as set out in the Space Around Dwellings SPG.

In terms of distances between facing windows, the proposed dwellings would face towards the rear of both Ye Olde House and Smithy Cottages but would not directly overlook them. In such situations the guidance in the SPG indicates that a separation distance of 17 metres is appropriate. This distance is achieved in relation to both Ye Olde House and Smithy Cottages.

In terms of the impact of the development on Smithy House, which is the closest existing dwelling to the proposed dwellings, the development would not breach a 45° line measured from the principal windows on the rear of Smithy House, and would therefore not cause any material loss of light to

neighbouring principal windows. There will be no principal windows in the side elevations of the two dwellings that would overlook Smithy House.

The height of the garage roof on plot 2 has been lowered, which will improve the relationship with Smith House. No harm to amenity in terms of loss of light or privacy would be caused to the neighbouring dwelling to Plot 2.

Overall, the development would have an acceptable impact upon residential amenity, and would be in compliance with the Space Around Dwellings SPG and the aims of the National Planning Policy Framework.

## **APPENDIX**

### **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 ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP2: Historic Environment  
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 T16: Development: General parking requirements  
Policy N12: Development and the protection of trees  
Policy N13: Felling and pruning of trees  
Policy B5: Control of development affecting the setting of listed buildings  
Policy B9: Prevention of harm to conservation areas  
Policy B10: The requirement to preserve or enhance the character or appearance of a conservation area.  
Policy B13: Design and Development in Conservation Areas  
Policy B15: Trees and Landscape in Conservation Areas

### **Other material considerations include:**

National Planning Policy Framework (March 2012)  
Planning Practice Guidance (2014)  
Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance (adopted December 2010)

### **Relevant Planning History**

None

### **Views of Consultees**

**Madeley Parish Council** objects to the application. The proposed development is within the Conservation Area, the two detached dwellings are too close to Ye Olde House and Bridge Cottage, both Grade II Listed Buildings, and would represent overdevelopment in the Conservation Area. They are not convinced that the proposed trimming back of the hedge to improve visibility would be sufficient to ensure safe visibility for vehicles on the road.

The **Conservation Officer** advises that the application site is in the Madeley Conservation Area, and Smithy Cottages was identified within the Conservation Area Appraisal Document as a positive building, occupying a prominent position in the Conservation Area on the corner at the junction with Bar Hill and Station Road. The key issues are the impact of the development on the setting of Ye Olde House, a Grade II Listed Building, and the effect on the character and appearance of the Conservation Area and its setting.

The plot is generous and currently has 2 garages on the site and an informal gravel driveway leading to the garages. The plot frontage is bounded by a mixed hedge and vegetation lines the driveway. Trees screen much of the plot to the rear. These are shown to be retained and will also help any development to be accommodated into the environment.

The adjoining Listed Building, Ye Olde House is a former house with multi phases and extensions. Bridge Cottage (attached to Ye Olde House) fronting the road is a former rear 18th Century wing with the main brick house with 16<sup>th</sup> origins and timber framing set behind this in an L plan. The brick section is not particularly visible from the road and mature vegetation surrounds the plot. The curtilage of the Listed Building is defined by its domestic garden/plot which extends to the rear and to the properties along Moss Lane. Moss Lane properties are modest cottages and terraces (including a

converted Wesleyan Chapel) and closely compacted with a tighter grain. The wider setting of these Listed Buildings is this part of the village, rising up to the railway bridge at Bar Hill.

As with most villages, Madeley area has evolved incrementally over time (centuries) and has buildings ranging from 16th to the 20th century. Development is varied and the street layout and positioning of the existing buildings make for an interesting townscape.

The proposed houses are set back further into the site than existing garages on the site. The introduction of dwellings on the land west of Smithy Cottages will not harm the setting Ye Olde House and Bridge Cottage which is within a compact area of the village.

The two properties are designed in a relatively typical manner but are not offensive and the features which are found quite extensively in Madeley village will be glimpsed through the vegetation at the rear of this plot. They are proposing as one with painted brickwork, one unpainted and it will be necessary to get a good quality brick which relates well to the village. All materials are important and the roofs particularly will be visible, albeit glimpsed, and should be a clay tile of darkish hue. Windows should be timber casements and garage doors also painted timber.

It is the treatment of the driveway which could cause most harm to the character and appearance of the Conservation Area. This should remain ideally as it is currently and not be over engineered by requirements from Highways and trees protected during the process if you are minded to approve the application.

Recommend removal of PD rights for minor developments in line with the proposed Article 4 Direction to ensure that we have some control over domestic paraphernalia

The **Landscape Development Section** has no objections and suggests the boundary hedgerows are retained and protected throughout the development, and suggests conditions relating to tree and hedge protection, prior approval of Arboricultural Method Statement, and prior approval of landscaping proposals to include proposals gapping up boundary hedgerows and replacement tree planting.

The **Environmental Health Division** recommenced contaminated land conditions.

The **Highway Authority** have no objections subject to conditions relating to completion of the access, parking and turning areas prior to use of the development; provision of visibility splays prior to use; surfacing of the driveway in a bound material for 5 metres back from the highway edge prior to use; and retention of the garage for the parking of motor vehicles and cycles.

The **Conservation Advisory Working Party** considers the development can be accommodated without overwhelming any of the surrounding buildings on the adjacent plot. The proposal will preserve the character of the Conservation Area, as the development is set well back into the plot behind mature vegetation. Important that the quality of details are maintained, for example clay tiles should be used. Timber side opening doors should be conditioned for the garage.

**United Utilities** have no objections to the proposal and request no conditions on any approval.

#### Representations

Four objections have been received, one of which is from Madeley Conservation Group. The representations are summarised below:

- Conservation Area protects the unique and distinctive features of the site
- The development would not conserve, enhance or develop the area and will reduce the amenity of the properties that surround the site
- The development is too large and obtrusive and will be detrimental to the area
- The gardens are too small
- Design and layout are inappropriate
- Siting of the double garage will be detrimental to the Smithy Cottages and Smithy House
- The dwellings will dominate the area

- The dwellings will tower over neighbouring properties and cause overlooking and loss of privacy
- Concerns with regards to traffic and visibility for cars entering and exiting the site
- The development could create an instability of the land with movement/ slipping
- Design of the dwellings is not in keeping with the character of the area
- The development sits behind the building line of the existing houses
- Unacceptable standard of design for new buildings in a historic part of the village which should recognise and honour the styles, colours and textures of existing old properties without being exact copies
- A proposal to fell some trees has been made

#### Applicant/agent's submission

The application is supported by a tree survey, tree protection plan, Design and Access Statement, Heritage Statement, Phase 1 Contaminated Land Desk Study, an Arboricultural Impact Assessment and a traffic speed survey. These can be viewed on the Councils website at <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00226/OUT>

#### Background Papers

Planning File  
Development Plan

#### Date report prepared

2<sup>nd</sup> June 2016