

The application seeks full planning permission for the erection of three dwellings on part of the car park and land of the Offley Arms.

The application site lies within the Conservation Area of Madeley, as defined by the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors on the grounds that the development is inappropriate in the conservation area. There are also highway safety concerns regarding the access along with concerns about existing vehicle arrangements for adjacent properties and how these will be affected.

**The statutory 8 week determination period for the application expired on 8<sup>th</sup> September 2016 and the applicant has agreed to an extension of time until the 10<sup>th</sup> November 2016.**

### **RECOMMENDATION**

**PERMIT subject to the following conditions;**

- 1. Time limit**
- 2. Approved plans**
- 3. Sample facing and roof materials**
- 4. Conservation style roof lights**
- 5. Prior approval of finished ground and floor levels**
- 6. Prior approval of boundary treatments and hard surfacing materials**
- 7. Removal of Permitted Development Rights for extensions, roof alterations, porches and outbuildings**
- 8. Prior approval of specific glazing details**
- 9. Full suite of contaminated land conditions**
- 10. Construction hours**
- 11. Prior approval of refuse storage and collection arrangements**
- 12. Prior approval of construction phase tree protection plan**
- 13. Prior approval of landscaping scheme to include tree planting**
- 14. Parking and turning areas in accordance with drawing no: 4277-01-11 rev H**
- 15. Prior approval of surfacing materials, delineation of parking bays, surface water drainage for the parking and turning areas for public house and new dwellings**
- 16. Weatherproof parking for a minimum of 3 cycles**
- 17. Prior approval of Construction Method Statement**

### **Reason for recommendation**

The Borough Council is currently unable to demonstrate a five year supply of deliverable housing sites which triggers the provisions of paragraph 49 of the Framework and, on that account, paragraph 14. As such whilst policies on the location of housing within the Development Plan are supportive of the proposal they are out of date and have limited weight. The starting point is a presumption in favour of the development unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal. Subject to conditions the development would preserve the character and appearance of the conservation area. In addition the development is acceptable in respect of the level of parking; residential amenity levels; and impact on trees. The development would therefore comply with Policies N12, N13, B9, B10, B13, B14 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**

The applicant has submitted further information during the consideration of the application to address concerns. The proposed development is now 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 three dwellings within the car park and land of the Offley Arms public house and restaurant. The application site is within the village envelope and Conservation Area of Madeley, as indicated on the Local Development Framework Proposals Map.

The three dwellings are configured in a block of three and are arranged in a dog-leg style layout towards the back of the site. The dwellings would have three bedrooms and two car parking spaces per unit and the site would utilise the existing access point of the Offley Arms which is off Poolside and would involve the provision of an access through the pub car park.

Amended and additional information has been submitted during the consideration of the application to address concerns.

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 in highway safety terms
- The impact upon residential amenity
- The impact on trees; and
- 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?

### **The principle of the development**

Policy ASP 6 of the Core Spatial Strategy requires 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 of Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements.

The National Planning Policy Framework (NPPF) advises, 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 up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that 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 as a whole.

The application site is primarily part of an existing car park and a grassed area towards the rear. Therefore it would be classed as partially greenfield and partially previously developed land. 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 rural location for housing development.

The applicant has indicated that the proposal does not seek in any way to alter, extend or demolish the existing public house, which is acknowledged to constitute an Asset of Community Value.

In light of the above, the starting point must be one of a presumption in favour of residential development unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal.

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

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. This follows the duty that is placed upon the Local Planning Authority in the exercise of planning functions with respect to any buildings in a Conservation Area, under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of that 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.

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. 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 block of three dwellings would be configured in a dog-leg style layout and would occupy a position towards the rear of the site. Existing car parking for the Offley Arms would be lost with some car parking spaces being maintained to the front of the proposed dwellings along with proposed car parking for the three units.

The applicant has described the design approach as being a contemporary interpretation of a barn conversion. Views of the proposal would be limited from any main vantage points and the design and layout responds well to the 'historical' plot which other adjoining developments have not. The main concern is the visual relationship between the proposed development and the public house/ restaurant car park but the proposed landscaping and hedgerow buffer would help this.

The Conservation Officer and the Conservation Advisory Working Party raise no significant objections to the proposals subject to conditions which would ensure that the design of the proposal and the relationship with the public house/ restaurant would be improved. They do consider that the design could be improved by simplifying the central gable and this will be explored with the applicant but on balance it is not considered that the proposal should be refused on these grounds.

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

The existing car park has 35 spaces for the public house/ restaurant use and 11 of these spaces would be lost to accommodate the proposed development. The proposed development includes two parking spaces per dwelling.

Saved Policy T16 of the Local Plan 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, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. Appendix 3 sets out maximum parking standards for different uses. For a restaurant use it specifies a maximum of 1 space per 10m<sup>2</sup> and for a public house a maximum of 1 space per 6m<sup>2</sup>.

The application is now supported by a car parking survey which was undertaken over a two week period. The survey indicates that the busiest times were during the weekends but only 9 parking spaces were in use. The application indicates that this demonstrates that the car park is not heavily used by customers virtue of it being a local pub that principally serves residents within the village.

The Highway Authority (HA) has raised no objections to the proposed level of parking, or to the access arrangements, subject to conditions. The advised conditions would ensure that the proposed parking and turning areas would be provided and would be constructed appropriately. The advised

conditions also include a requirement for a construction method statement which is considered necessary to ensure that traffic issues during the construction phase are not detrimental to highways safety in the area. Secure weatherproof parking for a minimum of 3 cycles is also requested for staff and customers.

Subject to the recommended conditions it is considered that the applicant has demonstrated that the proposed development would not lead to on street car parking problems and highway safety implications. The public house is a community asset in a sustainable rural location and the resultant off street car parking provision would be acceptable for the proposed dwellings and to serve the public house/ restaurant. This would comply with policy T16 of the local plan and the requirements of the NPPF.

#### The impact upon residential amenity

The Framework, 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.

All principal windows of the proposed dwellings would be located on the front and rear elevations and where they face a neighbouring property they more than meet the distances advised in the SPG.

Each dwelling would have an area of private amenity space at the rear. All three have an irregular shape and are limited in size but on balance these are considered acceptable for modest sized 3 bedroom properties. There would be space for future occupiers to sit and hang out washing. There is also public open space in close proximity which would provide alternative enjoyment for the occupiers.

The impact of neighbouring uses on the future occupiers of the dwellings is a materials consideration also. In this respect the proposed dwellings would be in close proximity to a chip shop and public house/ restaurant which have the potential to cause a noise and odour impact to future occupiers. The adjacent car park would also create similar disturbance.

The Environmental Health Division has raised no objections subject to conditions which control noise. They have also suggested a condition regarding the upgrade of extraction and ventilation systems of the nearby chip shop however this is not within the applicant's ownership or control. It is possible in such circumstances to impose a condition that prohibits the development taking place until a specified has taken place such as the assessment and upgrade to the extraction and ventilation system at the chip shop (a *Grampian* condition). However such a condition should not be used where there are no prospects at all of the action in question being performed and there is no information to suggest that isn't the case here. In addition it is noted that there are existing residential properties that are already closer to the chip shop premises than those proposed and as such it is considered that other legislation could address any issues caused by the chip shop extraction and ventilation equipment and this issue is not grounds to refuse the application. The use of such a condition would therefore fail the tests of reasonableness and enforceability and would be unlawful.

The applicant has now submitted a noise survey which identifies a number of mitigation measures and these could be secured via conditions. Therefore subject to conditions the proposed development would not raise any significant concerns for existing properties and the amenities of future occupiers should be protected to an acceptable level.

#### The Impact on Trees

There are several trees on and around the site, which contribute to the sites green character and to the character and appearance of the wider Conservation Area. 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 Section has now removed their original objection following the submission of further information from the applicant. Primarily the revised layout addresses the concerns subject to tree protection and submission of detailed landscaping proposals.

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?

The NPPF advises that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

In decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date then 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 Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

As discussed the proposal would provide three new houses in a sustainable rural location which would contribute to the Councils housing supply. The proposal would also add variety to the existing housing stock being a development of a unique character. There are other minor economic and social benefits associated with a new dwelling that also weigh in favour of the development. These matters are considered to represent benefits that would outweigh the very limited harm identified by virtue of visual relationship between the proposed development and the public house/ restaurant car park; and potential residential amenity issues arising from the nearby chip shop, particularly as such matters can be addressed through landscaping or other legislation. On this basis the presumption is in favour of the development in this instance.

## **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 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 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 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)

#### Supplementary Planning Guidance/Documents

#### Space Around Dwellings (July 2004)

#### Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

#### Waste Management and Recycling Planning Practice Guidance Note (January 2011)

#### Relevant Planning History

None relevant

#### Views of Consultees

**Madeley Parish Council** objects on the following grounds;

- The proposal represents over development of a small space,
- The proposal will reduce the car parking space of the Public House to 23. This will potentially restrict the ability of the Community Asset to expand its business and have an adverse effect on the local rural economy,
- The proposed access to the properties is poor.

A further consultation has been sent following the submission of amended and additional information. Further comments are due by the 01.11.2016 and any comments will be reported if they are received prior to the meeting.

The **Landscape Development Section** indicates that the revised layout addresses previous objections but the relationship between dwelling number 3 and the ash tree T6 is still a concern. It is accepted that the amendments have improved this and the French windows are no longer directly opposite the tree but the future occupants of the property might find the tree overbearing. Permission

should be subject to the submission of a construction phase tree protection plan, to include the now retained ash tree T5. Permission should also be subject to submission of detail landscaping proposals. This should include the tree planting proposed in the tree report.

The **Environmental Health Division** raises no objections subject to conditions regarding contaminated land; a noise impact assessment; assessment and upgrade of the ventilation system and odour abatement at the nearby fish and chip shop: construction hours; and waste storage and collection arrangements.

The **Highway Authority**, following receipt of a car parking survey, now raises no objections subject to conditions that the parking and turning areas for the Public House have been provided, surfacing, marking and drainage details for the parking spaces for the dwellings, weatherproof parking for a minimum of 3 cycles for the public house, submission and approval of a construction method statement.

The **Councils Conservation Officer** indicates that the proposed development for 3 houses is set towards the rear of the site on the edge of the Conservation boundary. The houses will be set within an existing historical plot boundary, unlike earlier proposals which ignored this. In terms of the visual appearance, the buildings are proposed to be built from brick with a tile roof and timber windows. The scale of the development will appear like a complex of barn buildings and some thought has gone into creating an interesting plan form which reduces the impact of the 3 dwellings. Only part of the development will be glimpsed through the entrance to the Offley Arms due to the nature of the access which will be relatively constricted. The users of the public house will see the development and it is a strange relationship whereby occupants will have to cross the pub car park to get to their properties. If development is considered acceptable in planning terms it is important that trees and greenery are retained. Brickwork will also need to be carefully controlled so that a high quality appropriate brick is chosen to ensure that mistakes of the adjacent properties are not repeated. A condition for conservation style rooflights set flush will be required. The garage doors are side hung timber doors and domestic paraphernalia should be controlled in this setting by consideration of removing permitted development rights especially to the front elevation. Generally this development is unlikely to be harmful to the character and appearance of the village setting of Madeley and the Conservation Area subject to the advised conditions.

The **Conservation Advisory Working Party** felt that there was a good attempt to design an interestingly shaped building which was pleasingly unconventional, including the alleyways. The brick needs to be good quality and reflect the darker brick characteristic of Madeley unlike the adjacent development. Some concern was raised over the access and they felt the gable feature was a little fussy.

The **Coal Authority** indicates that they do not need to be consulted on this supplication and that Standing Advice should be applied to any decision.

#### Representations

**Five** letters of representation have been received with four of these raising the following concerns/objections;

- Loss of parking for the Offley Arms will result in existing parking problems would be exacerbated.
- Existing accesses will be blocked.
- The existing access to the public house is unacceptable.
- Construction would lead to pedestrian safety and logistical problems.
- The proposal would increase drainage problems.
- The development would harm the Offley Arms which locals have fought hard to save.
- Madeley does not need any more housing.

**One** letter has been received raising no objections.

### Applicant/agent's submission

The application is supported by the following documents;

- Planning and Heritage Statement,
- Phase 1 Desk Study,
- Coal Mining Report,
- Tree Survey,
- Noise Survey, and
- Car Parking Survey.

All of the application documents can be viewed at the Guildhall or using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00594/FUL>

### Background Papers

Planning File  
Development Plan

### Date report prepared

26<sup>th</sup> October 2016