

The application is for outline planning permission for the erection of 2 dwellings. The vehicular access is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and internal access details) reserved for subsequent approval.

The application site lies within the open countryside and an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors due to concerns that the application is inappropriate, constitutes overdevelopment in this area, is in an unsustainable location and there have been several previous applications for the site.

The 8 week period for the determination of this application expires on 7th March 2017.

RECOMMENDATION

A. Subject to the applicant first entering into a Section 106 obligation by 31st March 2017, to secure a contribution of £2,943 per dwelling to improvements to facilities at Burntwood playground and their maintenance,

PERMIT subject to conditions concerning the following matters:

- 1. Standard time limits for submission of applications for approval of reserved matters and commencement of development**
- 2. Reserved matters submissions**
- 3. Approved plans**
- 4. Visibility splays**
- 5. Access width**
- 6. Layout of site including disposition of buildings and provision of parking within the curtilage**
- 7. Surfacing materials for access and parking areas**
- 8. Details of alignment of utility apparatus**
- 9. Hard and soft landscape design**
- 10. Tree retention and protection**
- 11. Details of any gates to the access**

B. Failing completion of the above planning obligation by the date referred to in the above recommendation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that without the obligation being secured, the development would fail to secure an appropriate contribution for the improvement to off-site public open space which would reflect the infrastructure needs of the development; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

In the context of the Council's inability to robustly demonstrate a 5 year plus 20% supply of deliverable housing sites, it is not considered appropriate to resist the development on the grounds that the site is in within the rural area outside of a recognised Rural Service Centre. The adverse impacts of the development do not significantly and demonstrably outweigh the key benefits of this sustainable development. Accordingly permission should be granted.

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

Additional information has been requested and provided and this is now considered to be a sustainable form of development and complies with the provisions of the National Planning Policy Framework (NPPF).

Key Issues

The application is for outline planning permission for the erection of 2 dwellings. Vehicular access is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and internal access details) reserved for subsequent approval.

The application site lies within the open countryside and an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map. It is not considered that the proposal raises any issues relating to residential amenity or highway safety and therefore, 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 trees?
- Are any planning obligations considered necessary and lawful?
- 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 in the open countryside.

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 are not supported by policies of the Development Plan.

Planning permission was granted last year for a total of 3 dwellings on the adjacent site to the north-east. Two dwellings were granted consent under Ref. 16/00210/FUL and then a bungalow was subsequently granted consent under Ref. 16/00658/OUT. In approving those dwellings the Council gave consideration to two earlier consents for dwellings on the opposite side of Pinewood Road (Refs. 14/00150/OUT and 15/00506/FUL). In consideration of those proposals it was acknowledged that the sites are located close to but outside of the village envelope of Loggerheads with the edge of the village development boundary being approximately 0.3km away (measured along the public highway). It was also acknowledged that Pinewood Road has no footpath or street lighting but that there is a public footpath (Loggerheads 17) opposite the site which links Pinewood Road to the A53 Newcastle Road. The village facilities can be accessed on foot along Newcastle Road via the lit footpath alongside this route.

As in the cases referred to above, the current application site is not isolated from other dwellings and it is located within walking distance of the centre of Loggerheads. There is a regular bus service that

runs in close proximity to the site, with a bus stop being less than 100 metres away, between Hanley Bus Station to Market Drayton with a stop in Loggerheads (service centre). Therefore the site can be classed as being in a sustainable location amongst existing residential properties, within walking distance of the village envelope and having public transport opportunities in close proximity. Although Loggerheads Parish Council have expressed the view that the site is in an unsustainable location, given the previous decisions of the Council on sites immediately adjacent to and opposite the current site, it is not considered that an objection could be reasonably sustained on such grounds.

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 Council 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). The starting point therefore is set out in paragraph 14 of the NPPF which sets out that there is a presumption in favour of sustainable development and the issue of whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits will be considered below.

Would the proposed development have a significant adverse impact on the character and appearance of the area?

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 Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance (2010) in 10.1 indicates that the aims for development within, or to extend, existing rural settlements are

- a. *To respond to the unique character and setting of each*
- b. *Development should celebrate what is distinct and positive in terms of rural characteristics and topography in each location*
- c. *Generally to locate new development within village envelopes where possible and to minimise the impact on the existing landscape character*

It goes on to state that new development in the rural area should respond to the typical forms of buildings in the village or locality. The elevations of new buildings must be well composed, well-proportioned and well detailed and new buildings should respond to the materials, details and colours that may be distinctive to a locality.

The site is within an Area of Active Landscape Conservation. Policy N18 of the Local Plan states that within such areas development that will harm the quality and character of the landscape will not be

permitted. Particular consideration will be given to the siting, design, scale, materials and landscaping of all development to ensure that it is appropriate to the character of the area.

The site comprises land on the south-east side of Pinewood Road. As stated above, planning permission was granted last year for a total of three dwellings on the adjacent site to the north-east. This current proposal is for two dwellings on land to the front of Selbourne. Although this is an outline application with siting reserved for subsequent approval, the applicant has submitted an illustrative plan to show how two dwellings could be sited in line with both the neighbouring dwelling to the south-west, The Latches, and the dwellings approved on the adjacent site to the north-east.

Concern has been expressed by Loggerheads Parish Council that this is the third application at this site resulting in overdevelopment. The surrounding area is characterised by medium to large residential properties of varying styles and designs set within plots of varying sizes and it is considered that the size of the proposed plots would be commensurate with those in the vicinity. Although the majority of the residential development on Pinewood Road is on its north-western side, there are dwellings to either side of the application site and a property to the rear. This distinguishes the site from the land to the south of The Latches which is characterised by open fields with sporadic farmsteads.

It is considered therefore that subject to appropriate siting and design, two dwellings could be accommodated on this site with limited harm to the character of the area.

Would there be any adverse impact on trees?

There are trees around the perimeter of the site and the application is accompanied by a Tree Report which indicates that the majority of the trees would be retained. The Landscape Development Section (LDS) has no objections to the proposal subject to conditions. Subject to the imposition of conditions, it is not considered that an objection could be sustained on the grounds of impact on trees.

Are any planning obligations considered necessary and lawful?

The LDS has stated that given that the area of this site exceeds 0.4ha, then in accordance with LP Policy C4, a financial contribution towards Public Open Space provision is required.

The area of this site is 0.5ha and therefore it does exceed the threshold referred to in Policy C4. Whilst the starting point for the determination of applications remains the development plan, it is necessary to consider the Written Ministerial Statement of 28 November 2014 which announced changes to national policy with regard to planning contributions. The Statement indicated, amongst other things, that contributions for affordable housing and tariff style planning obligations should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sq.m. Whilst this site is for less than 10 units with a combined floorspace of less than 1000sq.m, Officers are of the view that the contribution towards the provision, upgrading and maintenance of public open space is not a tariff style contribution. This is because it is not a contribution towards "a funding pot intended to provide common types of infrastructure for the wider area" or a funding pot "intended to fund the provision of general infrastructure in the wider area". In this instance it will be towards a specific project, namely local playground facilities at Burntwood. On this basis therefore, weight must be given Policy C4 and it is considered that the requested financial contribution would comply with Section 122 of the CIL Regulations.

It is also necessary to consider whether it complies with Section 123 which came into force on 5th April 2015. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it provides funding in respect of a specific infrastructure project or a type of infrastructure and, if five or more obligations providing funding for that project or type of infrastructure have already been entered into since 6 April 2010. In this instance there have not been five or more financial contributions secured for the open space at Burntwood and it would therefore comply with CIL Regulation 123.

The LDS has also commented that given the proximity of the adjacent development, there may be a requirement for a cumulative contribution. The application site is adjacent to another site that has recently received planning permission for three dwellings. It is the case that where a site is viewed in

combination with an adjacent site, those sites should be considered together. In this instance however, the sites are not in the same ownership and therefore it is not considered reasonable to consider the developments as a single entity – i.e. as being for 5 units.

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.

APPENDIX

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
Policy N17:	Landscape Character – General Consideration
Policy N18:	Area of Active Landscape Conservation
Policy C4:	Open Space in new Housing Areas

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

None relevant on this plot but the following history on the adjacent site to the north-east is relevant:

16/00210/FUL	Erection of 2 dwellings	Approved
16/00658/OUT	Erection of a dwelling (bungalow)	Approved

Views of Consultees

The **Highway Authority** has no objections to the proposal subject to conditions requiring details of visibility splays, access width, layout of the site, surfacing materials and means of surface water drainage for the access and parking areas and gates to the proposed access.

The **Environmental Health Division** has no objections.

The **Landscape Development Section** has no objections subject to conditions regarding tree retention and protection, alignment of utility apparatus and landscape design. A financial contribution towards Public Open Space is requested.

Loggerheads Parish Council objects on the following grounds:

- The location of the proposed development would ensure that residents would be dependent on the use of private motor vehicles.
- The proposal would not materially enhance or maintain the viability of a rural community and is in an unsustainable location.
- Notwithstanding that the Council cannot robustly demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, given the unsustainable location of the site, there is no presumption in favour or permitting this development.
- This is the third application at this site making 5 dwellings. This is overdevelopment of this site along this road.

Representations

None

Applicant's/Agent's submission

The application is accompanied by a Tree Survey and a Design and Access Statement. All of these documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/01107/OUT>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

10th February 2017