

**PART OF FORMER ALLOTMENT GARDENS, LAND SOUTH OF NETHERLEYS, PARK SIDE, MADELEY
MR & MRS WAKELIN** **13/00822/OUT**

The application is for outline permission for a single dwelling and vehicular access via Mill Lane, Middle Madeley. All matters of detail (access, appearance, landscaping, layout and scale) are reserved for subsequent approval.

The site is outside but immediately adjacent to the village envelope of Madeley, but not within the Green Belt or Area of Landscape Restoration, as defined on the Local Development Framework Proposals Map.

The application has been called to Committee for decision by two Councillors due to residents' concerns as there are no car parking facilities in this narrow, congestive land and access issues to the site is impossible.

The statutory 8 week period for the determination of this application expires on 7th March 2014.

RECOMMENDATION

Permit subject to conditions relating to the following matters:-

- 1. Time limit for submission of applications for approval of reserved matters and commencement of development;**
- 2. Approved documents;**
- 3. Contaminated land conditions;**
- 4. Prior approval of parking and turning within the site curtilage;**
- 5. Prior approval of surface water drainage for the driveway and parking areas;**
- 6. Prior approval of surfacing materials for the driveway and parking areas;**
- 7. Development not to be occupied until Mill Lane resurfaced at Junction with Newcastle Road.**

Reason for Recommendation

In the context of the Council's inability to demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, it is not appropriate to resist the development on the grounds that the site is in within the rural area outside of a recognised rural service centre. It is not considered that any material additional highway danger would arise and as such no objection could be sustained on the grounds of impact on highway safety. It is considered that the proposal will not result in any visual harm.

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

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 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

Newcastle under Lyme Local Plan 2011

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16:	Development – General Parking Requirements

Other Material Considerations include:

Relevant National Planning Policy

National Planning Policy Framework (NPPF) (March 2012)
National Planning Practice Guidance (August 2013)

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance: Space about Dwellings (July 2004)
Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance (adopted December 2010).

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

Relevant Planning History

There is no planning history for the application, however there are a number of applications relating to other land within the former allotments as follows;

1994	94/00497/FUL	Refuse	Erection of detached dwelling (Plot 1)
1994	94/00498/FUL	Refuse	Erection of detached dwelling (Plot 2)
2002	02/00359/COU	Permit	change of use of land to garden
2003	03/00587/COU	Permit	change of use of former allotment land to garden with associated fencing
2003	03/00588/FUL	Refuse	Change of use of former allotment land to ancillary residential use and formation of parking area and erection of garage. The development was subsequently allowed on appeal
2004	04/01017/FUL	Permit	Detached double garage and retention of decking and gazebo
2005	05/00954/COU	Permit	Change of use of land from nil use (former allotments) to garden use
2007	07/00241/COU	Permit	Change of use of land from former allotments to be included in the residential curtilage of Dunnocksfold House

Views of Consultees

Madeley Parish Council - Objects to this application, which is considered to be an over-development in an area of the Village which already has sufficient properties grouped closely together, especially with restricted vehicular access, inappropriate development for this location.

Environmental Health – No objections to this application subject to conditions on ground contamination and informative on importation of waste materials to facilitate construction.

Highway Authority – No objection subject to conditions relating to the following:-

- No development to commence until details of the provision of parking and turning within the site curtilage; means of surface water drainage for the driveway and parking areas; and surfacing materials for the driveway and parking areas have been submitted and approved. Such approved details to be implemented prior to first occupation.
- No occupation of development until Mill Lane has been resurfaced in a bound and porous material for a minimum distance of 5m back from the junction with Newcastle Road.

They further advise that:-

- Mill Lane is as an unadopted road and it is not maintained by the Highway Authority.
- In not objecting to the development the Highway Authority should not be viewed as granting a right of access to the development site. It will be the applicant's responsibility to ensure they have vehicular access rights to serve this proposed development.
- It has taken into account that the current permitted use of the land is as an allotment garden which has the potential to generate vehicle trips to the site and the number of existing dwellings which are already served by Mill Lane.

United Utilities - No objection to the proposed development.

Representations

There are 11 letters of representation.

There are 10 letters of objection raising the following concerns:-

- Mill Lane is unadopted and in need of urgent attention. Further vehicular traffic via Mill and will exacerbate the issues with the poor road surface.
- Inadequate visibility from the junction with Newcastle Road;
- Need for vehicles entering Mill Lane to reverse out into Newcastle Road if a vehicle exiting Mill Lane is met;
- Mill Lane is too narrow with no space for two vehicles to pass
- Emergency service vehicles would not be able to reach the location of the proposed building plot;
- Damage to property adjoining Mill Lane from existing passing traffic will increase;
- Approval would set a precedent for future development;
- Would be overdevelopment;
- Damage adjoining Green Belt and spoil the open aspect of the land.

Madeley Conservation Group object on the following grounds:-

- It would constitute over-development in this area of the village
- Harm the open aspect to the adjoining Green Belt
- Create increased congestion and danger on the junction of narrow Mill Lane and the main A525.
- Encourage further applications for potentially substantial development on neighbouring open plots.

In support it has been stated that it has been attempted to return the land to agriculture but this has proved impossible due to glass and metal in the ground injuring grazing animals and damaging machinery, and dog walking leading to sheep worrying and excrement.

Applicants submission

Amended Plans have been received to include the approach from the adopted highway of Newcastle Road along Mill Lane. A photograph of the site notice giving notice to the landowners of Mill Lane has also been submitted.

A Design and Access Statement has been submitted:

The plot is part of a former allotment site, most of which has now been taken into the gardens of adjoining houses. Access is by Mill Lane. A turning area will be provided on the site.

There is residential Land on two sides, open agriculture to the east. It is intended to erect a single dwelling with an integral garage, access drive, vehicle turning area and suitable landscaping.

In a further letter of support it has been stated:-

- Most of the properties in the area have been modernised and/or extended. A single, carefully designed in keeping with the existing dwellings in this part of the village would not harm the open aspect of the adjoining Green Belt.
- The proposal should be considered on its own merits and not on the basis that further dwellings may be proposed served off Mill Lane.
- The Highway Authority has raised no objections.

All of these documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/netherley

Key Issues

Classification: NULBC UNCLASSIFIED

This application is for outline planning permission for a detached dwelling, all matters of detail being reserved for subsequent approval.

The application site is part of a former allotment area. It falls between the village and the open countryside, falling outside Madeley Village Envelope; but not within the Green Belt or Area of Landscape Restoration Surrounding the Village Envelope

The key issues to assess are:

1. The principle of residential development
2. The Context and Design of the proposal
3. The impact to highway safety
4. Residential Amenity

The principle of residential development

The site lies within the Rural Area of the Borough just outside of the village envelope of Madeley, in the open countryside. Policies in the Development Plan do not promote residential development on the site as it does not fall within a village envelope of a key Rural Service Centre as referred to in Policy ASP6 of the CSS. However, notwithstanding this, as the Local Planning Authority is unable to demonstrate a five year supply of deliverable housing sites the principle of residential development on the site must be assessed against paragraph 49 of the NPPF which 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 to up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

Paragraph 14 of the NPPF details that at the heart of the Framework is a presumption in favour of sustainable development, and for decision taking (i.e. the determination of planning applications and appeals) this means, unless material considerations indicate otherwise:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:-
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The examples given of specific policies in the footnote to paragraph 14 however indicate that this is a reference to area specific designations such as Green Belts, Areas of Outstanding Natural Beauty and similar. The application site is not subject to such a designation.

In light of the above it is considered that there is a presumption in favour of this development, unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the development on the supply of housing land. Such impacts are addressed below.

The context and design of the proposal

The site is approached along Mill Lane. Houses adjoining in Mill Lane and the ribbon development along Newcastle Road are detached or semi-detached with some older terraces off Mill Lane. Adjoining houses are detached with large gardens some of which incorporate parts of the former allotments having been taken into their curtilages. Whilst this is an outline application, with no details provided at this stage, there is no basis to conclude that a single detached dwelling on this site could not be designed in a manner that would be in keeping with the area and as such this does not constitute a reason to refuse the application.

The impact on highway safety

Classification: NULBC UNCLASSIFIED

The application site is to be accessed via Mill Lane, which is an unadopted highway of single carriageway width with restricted visibility at its junction with Newcastle Road.

The Highway Authority considers that the proposed development would not generate more vehicle trips to the site than if its current lawful use, as allotment, was reinstated and as such have not objected to the proposal subject to conditions.

For a refusal to be sustained it would be necessary to demonstrate that the proposal would materially increase vehicular movements on a substandard access/junction and for reasons set out by the Highway Authority it is not considered that this would be possible. In addition it is considered that adequate parking provision to meet the needs of the development could be secured on site and as such off site parking problems would not be created/exacerbated.

In view of the above it is considered there are no sustainable reasons to refuse the proposal on highway grounds.

The Impact to Residential Amenity

The National Planning Policy Framework paragraph 9 states that pursuing sustainable development involves seeking positive improvements in people's quality of life, including improving the conditions in which people live work, travel and take leisure. Paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The impact on the amenity of surrounding residents has to be taken into considered.

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

Given the location of the site in relation to existing dwellings it is considered that a dwelling could be designed and sited in a manner which would satisfy the guidance set out in the SPG.

Conclusion

The development will not result in any adverse impacts that would significantly and demonstrably outweigh the benefits of the development on the supply of housing land as such there is a presumption in favour of this development.

Background Papers

Planning File
Development Plan

Date report prepared

4th February 2014