

The application is for full planning permission for the erection of seven dwellings on the site of a builders yard

The site is located within the Green Belt and is also within an Area of Landscape Enhancement as defined by the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expired on the 24th April 2018.

RECOMMENDATIONS

A. Subject to the applicant first entering into a Section 106 agreement by 18th September 2018 to secure a review mechanism of the scheme's ability to secure policy compliant on-site affordable housing and a contribution towards off site public open space, if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such a contribution and the provision of such affordable housing if found financially viable, PERMIT the application subject to conditions relating to the following matters:-

- 1. Standard Time limit for commencement of development**
- 2. Approved Plans**
- 3. Facing and Roofing Materials**
- 4. Boundary Treatments**
- 5. Finished Ground and Floor Levels**
- 6. Access, Internal Road and Parking to be provided prior to occupation**
- 7. Visibility Splays**
- 8. Surfacing and Drainage (roads, access and parking)**
- 9. Footway Provision on Alsager Road (to the site)**
- 10. Garages Retained for Parking and Cycles**
- 11. Approval of Tree and Hedgerow Protection Proposals**
- 12. Arboricultural Method Statement to BS5837:2012**
- 13. Landscaping**
- 14. Construction Environmental and Highways Management Plan**
- 15. Land Contamination**
- 16. Foul and surface water drainage details**

B. Should the matters referred to above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such an obligation there would not be an appropriate review mechanism to allow for changed financial circumstance, and, in such circumstances, the potential provision of policy compliant financial contribution towards public open space and onsite affordable housing.

Reason for Recommendation

The development comprises appropriate development within the Green Belt and whilst the site is located within the open countryside beyond the village envelope of Audley it does offer opportunities for walking and cycling, as opposed to the use of private motor vehicles, to access day to day services and facilities in Audley. The proposal would provide a number of benefits including; a contribution to the Council's housing supply and the replacement of unsightly buildings and associated external storage areas, with a scheme that would enhance the character and quality of the landscape. The benefits would significantly and demonstrably outweigh the limited suburbanising and sustainability concerns that have been identified. It is also accepted, following the obtaining of independent financial advice, that the scheme is not viable with any affordable housing and financial contribution towards public open space, and

whilst these policy compliant requirements are not sought, given the benefits of the scheme, a Section 106 agreement should be secured for a review mechanism.

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

The Authority has requested additional information during the consideration of the planning application to address specific concerns, and has arranged for an appraisal of the viability of the scheme.

Key Issues

Full planning permission is sought for the erection of seven dwellings on the site of a builders yard which is located within the Green Belt and is also within an Area of Landscape Enhancement as defined by the Local Development Framework Proposals Map.

The application indicates that the site comprises previously developed land (used as a builders yard for the past 17 years) and whilst planning permission was never given for such a use it would appear that due to the continuous period that the builders yard has been operating from the site that it represents the lawful use of the site.

It is not considered that the application raises any issues of impact on residential amenity, coal mining risk or impact on trees and hedgerows subject to conditions. Therefore, the key issues in the determination of this application are considered to be:

- Is the development appropriate within the Green Belt? If it is not appropriate development in the Green Belt, do the required very special circumstances exist that would outweigh the harm caused by inappropriate development or any other harm?
- Is the principle of residential development acceptable in this location?
- Is the proposal acceptable in terms of its impact on the form and character of the area?
- Would there be an unacceptable impact on highway safety?
- What affordable housing and contributions, if any, are required?
- 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 development an appropriate form of development within the Green Belt?

Paragraph 145 of the revised NPPF states that other than in the case of a number of specified exceptions the construction of new buildings should be regarded as inappropriate in the Green Belt. One of these exceptions is the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

The application site constitutes previously developed land. The applicant's agent has provided volume calculations of the existing buildings on the site and these are calculated as having a volume of 7844 cubic metres with the proposed seven dwellings and their garages having a total volume of 7056 cubic metres.

The agents indicate that this amounts to a reduction of 788 cubic metres, which would be a 10% decrease in overall built volume. The footprint of the proposed buildings is less than that of the existing buildings.

On the basis of the above it is considered therefore that the proposed development of this previously developed site would not have a greater impact on the openness of the Green Belt (as opposed to its appearance) than the builders yard and its associated buildings and external storage area. The proposal therefore constitutes appropriate development within the Green Belt and there is no requirement for the applicant to make a case based on there being "very special circumstances".

Is the principle of residential development acceptable in this location?

The application site lies within the Rural Area of the Borough in the open countryside. Policies for the control of development in the open countryside apply with equal force within the Green Belt

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.

The site is not within a village envelope and the proposed dwellings would not serve an identified local need, as will be explained later, and as such are contrary to policies of the Development Plan.

The revised NPPF published on the 24th July brings with it a new approach to the assessment of whether an area has a five year housing land supply.

Whilst your officers are seeking to bring a report on the five year housing land supply position to the Committee the position at the time of writing is that the Borough Council has yet to determine that it is able to demonstrate a supply of deliverable housing sites sufficient to provide a minimum of 5 years' worth of housing against its local housing need (the appropriate test given its adopted strategic policies are more than 5 years old, the Council having accepted that the Core Spatial Strategy (CSS) requires updating).

Until the position changes the LPA has no alternative but to treat its policies on the supply of housing (which include both policies ASP6 and H1) as "out of date" and this means the presumption in favour of sustainable development applies and permission should be granted unless

- i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits

Although the site does lie within one of the areas referred to in i) above (the Green Belt) given the conclusion reached above, that the development constitutes appropriate development policies on inappropriate development (in the Green Belt) do not provide a clear reason for refusing the development

The NPPF indicates with respect to housing in rural areas that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural communities. An example given of this is where there are groups of smaller settlements, development in one village may support services in a village nearby. However it goes on to indicate further that local planning authorities should avoid the development of new isolated homes in the countryside unless there are 'special circumstances'. None of the circumstances listed in paragraph 79 are considered to apply to this case

The site lies approximately 600 metres from the edge of the village envelope of Audley and 1.4km from the shops and services. There is a footway on Alsager Road but future occupiers

of the proposed dwellings would need to cross over at least twice because the footway is not continuous on each side of the road. The application proposes an extension to the footway on the eastern side of Alsager Road which will extend to the entrance of the development site on Cross Lane.

Manual for Streets Guidance advises that walkable neighbourhoods are typically characterised as having facilities within 10 minutes (up to 800m) walking distance of residential areas which residents may access comfortably on foot. It goes on to say however that this is not an upper limit and that walking offers the greatest potential to replace short car trips, particularly those under 2km. Guidance within the Chartered Institution of Highways and Transportation (CIHT) document, "Guidelines for Journeys on Foot" states that the preferred maximum walking distance for commuters and education is 2km.

Notwithstanding the need to cross over the road at least twice (before occupiers get to the village envelope) to access services within the village there is a possibility that an occupier of the proposed dwellings would find walking and cycling, at least to facilities and bus services within Audley, a realistic alternative to the use of a private motor vehicle. In terms of access to facilities and a choice of mode of transport, it is considered that the site does offer an alternative to the use of a private motor vehicle via walking and cycling but it is acknowledged that this is likely to be infrequent given the distance involved.

Paragraph 8 of the revised NPPF states that there are three overarching objectives to sustainable development: economic, social and environmental. The applicant's agent states that in terms of the economic dimension, the proposal would result in the loss of a builders yard, although it would not result in the loss of the existing business which primarily operates off site. They state that other economic benefits would be through the construction of seven new houses by local builders and through expenditure by the additional households. The New Homes Bonus would be a further economic benefit.

The applicant sets out a range of environmental benefits, which include the removal of unsightly buildings with that they say is designed to enhance the landscape. Furthermore the proposal would not give rise to significant harm to biodiversity interests, and measures can be incorporated into the proposal to enhance biodiversity.

In terms of the social dimension, it is argued that the proposal would contribute to the supply of housing in the Borough and would deliver open market housing that would meet existing needs, as well as the needs of future generations.

In consideration of the above your Officer would point out that with respect to the New Homes Bonus that may be associated with the development as members will be aware officers have previously advised that no weight should be given to this particular "local finance consideration" given what it is spent on in the Borough.

Further consideration will be given in the final section to the harm and benefits associated with this development.

Is the proposal acceptable in terms of its impact on the form and character of the area?

The National Planning Policy Framework places great importance on the requirement for good design, which is a key aspect of sustainable development. Policy CSP 1 of the Core Spatial Strategy broadly reflects the requirements for good design contained within the NPPF, and the Urban Design Supplementary Planning Document provides detailed policies on design and layout of new housing development.

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 Landscape Enhancement. Policy N20 of the Local Plan states that within such areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The site is surrounded predominantly by agricultural land, with fields bounded by hedgerows and hedgerow trees.

The existing buildings and the use of the site, as a builders yard, do have an adverse impact on the character and appearance of the landscape, even though the buildings are of a single storey nature. The proposed scheme would result in the removal of the unsightly buildings and the associated significant areas of external storage of building materials. Photographs taken recently of the site will be available for members to view at the Committee meeting. The site is likely to be more prominent and intrusive in the landscape in the winter months when adjacent trees and hedgerows are not in leaf.

It is accepted that the layout, form and appearance of the proposed dwellings are sympathetically designed and the use of appropriate facing materials would further aid their appearance. The scheme provides opportunities that would not otherwise exist for appropriate landscaping within the site to reinforce existing vegetation.

It is accepted that the proposed development, by re-using previously developed land would not further erode the character and quality of the landscape and the submitted landscaping proposals would offer an enhancement to the site. As such the proposal would comply with Policy N20.

Impact on highway safety

The existing site has an existing access point onto Cross Lane and the proposal is to improve this access. The site access can accommodate two-way vehicle movements, and each dwelling would be provided with off street car parking space. A turning head would also be provided.

The NPPF advises that development should only be prevented or refused on highway grounds if there is an unacceptable impact on highway safety.

In this case the Highways Authority has raised no objections subject to a number of conditions which will ensure that appropriate visibility, parking and turning areas are provided, along with acceptable surfacing/ water run-off provision and a construction method statement are achieved

The site currently operates as a builders yard, which will generate some movements, and

whilst there will probably be an increase in vehicle movements to and from the site that would not result in an unacceptable impact on highway safety.

What affordable housing and contributions, if any, are required?

The Landscape Development Section (LDS) have indicated that the proposed development would require a contribution of £5.579 per dwelling to be secured for Public Open Space (POS) improvement and maintenance. The sum, it is proposed would be spent on improvements to play equipment at Alsager Road which is approximately a 790m walk from the site. Although this is some distance it is within the recognised acceptable walking distances referred to above. For the avoidance of doubt it is confirmed that the requirements of Sections 122 and 123 of the CIL Regulations in respect of this contribution are considered to be met.

The proposals generate in excess of 1000 square metres of floor space and there is a local policy requirement for 25% affordable housing to be provided on-site which would amount to 2 of the units.

The applicant has stated within their submission that the scheme cannot support the requested policy compliant contributions towards affordable housing and POS and the District Valuer's (DV) advice has been obtained by the Authority. This concludes that the scheme is not viable with policy compliant financial contributions, and when asked to confirm what, if any, financial contributions the scheme could support, the DV has confirmed that the scheme would be unviable if any level of contribution or affordable housing was secured.

The application will still need to be the subject of a planning obligation which would secure a financial viability reappraisal mechanism, should a substantial commencement of the development not occur within 12 months of the date of any decision on the application, and then payment of an appropriate contribution/ provision of on-site affordable housing, if the site were to found capable of financially supporting these features. It is suggested that in such an event any such residual land value if it equates to the value of less than either one, or two affordable housing units on sites should be allocated in equal proportions to offsite affordable housing and public open space improvements.

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?

Your Officer recognises that this is not a location that would generally be recognised as "isolated" although it is physically separated from the village of Audley. The introduction of 7 two storey dwellings replacing single storey sheds of an agricultural appearance will have some adverse urbanising impact on the character of this part of the countryside – that being an element of harm. Whilst residents would at least have a choice of modes of travel in this location that would only be via a 1.4 km walk and there is also still likely to be a fairly high level of use by the private motor car by the residents to access employment and most services so on the sustainability spectrum the site does not score particularly well. This is a further element of harm.

As indicated above there are significant benefits of the scheme, in particular the fact that unsightly buildings and external storage areas would be removed which would not otherwise occur. The development would also make a contribution towards addressing the currently accepted shortfall in housing supply within the Borough. Although this contribution is limited in scale it is appropriate to consider such contributions cumulatively. Finally it would bring about limited economic benefits associated with its construction and occupation. It would not however make any contribution to the supply of affordable housing.

Taking the above into account it considered that the adverse impacts that have been identified above do not significantly and demonstrably outweigh the benefits of the development, and on this basis a recommendation of approval is given.

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
Policy CSP6: Affordable Housing
Policy CSP10: Planning Obligations

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy S3: Development in the Green Belt
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy N17: Landscape Character – General Considerations
Policy N20: Area of Landscape Enhancement
Policy C4: Open Space in New Housing Areas
Policy IM1: Provision of Essential supporting Infrastructure

Other Material Considerations

[National Planning Policy Framework](#) (July 2018)
[Planning Practice Guidance](#) (PPG) (March 2014)

[Draft revised National Planning Policy Framework](#)

[Community Infrastructure Levy Regulations](#) (2010) as amended and related statutory guidance

[Supplementary Planning Documents/Guidance](#)

[Space Around Dwellings SPG](#) (SAD) (July 2004)
[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)
[Developer contributions SPD](#) (September 2007)
[Affordable Housing SPD](#) (2009)
[Newcastle-under-Lyme Open Space Strategy](#) (March 2017)
[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

[Planning History](#)

None considered relevant to the determination of this planning application.

[Views of Consultees](#)

The **Environmental Health Division** has no objections subject to conditions which secure the submission and approval of an environmental management plan and contaminated land information.

The **Highway Authority** has no objections following the submission of further information. They recommend conditions which secure the access. Internal road and parking areas, the

visibility splays being provided, the submission and approval of surfacing materials and surface water drainage, provision of a footway linking from the site access to the existing footway on Alsager Road, garages to be retained for parking of vehicles and cycles and the submission and approval of a construction method statement.

The **Landscape Development Section** has no objections subject to the following being secure via conditions;

- Approval of Tree and Hedgerow Protection Proposals
- Arboricultural Method Statement to BS5837:2012 to cover all works within the RPAs of retained trees.
- Prior approval of landscaping proposals (to include replacement tree planting and hedgerow planting).

A contribution by the developer is also requested for capital development/improvement of offsite open space of £4,427 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years. Total contribution £5,579 per dwelling. This will be used to upgrade local play equipment at Alsager Road which is 790m walk or at another suitable local Parish Council facility.

Audley Rural Parish Council resolved not to support this application due to the harm on the character of the Green Belt, the lack of special circumstances to develop the Green Belt, the fact that this was never used as a builders yard (with permission, due to no enforcement action taken) and was for agricultural purposes, highways safety issues regarding access onto Alsager Road, the unsustainability of the development which is not near any amenities, services or near to public transport links. It was also noted that a similar development on Nantwich Road had also been refused and that this should follow the same precedent.

The **Waste Management Section** indicates that no swept path information has been supplied with relation to our collections fleet of 26 tonne freighters and Romaquip recycling vehicles. Each property will need to be able to store a 180ltr refuse bin, a 240ltr garden waste bin, 3 x 55ltr recycling boxes and a 21ltr food caddy.

The **Coal Authority** indicates that in accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Representations

None received

Applicant/agent's submission

The planning application is supported by the requisite application forms and indicative plans, along with the following supporting documents;

- Design and Access Statement
- Planning Statement
- Development Appraisal
- Landscape and tree report
- Ecological Assessments and phase 1 habitat survey
- Phase 1 Environmental Assessment

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00122/FUL>

Background Papers

Planning File

Planning Documents referred to

Date Report Prepared

3rd August 2018