

The application is for outline planning permission for the demolition of an existing bungalow and the construction of two pairs of 3 bedroom semi-detached houses and one 3 bedroom detached house (5 dwellings in total).

Details of the access and layout have been submitted for approval at this stage with all other matters of detail (scale, appearance and landscaping) reserved for subsequent approval.

The site lies within the village of Madeley as defined on the Local Development Framework Proposals Map.

The development has been called in to the Planning Committee for determination, by two Councillors, due to concerns of overdevelopment in a residential area.

**The 8 week period for the determination of this application expires on the 29<sup>th</sup> June 2019. In anticipation of the committee meeting an extension of time to the 26<sup>th</sup> July has been agreed by the applicant.**

#### **RECOMMENDATION**

**PERMIT subject to the following conditions relating to:-**

- 1. Approval of details of the scale, appearance, and landscaping as reserved matters.**
- 2. Time limit/Plans.**
- 3. Prior approval of soft and hard landscaping shall include tree planting to mitigate the loss of trees from the site.**
- 4. Provision of access, parking and turning areas provided to serve the development in accordance with the submitted layout plan prior to occupation.**
- 5. Agreement and implementation of:-**
  - a) Surfacing materials for parking and turning areas**
  - b) Means of surface water drainage for the parking and turning areas**
- 6. Prior to occupation. The existing access on Moss Lane, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development hereby permitted is permanently closed and the access crossing reinstated as footway.**
- 7. No development shall take place, including any works of demolition until a Construction Management Plan has been submitted to, and approved in writing. The approved details fully implemented on commencement.**
- 8. Restrictions on hours of construction.**
- 9. Provision of an electric vehicle charging point for each dwelling.**
- 10. Surface water drainage scheme.**
- 11. Foul and surface water shall be drained on separate systems.**

#### **Reason for Recommendation**

The proposal involves development of a site which, largely, does not fall within the Framework definition of previously developed land and as such it does not fully accord with local and national policy. The proposed development does provide a number of benefits, however. It would boost housing supply within the Borough through the provision of 4 new homes within the village development boundary of Madeley, which is considered to represent a sustainable location for new development. The proposed development is also considered to be an effective use of land and would provide modest economic benefits arising during construction and as a consequence of the occupation of the dwellings.

**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 application follows pre-application discussions and no amendments have been considered necessary during the determination period.

**Key Issues**

Outline planning permission is sought for the demolition of an existing bungalow (Rosemere) and the construction of two pairs of 3 bedroom semi-detached houses and one 3 bedroom detached house. Access and layout are submitted for approval at this stage with all other matters of detail (scale, appearance and landscaping) reserved for subsequent approval. The site lies within the village of Madeley as defined on the Proposals Map of the Local Development Framework.

The key issues to consider are:-

1. Is the principle of residential use acceptable in this location?
2. Will the development have an acceptable impact to the character and appearance of the area?
3. What is the impact to trees and is it acceptable?
4. Can acceptable living conditions be provided?
5. What is the impact to highway safety and is it acceptable?
6. The planning balance

**1. Is the principle of residential use acceptable in this location?**

Local and national planning policy seeks to provide new housing development within existing development boundaries on previously developed land where available.

Saved Newcastle Local Plan (NLP) policy H1 supports new housing within village envelopes such as Madeley. ASP6 of the Core Spatial Strategy (CSS) advises that, by 2026, there will be a maximum of 900 net additional dwellings of high design quality located primarily on sustainable brownfield land within the village envelopes of key rural service centres which also includes Madeley.

The National Planning Policy Framework (the Framework) seeks to support the Government's objective of significantly boosting the supply of homes. It also sets out that there is a presumption in favour of sustainable development.

Paragraph 117 of the Framework states that Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 11 of the Framework states that Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. 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.

(Para 11(d))

Paragraph 12 also highlights that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

Whilst the site is not entirely previously developed land (as defined in the Framework), such policies in all other respects are supportive of housing development in this location.

It is, however, important to note the Planning Inspector's conclusions in a number of recent appeal decisions in respect of housing developments beyond village envelopes. In such appeals only limited weight has been given to NLP Policy H1 and CSS ASP6 in as far as they define the village envelopes (Policy H1 and ASP6) and limit the number of additional dwellings in key rural service centres (Policy ASP6). Such Inspectors have further concluded that paragraph 11(d) of the Framework is engaged.

The limit on the number of additional dwellings as set out policy ASP6 applies to housing developments, such as this, that are located within defined village envelopes as well as those beyond such boundaries. In that the 900 dwelling limit is not consistent with the Framework which seeks to boost the supply of housing it is, however, of no consequence whether that figure would be exceeded. Even though the village envelopes referred to in ASP6 have to be considered to be out of date, the remainder of the policy (i.e. the requirement for development to be of high design quality and to be primarily located on previously developed land) is not inconsistent with the Framework. Accordingly it remains appropriate to consider whether the development complies with such aspects of ASP6, and Framework paragraph 11(d) should not be considered to be engaged.

## 2. Will the development have an acceptable impact to the character and appearance of the area?

Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 127 of the Framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

As indicated above, policy ASP6 of the CSS indicates that additional dwellings in the rural area should be of high design quality. Policy CSP1 seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

The site lies within an established residential area at the corner of Morningside (road) and Moss Lane. Rosedene (the property subject to proposed demolition) is a detached dormer bungalow with a large garden. A line of closed boarded fencing with trees behind runs around the boundary of the property adjacent to the highway verge.

The character of the area comprises of a mixture of detached/semi-detached and terraced single and two storey housing of varying architectural styles. A row of bungalows along Morningside faces the site. Elsewhere the character is predominantly two storey dwellings. There is a high degree of garden frontage greenery in the immediate vicinity as a noticeable local characteristic of the visual appearance of the area.

As only layout and access details are applied for at this stage a complete assessment of the visual appearance impact cannot be made. However owing to plot size the number of units applied for on the site (which is 5) and the layout, which does form part of this application, will not appear inappropriate in the context of existing surrounding properties subject to the agreement of reserved matters. There is no reason to conclude that development with an

acceptable visual appearance including landscaping provision cannot be achieved for the number of units proposed and as such does not comply with ASP6 and CSP1 of the CSS.

### 3. What is the impact to trees and is it acceptable?

Saved 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. Where appropriate developers will be expected to set out what measures will be taken during the development to protect trees from damage.

There is a line of boundary trees within the applicant's garden area which will need to be removed. The trees are not of a high amenity level considered individually and the Landscape Development Section does not object to their removal. However, collectively the trees do provide a pleasant green visual aspect alongside the highway verge. In that regard the Landscape Development Section advises that tree planting should be included in any landscaping scheme to be agreed upon given the location of the site against a prominent road junction. Therefore subject to the agreement of a well thought out landscaping scheme with tree planting the development is acceptable in respect of its impact to trees.

### 4. Can acceptable living conditions be provided?

Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance on the assessment of proposals on matters such as light, privacy and outlook. An acceptable level of separation can be achieved between other neighbouring properties in accordance with the SPG. The amount of garden space per dwelling which can be provided is acceptable for functional requirements also accounting that there are publically available open space areas within a short walking distance.

### 5. What is the impact on highway safety and is it acceptable?

The most up to date planning policy (contained within the Framework) indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Framework also indicates, at paragraph 106, that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. This is in line with the Ministerial Statement of March 2015 indicating that the Government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

Saved policy T16 of the Newcastle-under-Lyme Local Plan (NLP) 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. Such a policy is, however, of limited weight as it is not in full consistent with the Framework given it reference to maximum parking levels.

A new vehicular access is proposed off Moss Lane to serve two of the proposed dwellings resulting in the existing access on that road serving Rosemere being made redundant. As referred to in representations received on the application, the formation of this access appears to be upon the location of an existing post box. The post box is not protected, however, and there is no reason to consider that it could not be appropriately relocated if that is necessary. It does not, therefore, pose a constraint upon this proposal.

A further two new vehicular accesses are proposed off Morningside to serve the remaining three dwellings that are proposed.

There are no parking restrictions in the immediate vicinity. A total of 10 car parking spaces are indicated on the submitted layout drawing (two spaces for each of the proposed dwellings) which does achieve the maximum specified level set out in the Local Plan and is considered to be acceptable level of parking for the development as proposed.

The Highway Authority have no objections to the proposal from a highway safety perspective which includes an assessment of access provision from Morningside and Moss Lane as well as the resultant parking levels and increased traffic in the area.

Overall, therefore there are no substantive highway safety grounds to refuse the proposal.

## 6. Planning Balance

The proposal involves development of a site which, largely, does not fall within the Framework definition of previously developed land and as such does not fully accord with local and national policy. The proposed development does provide a number of benefits, however. It would boost housing supply within the Borough through the provision of 4 new homes within the village development boundary of Madeley, which is considered to represent a sustainable location for new development. The site is approximately 300 metres from the village centre of Madeley and it close to bus stops within the village centre offer good public transport links (no.85 bus) to Newcastle town centre, Hanley city centre, Crewe, Keele University and other rural locations. The proposed development is considered to be an effective use of land and would provide modest economic benefits arising from during construction and as a consequence of the occupation of the dwellings.

## 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

#### [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

### **Other Material Considerations**

[National Planning Policy Framework \(March 2012\)](#)

[National Planning Policy Framework \(July 2019\)](#)

[Planning Practice Guidance \(PPG\) \(March 2019\)](#)

[Supplementary Planning Documents/Guidance](#)

[Space Around Dwellings SPG \(SAD\) \(July 2004\)](#)

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

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

[Planning History](#)

None relevant.

[Views of Consultees](#)

**Madeley Parish Council** objects to the development on the grounds that it represents overdevelopment of the area.

The **Highway Authority** has no objections subject to conditions relating to the following:-

1. The development shall not be occupied until access, parking and turning areas have been provided in accordance with the submitted layout plan.
2. Prior approval and implementation of the following:-
  - a) Surfacing materials for parking and turning areas
  - b) Means of surface water drainage for the parking and turning areas
3. The development shall not be occupied until the existing site access on Moss Lane, made redundant as a consequence of the development hereby permitted is permanently closed and the access crossing reinstated as footway.
4. No development shall take place, including any works of demolition until a Construction Management Plan has been submitted to, and approved in writing by the Planning Authority.

**Landscape Development Section** has no objections subject to the agreement of landscaping proposals. This should include tree planting to mitigate the loss of trees from the site.

The **Environmental Health Division** has no objections subject to conditions requiring:-

1. The construction and demolition phases of the development no machinery shall be operated, no process shall be carried out and no construction traffic shall enter or leave the site between the hours of 18.00 hours and 07.00 hours Monday to Friday, and not at any time on Sundays, Bank Holidays or after 13.00 hours on any Saturday.
2. Provision of electric vehicle charging points.

**United Utilities** have no objections subject to the agreement and implementation of:-

1. A surface water drainage scheme.
2. Foul and surface water shall be drained on separate systems.

#### Representations

2 letters of representation have been received raising the following concerns:-

- The position of an existing post box on Moss Lane has not been referred to by the applicant in relation to the access.
- The proposed access on Morningside is likely to result in increased obstruction on the highway owing to visitor parking on the road and aggravate existing parking problems. The arrangement will be dangerous to road safety.
- Extra traffic from the development will be detrimental to highway safety.

#### Applicant/agent's submission

Application forms and indicative plans have been submitted. The application documents are available for inspection via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00347/OUT>

#### **Background Papers**

Planning File.  
Planning Documents referred to.

#### **Date Report Prepared**

28<sup>th</sup> June 2019.