

The application seeks planning permission for the erection of two detached dwellings and a detached double garage (providing a garage space for each dwelling) on land which currently forms part of the residential curtilage of Smithy Cottages. A detached double garage to serve the existing dwelling is also proposed.

The application site lies within the Conservation Area of Madeley, as defined by the Local Development Framework Proposals Map. The site adjoins Ye Olde House, a Grade II Listed Building.

The application has been called in to Committee by two Councillors on the grounds that the proposal is overdevelopment and inappropriate development in a Conservation Area.

The statutory 8 week determination period for the application expires on 10th September 2019.

RECOMMENDATION

PERMIT subject to the following conditions;

- 1. Time limit**
- 2. Approved plans**
- 3. Provision of access, parking and turning prior to use of development**
- 4. Provision of visibility splays in accordance with plans prior to use**
- 5. Retention of the garages for parking of vehicles and cycles**
- 6. Gates to be located a minimum of 5 metres back from highway boundary**
- 7. Provision of a surface water drainage interceptor across the access immediately to the rear of the highway boundary.**
- 8. Tree and hedgerow protection.**
- 9. Schedule of works to retained trees**
- 10. Alignment of utility apparatus**
- 11. Ground protection of Root Protection Areas during construction works**
- 12. Landscaping proposals in accordance with submitted plans.**
- 13. Prior approval of facing and roofing materials, and hard surfacing materials which shall have a more informal appearance (not tarmac)**
- 14. Prior approval of finished floor levels**
- 15. Reporting of unexpected contamination**
- 16. Removal of Permitted Development Rights for porches, roof lights on the front elevation and out buildings.**
- 17. Hours of construction**
- 18. Electric vehicle charging points**

Reason for recommendation

An extant planning permission exists on this site for two dwellings. The principle of residential development, within the village envelope of Madeley, has been established therefore and remains acceptable. The proposed development as now amended would not harm the character of the Conservation Area, and would not harm the setting of the adjacent Grade II Listed Building. The development would be acceptable in terms of access and highway safety, and would retain a good level of mature landscaping (trees and hedgerows) to retain the landscape character of the plot. The development would therefore comply with local and national policies and guidance.

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

Amendments were requested and received during the course of the application and this 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 two detached dwellings and two detached garages, one to serve the proposed dwellings the other to serve Smithy Cottages, within the garden area of Smithy Cottages. The site is within the village envelope and Conservation Area of Madeley, as indicated on the Local Development Framework Proposals Map. There is a Grade II Listed Building – Ye Olde House –adjacent to the site to the west of the site.

The application follows the granting of planning permission, on appeal, for two dwellings and a detached double garage serving Smithy Cottages on the same plot under reference 16/00226/FUL. The permission remains extant. The development of the site for two dwellings has therefore been established and as such it must be concluded that the principle of residential on this site is acceptable.

The dwellings proposed within this application have four bedrooms as do the dwellings already permitted on this site. In addition the proposed access is that already approved under 16/00226/FUL. Given that the proposal does not involve a material intensification of the use of that access and in light of the Highway Authority not raising objections to the proposal it is considered that the current application does not raise highway safety concerns.

The siting and scale of the proposed dwellings are very similar to the approved development and as such the relationship with the adjoining dwellings is also very similar. As such there is no requirement to reconsider the issue of residential amenity.

The key issues in the determination of the application are therefore considered to be:

- The impact of the development on the character and appearance of the area and Conservation Area and the adjoining Listed Building
- The impact of the development on trees and hedgerows

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

When making a decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. In addition where a planning application affects a Conservation Area a Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character and appearance of that area.

Saved Policy B5 of the Newcastle Local Plan (NLP) states that the Council will resist development that would adversely affect the setting of a listed building. Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B14 states that in determining applications for building in or adjoining a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the NPPF and the weight to be given to them should reflect this.

The NPPF, at paragraph 192, states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, Listed Building or Registered Park and Garden, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

In paragraph 195 it is indicated that where a proposed development would lead to *substantial* harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:-

- The nature of the heritage asset prevents all reasonable uses of the site
- No viable use of heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use

Paragraph 196 of the NPPF states that where a development proposal will lead to *less than substantial* harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The two dwellings as now proposed in the current application, following amendments to the dwelling on plot 2, have the same overall maximum height as the dwellings already permitted and have a similar, albeit slightly smaller, footprint. Their external appearance is also very similar to that of the approved dwellings with the key differences being:

- the omission of an integral garage, consequent loss of garage door and replacement with a front door and small window with canopy.
- Introduction of a bay window at ground floor of the projecting gable.

Bay windows are not a typically feature of the dwellings within the Conservation Area but are incorporated in some of the more modern dwellings within the wider village. Overall it is considered that such amendments do not fundamentally change the design and appearance of the dwellings when compared to the permitted development and would not be harmful to the character and appearance of the Conservation Area. In this regard it is noted that neither the Conservation Officer (CO) nor the Conservation Advisory Working Party (CAWP) object to the appearance of the dwellings.

The development already permitted on this site includes a double garage for Smithy Cottages. The current application retains that garage, with no amendment to its design or position, and introduces a second double garage to serve the proposed dwellings which is to be sited close to the boundary with the adjoining listed building, Ye Olde House. The siting of the second double garage would result in the removal of two category C trees and vegetation that were to be retained. However more visually significant trees that are closer to the highway, and public obscure views of the trees to be lost, would be retained and in light of this no objections are raised to such loss. The CO and CAWP have not raised any objections to the introduction of a second garage considering that this in itself is unlikely to cause harm to the setting of the Listed Building or to the Conservation Area.

The CO and CAWP have, however, raised concerns about the repositioning of the dwellings from that approved. The site layout as initially submitted show the dwellings in line with each other, thereby not achieving the staggered layout as approved. They have also raised concerns about the increase in the amount of hard surfacing, considering that the development now has more of a suburban cul-de-sac appearance. In response to such concerns amended plans have been submitted which relocates the dwelling on plot 2 further back into the site, in a similar position to that approved, and removes some of the hard surfacing between the garages to Smithy Cottages and the driveway on plot 2 thereby creating a more significant area where landscaping can take place. The amount of additional

hard surfacing as now proposed is therefore only marginally greater than that within the approved scheme.

Permitted development rights relating to alterations to the roof of the dwellinghouses (Class C) and porches (Class D) were removed by condition planning permission granted on appeal in the interests of the character and appearance of the Conservation Area. It is noted that permitted development rights for the introduction of outbuildings (Class E), which would include garages, were not also removed by the Planning Inspector at that time. It is, however, considered that removal of Class E permitted development rights is now justified to ensure that the Local Planning Authority has control over the construction of further buildings within the site

The Planning Inspector when granting planning permission 16/00226/FUL considered that the significant setback position of the dwellings from the road frontage and the trees and planting throughout the site would ensure that they are not prominent in the street scene. In addition he acknowledged that there would be public views of the dwellings throughout the Conservation Area, including but such views would only be glimpsed behind the more prominent neighbouring properties and existing vegetation. The same could be said for the current proposal, as now amended.

In respect of the current proposal, there are no objections to the amended appearance of the dwellings or to the introduction of the second double garage, and consequent loss of trees and vegetation, and the amended site plan shows the siting of the dwellings and the extent of hard surfacing is very similar to the approved development on this site. It is considered that subject to conditions that were imposed by the Inspector which included the requirement for the approval of materials and the removal of permitted development rights for front porches and rooflights, and that the driveways are surfaced in a more informal manner, and not tarmacked as proposed, that the proposed development as amended would preserve the character and appearance of the Conservation Area.

Overall, the proposed development is considered to achieve a good design and appearance in this part of the Madeley Conservation Area and would not be harmful to the setting of the adjoining listed building and as such would be in accordance with local and national policy.

The impact of the development on trees and hedgerows

There are several trees on and around the site, which contribute to the site's green character. Saved policy N12 of the NLP 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 Development Section has no objections to the proposed development, which as mentioned above, includes the loss of two trees to accommodate the second garage. They suggest that the boundary hedgerows are retained and protected throughout this development, and request planning conditions relating to tree and hedge protection to retained trees and hedgerows to BS5837:2012 throughout all demolition, construction and earthworks (drainage), prior approval of an Arboricultural Method Statement, and prior approval of landscaping proposals to include gapping up boundary hedgerows and replacement tree planting. Such conditions were imposed on the planning permission granted on appeal and remain appropriate for any planning permission issued in respect of the current application.

Reference is made within representations to the loss of further planting to accommodate the required access visibility splays. Such splays were, however, a requirement of the development already permitted on this site and as such the Planning Inspector took this into account when allowing the appeal. This cannot be said, therefore, to result in additional visual impact that was not previously taken into consideration and there is no basis to now conclude that the provision of the visibility splays and any consequent cutting back of vegetation is visually unacceptable.

Overall, the proposed development is considered to have an acceptable impact upon trees and hedgerows, provided conditions are included to ensure the retained trees and hedgerows are adequately protected during the construction phase.

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 ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
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
Policy N13: Felling and pruning of trees
Policy B5: Control of development affecting the setting of listed buildings
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

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

National [Planning Practice Guidance](#) (March 2014)

Supplementary Planning Guidance/Documents

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

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

Relevant Planning History

16/00226/FUL Residential development consisting of 2 no. detached dwellings together with proposed detached dwelling. REFUSED and subsequently ALLOWED on appeal.

Views of Consultees

Madeley Parish Council objected to a similar application 16/00226/FUL which was granted on appeal. They believe the proposed development would be an over development of the site that would cause harm to the character and appearance of the Conservation Area. The Parish Council could see how on detached dwelling and garage would be appropriate. However, two detached four-bedroomed houses, two detached garages was far too much development for a site of this size. The application stated the spaces for cars would be increased from zero to ten. Once more this is excessive and does not appear to have an environmentally friendly approach. The Parish Council also questioned the safety of the vehicles accessing the A525 at an already busy junction, likely to be further aggravated if the HS2 project goes forward.

The **Conservation Officer** advises the revisions to this scheme have been considered and didn't object to in 2016. The scheme was for 2 relatively modest detached houses with integral garages and a double garage to serve Smithy Cottage. The houses are now shown as larger 4 bed properties

with a separate shared double garage to the west of the site adjacent to the outbuilding of Ye Olde House. This in itself is unlikely to cause harm to the setting of the Listed Building or to the Conservation Area but there are a series of resulting elements which may begin to alter the character of the site to the detriment of this semi-rural character of the Conservation Area.

There is now additional hardstanding and the centre of the site is now built on rather than landscaped. It has the appearance of a suburban cul-de-sac and this is not what this backland site should look like. This is exacerbated now that the houses appear more regimented with no set back. The building line should be staggered creating a more organic and vernacular approach to the evolution of the village when the buildings are glimpsed from outside the site.

A revised roof tile is recommended as the size doesn't reflect the character of the village and there are no details for the garage doors.

Conditions attached to the permission in the appeal statement should be attached to any further permission including the removal of certain permitted development rights including consideration of the creation of additional hardstanding.

The **Landscape Development Section** has no objections and suggests conditions relating to the following:

- Tree and hedgerow protection.
- Schedule of works to retained trees
- Alignment of utility apparatus
- Ground protection of Root Protection Areas during construction works
- Landscaping proposals in accordance with submitted plans.

The **Environmental Health Division** recommends the imposition of conditions relating to reporting of unexpected contamination, hours of construction and electric vehicle charging.

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

- Provision of access, parking and turning areas prior to first use and retention thereafter
- Provision of visibility splays
- Retention of the garages for the parking of vehicles
- Any gates a minimum of 5m rear of the highway boundary.
- Provision of a surface water

completion of the access, parking and turning areas prior to use of the development; provision of visibility splays prior to use; surfacing of the driveway in a bound material for 5 metres back from the highway edge prior to use; and retention of the garage for the parking of motor vehicles and cycles.

The **Conservation Advisory Working Party** considered this scheme against the previous scheme and whilst they thought that the previous scheme preserved the character and appearance of the Conservation Area and the setting of the adjacent Listed Building, they have concerns with the current proposal which appears to be driven by economics to the detriment of the character of the plot. The additional garage block is not particularly invasive in itself but it means that there is now less green space and additional hardstanding with turning areas and more parking. The two houses have lost their staggered frontages (and rears) and now appear more regimented and suburban. The asymmetry of the houses in the previous scheme is more picturesque and appropriate for this part of Madeley village. The visible elements of this scheme are important to get right so the roof materials should be appropriate and the garages should have timber doors and overall the scheme needs more landscaping to ensure the semi-rural character of the plot remains. The current proposal is more detrimental to the setting of the Listed Building and Madeley Conservation Area.

United Utilities have no objections to the proposal and request no conditions on any approval.

Cadent request that an informative note is included in the decision recommendation consideration is given to gas pipeline/s identified on the site.

Representations

Five representations have been received, one of which is from Madeley Conservation Group. The concerns expressed are summarised below:

- The height of the new development would overshadow and dominate the surrounding properties, some of which are listed and of historic interest. The development is not sympathetic to its surroundings and would be harmful to the Conservation Area.
- Extra garages mean more cars, congestions and difficulties getting out onto the main road causing danger.
- The proposed additional garage is 10m from the listed Ye Olde House and to the main window housing one of the historic stained glass windows pledging allegiance to King Henry VIII.
- The amended scheme does not accord with the strict guidelines attached to the appeal which sought to protect the site from additional buildings.
- The level that the garage is to be constructed on is approximately 1m higher than the drive of Ye Olde House giving the appearance of a towering 6.5m ridge in the context of the garage to Ye Olde House which stands at 4.2m to the ridge.
- Screen planting would be removed to accommodate the garage. The visibility splay to the access will eventually require removal of other trees that act as a screen.
- The properties now include a bay window which is not a feature present in any of the surrounding properties resulting in them having a suburban appearance out of character with the surroundings.
- The site is cramped and the proposed dwellings are very close to the boundary.

Applicant/agent's submission

The application is accompanied by:

- A Design and Access Statement
- A Heritage Statement
- Speed Survey
- Tree survey and Arboricultural Impact Assessment
- Phase 1 Geotechnical Desk Study
- Materials schedule and technical specification

All of the application documents are available for inspection at Castle House and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00552/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

29th August 2019