

212 SEABRIDGE LANE, NEWCASTLE
MR M COUPE. 12/00137/FUL

The Application is for the erection of a detached dwelling in the garden of No. 212, Seabridge Lane, Newcastle.

The site lies within the Urban Area of Newcastle and within Seabridge Lane Area of Special Character as indicated on the Local Development Framework Proposals Map.

The statutory determination period for this application expired on 10 May 2012.

RECOMMENDATION

Permit, subject to conditions relating to:

- (i) **Approved drawings.**
- (ii) **Standard time limit.**
- (iii) **Details of materials.**
- (iv) **Details of recyclable materials and refuse storage.**
- (v) **Contaminated land.**
- (vi) **Provision of access, parking, servicing and turning areas.**
- (vii) **Scheme of landscaping.**

Reason for Recommendation

The proposal is a resubmission of a scheme that was refused last year on the grounds that the site, as part of a garden, is a greenfield site. However, in the context of the Council's current inability to demonstrate an up to date 5 year supply of deliverable housing sites, it is no longer appropriate to resist development on the grounds that the site is greenfield. It is not considered that there has been any material change in any other of the relevant planning circumstances that would justify refusing planning permission in this case. The proposal complies with Policies QE1 and QE3 of the West Midlands Regional Spatial Strategy 2008, Policies D1 and D2 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, Policies ASP5 and CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 – 2026, Policies H1 and H7 of the Newcastle under Lyme Local Plan 201, and the aims and objectives of the National Planning Policy Framework 2012.

Policies and Proposals in the Approved Development Plan Relevant to This Decision:-

West Midlands Regional Spatial Strategy (WMRSS) 2008

- Policy CF1: Housing Within the Major Urban Areas
- Policy CF3: Levels and Distribution of Housing Development
- Policy CF4: The Reuse of Land and Buildings for Housing
- Policy QE1: Conserving and Enhancing the Environment
- Policy QE3: Creating a High Quality Built Environment for all

Staffordshire and Stoke-on-Trent Structure Plan (SSSP) 1996-2011

- Policy D1: Sustainable Forms of Development
- Policy D2: The Design and Environmental Quality of Development
- Policy T1A: Sustainable Location
- Policy T13: Local Roads
- Policy NC13: Protection of Trees, Hedgerows and Woodlands

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026

- Policy CSP1: Design Quality
- Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1: Residential Development – Sustainable Location & Protection of the Countryside
Policy H7: Protection of Areas of Special Character
Policy H8: Large Residential Buildings
Policy T16: Development – General Parking Requirements
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees

Other Material Considerations include:

Relevant National Policy Guidance:

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance/Documents

Space Around Dwellings (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)

The Secretary of State's Announcement of His Intention to Abolish RSS

The Secretary of State has made it clear that it is the Government's intention to revoke RSSs and the Localism Act 2011, which includes powers to give effect to that intention, received Royal Assent on 15 November 2011. However, pending the making of a revocation order in accordance with the new Act, the RSS remains part of the statutory development plan. Nevertheless, the intention to revoke the RSS and the enactment are material considerations.

Relevant Planning History

1986	N15888	Approve – detached dwelling
1989	N18743	Approve – swimming pool
1994	94/00159/FUL	Approve – erection of double garage/studio
1994	94/00736/FUL	Approve – extensions
1997	97/00039/FUL	Approve – kitchen and bedroom extension
2010	10/00168/OUT	Refuse – residential development
2011	11/00159/FUL	Refuse – erection of detached dwelling

Views of Consultees

The **Environmental Health Division** has no objections to the proposal subject to conditions regarding hours of construction, contaminated land, and recyclable materials and refuse storage and disposal arrangements.

The **Highway Authority** has no objections subject to conditions regarding the width and resurfacing of the access drive, and the provision and retention of the parking/turning area.

Representations

Five letters have been received from the occupiers of neighbouring properties. Objection is made on the following grounds:

- Omissions from drawings and conflict of information on the application documentation.
- Restrictive covenant which allows access to the garden providing that no additional dwelling was built on it.
- This is a green field site and development would be out of keeping with surrounding properties and will contribute to 'garden creep' development.

- Access of inadequate width to deal with an additional dwelling and the proposal could lead to increased traffic congestion. Visibility is poor at the junction.
- The proposed dwelling will conflict with the character of the area
- There could be a severe loss of privacy to neighbours
- The size of the dwelling would not be in keeping with the area which has high quality bespoke houses in generally large gardens. The proposal would not be in accordance with Policy H7 or H8.
- Impact on trees.

Applicant's/Agent's Submission

A Design and Access Statement has been submitted. A summary is as follows:-

- The application site is a garden area.
- The site is within a suburb of Newcastle, with a layout at a low density. Materials are prominently facing brick and clay or concrete tiles. Boundary treatments are brick, timber and hedgerow planting.
- The dwelling would comprise traditional materials and the general design will sit comfortably in this location.
- The proposal respects the form of the established housing in the area. The proposed dwelling is two storey in dormer bungalow form.
- The application is submitted on the basis of advice given that the previous refusal on the grounds that the land is Greenfield will be reconsidered as there is a shortage in the Borough Council's housing allocation.

The document is available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk.

Key Issues

Full planning permission is sought for the erection of a detached dormer bungalow in the garden of No. 212, Seabridge Lane. The site lies within the Urban Area of Newcastle and within Seabridge Lane Area of Special Character as indicated on the Local Development Framework Proposals Map.

The application follows the refusal of planning application 11/00159/FUL, for a dwelling on this site for the following reason:-

The development of this greenfield site would be contrary to the objective of maximising the re-use of previously developed land, in sustainable locations, and would undermine the aims and objectives of PPS3 that seeks a flexible responsive supply of land managed in a way that makes effective and efficient use of land with the priority being the re-use of previously developed land and the achievement of previously developed land delivery objectives. For these reasons the proposal is contrary to the aims and objectives of PPS3, Policies CF3 and CF4 of the West Midlands Regional Spatial Strategy, Policy D1 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 - 2011, and Policy SP1 of the Newcastle-under-Lyme and Stoke on Trent Core Spatial Strategy 2009 insofar as at this early stage in the plan period when the supply of brownfield sites in sustainable locations has not been exhausted, it is not considered appropriate to allow development of this greenfield site which would not provide any significant regeneration benefits to the wider area.

Given the above reason for refusal and the issues raised in representations from the occupiers of neighbouring properties, the key issues for consideration are as follows:-

- Is the principle of residential development of this site acceptable?
- Would the proposed development have any significant adverse impact upon the character and appearance of the area?
- Would there be any adverse impact on residential amenity?
- Would there be any adverse impact on highway safety?
- Other issues

Is the principle of residential development of this site acceptable?

The previous application (Ref. 11/00159/FUL) was refused on the grounds that the site comprised greenfield land and local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land.

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan – sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 1,000 dwellings within Newcastle Urban South and East.

Policy SP1 of the Core Spatial Strategy (CSS) states 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. The Core Strategy goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

However, whilst priority is given to the development of brownfield sites, the CSS does not preclude the development of sustainable greenfield sites. It is indicated (paragraph 5.21) that the priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality, and that constraints imposed by land conditions (i.e. whether a site is brownfield or greenfield) should not be allowed to inhibit delivery of a coherent spatial plan sensitive to the needs of local communities and environments.

Whilst this is a greenfield site, it is in a sustainable location within the urban area. Regular bus services run nearby into both Hanley and Newcastle. It is considered that the site provides a sustainable location for additional residential development.

Since the determination of the previous application, the National Planning Policy Framework (NPPF) (2012) has replaced the former Planning Policy Guidance Notes and Statements, and other guidance. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It 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.

The Council is currently unable to demonstrate a five-year supply of housing land and the starting point therefore must be one of a presumption in favour of residential development. In this particular context as has already been stated the development is in a location which is close to services and facilities, promotes choice by reason of its proximity to modes of travel other than the private motor car, and in terms of environmental sustainability it is only the fact that the site is greenfield which counts against it.

On the basis of all of the above, it is considered that the principle of residential development in this location should now be supported.

Would the proposed development have any significant adverse impact upon the character and appearance of the area?

The site is within the Seabridge Lane Area of Special Character as designated in Policy H7 of the Local Plan. Policy H7 indicates that the Council will seek to preserve the unique character of such areas, consisting mainly of large houses in extensive plots, and will not permit development that would be detrimental to the overall character of the area or that would result in the further subdivision of plots or the loss of, or adverse effect on, visually significant trees.

In consideration of the previous application, it was concluded that whilst the proposal would result in the subdivision of this plot, the resultant plot sizes and the size of the proposed dwelling would be commensurate with the character of the area and therefore it could not be argued that the development would be contrary to the aims of Policy H7.

The existing dwellings around the site are all individually designed with no strong architectural theme being apparent. The design and choice of materials would reflect those incorporated within 212 Seabridge Lane and other properties close to the site and it is considered that in terms of its appearance the proposed dwelling would be acceptable.

There has been no material change in circumstances since the previous decision and therefore, notwithstanding the views of objectors, it is not considered that a refusal could be justified on the grounds of impact on the character and appearance of the area.

Would there be any significant adverse impact on residential amenity?

Concern has been expressed by objectors that the proposal would result in a loss of privacy to neighbours. However, in consideration of the previous application, it was concluded that the siting of the proposed dwelling and its relationship to adjoining properties ensures that the guidance set out within the relevant SPG relating to space about dwellings is met and as such it was considered acceptable in this regard.

There has been no material change in planning circumstances since the previous decision and therefore it remains your Officer's view that there would be no significant adverse impact on residential amenity.

Would there be any adverse impact on highway safety?

The proposed dwelling would be served by the existing access drive from Seabridge Lane. Concerns have been raised regarding the impact of any additional traffic using the access drive. The Highway Authority has no objections to the proposal subject to conditions and on this basis, it is considered that the proposal is acceptable in highway safety terms.

Other issues

The restrictive covenant referred to by one objector is a civil matter and is not covered by the planning system. In terms of impact on trees, the Council's Landscape Development Section has been consulted on previous applications and has raised no objections to the proposals.

Background Papers

Planning files referred to

Planning Documents referred to

Date Report Prepared

15 May 2012