

The application is for the erection of a detached, three bedroom dwelling and double garage.

The application site lies within the village envelope of Madeley, a rural service centre as defined on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors on the grounds that this is over scale development and the access is unsafe.

The 8 week period for the determination of this application expired on 18th January 2021 but the applicant has agreed an extension to the statutory period until 2nd April 2021.

RECOMMENDATION

PERMIT subject to conditions relating to the following:

- 1. Time limits**
- 2. Approved plans**
- 3. Facing materials**
- 4. Provision of access, parking and turning prior to occupation.**
- 5. Access surfaced in a bound material for a minimum of 5m from the site boundary.**
- 6. Garages to be retained for parking and cycles**
- 7. Gates to open away from the highway**
- 8. Construction hours**
- 9. Noise levels**
- 10. Electric vehicle charging.**

Reason for Recommendation

The principle of the use of the site for residential development has previously been established with the granting of outline planning permission. The design and layout of the proposal is considered acceptable in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document. Following amendments to the proposal, and subject to no objections being received from the Highway Authority, there would be no material adverse impact upon highway safety. In addition residential amenity is acceptable. There are no other material considerations which would justify a refusal of this reserved matters submission.

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

Amendments have been sought from the applicant and obtained and the proposal is considered now to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

The application is for full planning permission for a detached, three bedroom dwelling on a plot of land adjoining Greyhound Corner close to Madeley Village Centre.

The key issues now for consideration, taking into consideration the above, are:-

- The principle of the proposed development.
- Design and impact on the form and character of the area
- Highway safety
- Residential amenity

The principle of the proposal development

The application site is situated within the defined village envelope of Madeley.

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 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))

Planning Inspectors have only given limited weight 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).

The limit on the number of additional dwellings, as set out in policy ASP6 applies to housing developments that are located within defined village envelopes as well as those beyond such boundaries. 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.

The Council is currently in a position whereby it is able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 7.3 years as at the 31st March 2019. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan.

Whilst the site is not defined as previously developed land it lies in very close proximity to the services and facilities that are available in the village centre and as such is considered to be a sustainable site. Planning permission has previously been granted on the site and it is considered that residential development remains acceptable and in accordance with the Policies of the CSS and Local Plan as well as the provisions of the NPPF.

Design and impact on the form and character of the area

Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 130 it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

Policy CSP1 of the Core Spatial Strategy (CSS) lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the NPPF.

Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

Section 10.1 of the SPD 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 settlement*
- 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.

RE2 of that document states that new development associated with existing villages should retain, enhance and incorporate some of the existing features and characteristics of the settlement pattern, wherever possible.

RE5 states that new development in the rural area 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. At RE7 it states new buildings should respond to the materials, details and colours that may be distinctive to a locality.

During the application process amended plans have been received considerably reducing the scale and massing of the proposed dwelling. The dwelling, as now proposed, is two storey with a side projection set back from the front elevation with a significant drop in ridge line. The dwelling is to be constructed in facing brick at ground floor, with a rendered finish at first floor and concrete roof tiles. A canopy across the front elevation of the main part of the building adds visual interest as does a bay window at ground floor. An attached single storey double garage also forms part of the overall footprint of the building.

The height of the proposed dwelling is the same as the semi-detached dwellings that are along this side of New Road to the north east of the application site. Opposite the site is the Madeley Centre and the open space, Greyhound Corner, is located to the south west.

In this context it is considered that the design and scale of the dwelling as proposed is acceptable and in accordance with policy and design guidance.

Highway safety

Paragraph 109 of the NPPF states 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 of development would be severe. In March 2015 the Secretary of State gave a statement on maximum parking standards 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.

Local Plan Policy T16 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.

The Highway Authority initially raised concerns that the applicant has failed to demonstrate that the proposals can provide a safe point of access and appropriate off-highway parking arrangements. Amended plans have been received in response to such concerns reducing the width of the access and siting it at the point that was approved when outline planning permission was granted. As such access arrangements were not objected to by the Highway Authority it is anticipated that they will have no objections to the current proposal, although their comments have not yet been received.

At least three parking spaces can be provided within the site which is considered to be an acceptable number of parking spaces for the three bedroom dwelling that is proposed.

Subject to the Highway Authority confirming that they have no objections to the amended plans, it is considered that the proposal does not raise any highway safety issues and is acceptable in this regard.

Residential amenity

The NPPF states within paragraph 127 that planning decisions should ensure that developments, amongst other things, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Supplementary Planning Guidance (SPG) Space around Dwellings provides guidance on development including the need for privacy, daylight standards, and environmental considerations. The SPG states (SD6) that where principal windows do not directly overlook each other, but are not otherwise obscured, for example on angled development sites where windows are off set, the 21 metre distance usually required between principal windows may be reduced to 17 metres, depending on height and topography.

There would be between approximately 16 and 18 metres between the rear facing windows of the proposed dwelling and existing rear windows of No. 2 Newcastle Road. The proposed and existing houses are not parallel so a reduction from the full 21 metre separation distance is reasonable and in accordance with the SPG. The distance required where facing windows are at an angle is 17 metres. Whilst 17m separation distance is not achieved from all rear facing principle windows, the distance achieved, on balance, would be acceptable and acceptable living conditions for the occupiers of both houses would be provided.

The proposed dwelling would not cause a material loss of light to any neighbouring principal windows.

Overall, the proposed layout of the dwelling in terms of its impact on the amenity of residents is, whilst tight, acceptable when measured against the Space about Dwellings guidance.

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 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 include:

National Planning Policy

[National Planning Policy Framework](#) (February 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

92/00495/OUT	Permitted	Erection of dwelling
12/655/OUT	Permitted	Detached dwelling and single garage
15/00447/FUL	Refused	Erection of a pair of semi-detached dwellings
15/00864/OUT	Permitted	Erection of a detached dwelling and single garage
17/00400/FUL	Refused	Part Two/part three storey Side/Rear extension to form additional dwelling and first floor rear extension to existing dwelling
17/00936/FUL	Permitted	First floor side and rear extension and additional second floor that includes 2 new bedrooms to form separate dwelling
18/00897/OUT	Permitted	Proposed 3 bedroom dwelling with single garage

Views of Consultees

The **Highway Authority** recommended refusal of the application as initially submitted as they applicant has failed to demonstrate that the proposals can provide a safe point of access and provide appropriate off-highway parking arrangements. Their comments on amended plans have been sought and will be reported.

The **Environmental Health Division** has no objections subject to conditions relating to the following matters:

- Restriction of construction hours
- Maximum noise levels
- Electric vehicle charging provision

Following consideration of additional supporting information the **Landscape Development Section** have no objections subject to all recommendations in the tree report being implemented.

Madeley Parish Council objected to the proposal as initially submitted on the following grounds:

- The property is a detached 4-bedroomed one that is out of keeping with its surrounding dwellings.
- Road safety due to the proximity of a well-used bus shelter which reduces visibility.

The Parish Council has been notified that amended plans have been received and any further comments they make will be reported.

United Utilities recommend that the applicant implements a drainage scheme in accordance with the surface water drainage hierarchy set out in the National Planning Policy Framework. In addition it recommends that the applicant engages at the earliest opportunity it is intended that a water supply is obtained from it.

Representations

None received.

Applicant's/Agent's submission

The application form, plans and supporting information are available for inspection on the website and can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00971/FUL>

Background papers

Planning files referred to

Planning Documents referred to

Date report prepared

16th March 2021