

**The Application** is for full planning permission for the subdivision of the existing ground floor office within Safex House into two offices and the erection of a two storey residential block accommodating two one bedroom flats in the rear car parking area of the property.

The site is within Audley Conservation Area and within a rural service area as indicated on the Local Development Framework Proposals Map.

**The 8 week statutory determination period expires on 23 November 2012.**

#### **RECOMMENDATION**

##### **Refuse due to:**

- (i) The proposal would adversely harm the character and appearance of the Conservation Area by virtue of its design, form, scale, height and siting.**
- (ii) The proposal would result in a development that is overbearing and oppressive when viewed from the adjoining dwelling and would adversely affect the level of amenity for the occupiers of that property.**
- (iii) The proposal fails to provide adequate private outdoor space to the detriment of future occupiers of the development.**

#### **Reason for Recommendation**

Whilst the principle of residential development on the site is considered acceptable it is considered the proposal would adversely harm the character and appearance of the Conservation Area by virtue of its design, form, scale, height and siting which is not informed by the character or qualities of the surrounding area and would be detrimental to the wider street scene. The proposal would result in an unacceptable overbearing and oppressive outlook to the adjacent residential occupiers and provides no private outdoor/garden space which is considered to be inadequate to provide reasonable living conditions for the future occupiers of the proposed development.

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

##### West Midlands Regional Spatial Strategy 2008 (WMRSS)

- Policy QE1: Conserving and Enhancing the Environment
- Policy QE3: Creating a high quality built environment for all
- Policy CF2: Housing Beyond the Major Urban Areas
- Policy CF3: Levels and Distribution of housing development
- Policy CF4: The reuse of land and buildings for housing
- Policy CF6: Managing Housing Land Provision

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

- Policy D1: Sustainable Forms of Development
- Policy D2: The Design and Environmental Quality of Development
- Policy NC1; Protection of the countryside: General Considerations
- Policy T1A: Sustainable Location
- Policy T18A: Transport and Development
- Policy NC19: Conservation Areas

##### Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

- 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 2011 (LP)

Policy H1: Residential Development – Sustainable Location & Protection of the Countryside  
Policy T16: Development – General Parking Requirements  
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 B14: Development in or adjoining the boundary of Conservation Areas

**Other Material Considerations include:**

**National Planning Policy Framework (March 2012)**

**Supplementary Planning Guidance**

Space Around Dwellings (July 2004)

Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance Supplementary Planning Document (December, 2010)

**Relevant Planning History**

**Views of Consultees**

The **Highway Authority** has no objections subject to the provision of the parking and turning areas.

**Audley Parish Council** does not support the application advising that the two storey residential block does not preserve and enhance the character or appearance of the conservation area, due to the new build being orientated at right angles to the existing cottages in Dean Hollow and would present an unrelieved blank façade to the street, creating a pinch point in the street and would markedly restrict views in and out of the conservation area. The development would restrict the current off street parking available to business premises at 46 Church Street.

The **Conservation Advisory Working Party** objects on the grounds that the development by reason of its design and lack of fenestration and interest on prominent elevations fails to address its location and reflect the character of adjoining properties and would accordingly have a detrimental impact upon the appearance and character of the Audley Conservation Area.

The **Urban Design and Conservation Officer** advises that there are no adverse concerns to the alteration to Safex House itself. She goes on to advise the rear car park is visible from Hall Street and essentially Dean Hollow is a cross roads with the main street. Currently glimpses of the terraces and historic outbuildings can be seen from the main street. The character of Dean Hollow is quite different from the main street with simple modest terraces in linear plots. She considers that the proposed new building on the rear section of the car park is certainly an uninspiring design and given its slightly elevated position will appear fairly dominant despite not being that big. The square windows positioned right up to the eaves reflects the style of Safex House and which is not the right building to copy. The window proportions are wrong. The buff coloured cills, lintels and banding does not improve the design.

On the opposite side of Dean Hollow is the recently refurbished Indian restaurant. This building has a series of outbuildings and outriggers in its curtilage (mostly are historic with some modifications) which are close to the road and are without any window openings but the design steps down and follows the general pattern and grain of development within the village. In considering the context of the site the proposal does not do this and would probably harm the character and appearance of the Conservation Area in this location and would argue that it probably does not comply with NPPF (p.64) in that it misses an opportunity to improve the character and quality of the area.

## **Representations**

Two letters of objections have been received raising the following concerns:-

- The lack of parking in the area generally.
- Loss of light to an adjacent property.
- The development would result in a blank gable wall at right angle to the street and would therefore seriously restrict the views both in and out of the Conservation Area.

A further letter of objection has been received from the local ward Councillor who is also an owner of a neighbouring property to the proposal.

Her concerns as ward councillor relate to:

- An ongoing issue of a lack of parking and the proposal would only aggravate the existing problem.
- No provision has been made for recycling etc resulting in the potential for one of the proposed car parking spaces being used.
- The existing parked vehicles restrict the visibility out of the site.
- The occupier of the proposed flats would have no outside space to cater for their needs.
- The proposal impact on the Conservation Area.

Her concerns as adjacent property owner are that the adjacent car park is at a higher ground level and with the proposal being so close to the boundary the development being overbearing will result in a loss of light to the adjacent property.

## **Applicant/Agent's Submission**

A Design and Access Statement and Heritage Statement has been submitted with the application which is available for inspection at the Guildhall, and on [www.newcastle-staffs.gov.uk](http://www.newcastle-staffs.gov.uk).

## **Key Issues**

The application is for full planning permission for the subdivision of the existing ground floor office of Safex House into two offices, an existing first floor flat would be retained. The proposal also seeks permission for the erection of a two storey residential block accommodating two one bedroomed flats. This building would be sited in the rear car park area of Safex House. The car park area would be reconfigured to provide six on site car parking spaces.

The site is within the Audley Conservation Area and within a Rural Service Area as identified in the Core Spatial Strategy.

The main issues to consider with this proposal are:

- Principle of the subdivision of the office use of Safex House
- Principle of residential development
- The character and appearance of the Conservation Area
- Highway safety
- Residential amenity

## **Subdivision of the office use of Safex House**

The ground floor of Safex House is currently used as a single office and it is proposed to subdivide this in to two separate offices. No extensions are being proposed and as such all works are internal. The proposal will not, therefore, increase the amount office floor space raising and would not have any adverse harm on the character or appearance of the Conservation Area. It is therefore considered the subdivision of the office is acceptable.

### Principle of residential development

Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within a Rural Service Area location as identified by the Core Spatial Strategy.

Policy ASP6 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for 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.

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. (Para 5.21) 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.

This is a previously developed site in a sustainable location. The site is in easy walking distance of the shops, schools and services of Audley with regular bus services to larger urban centres beyond. It is considered that the site provides a sustainable location for additional residential development.

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.

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

### The character and appearance of the Conservation Area

The local planning authority has a duty to pay special attention to whether a development would be harmful to the character and appearance of the Conservation Area.

Policy B9 of the Local Plan states that development that would harm the special architectural or historic character or appearance of Conservation Areas will be resisted. Additionally, Policy B10 of the Local Plan requires any new development to preserve or enhance the character or appearance of a Conservation Area, and states that the form, scale, bulk, height, materials, colour, vertical or horizontal emphasis and detailing must respect the character of the buildings in the area.

The site is located between the busy main street uses and the quieter residential character of the Dean Hollow. Safex House is a relatively modern introduction to the streetscape dating from the early 1970's. The other surrounding properties including the residential properties provide more of a historic context to this part of the Conservation Area. Immediately to the south of the application site (in Deans Hollow) are two storey residential cottages set back from the road frontage with small front gardens. There are no pavements in front of these cottages. Ground levels gently descend down Deans Hollow from a high point in Church Street.

The proposed residential block would be sited immediately adjacent to existing retaining walls at the rear of the car park area and at 90 degree to Deans Hollow frontage, it would have a similar set back from the carriageway of Deans Hollow as the adjacent cottages however this is due to there being a wide pavement adjacent to the application site.

The residential block is designed so that all the windows and doors are positioned to face the rear of Safex House, none of the other elevations have window or door openings. The appearance and position of the windows does not reflect the historic character of the area, but the character of Safex House which is not a building that is considered to have any architectural merit. The building includes two lines of contrasting brick work which assist in providing some visual relief to other wise plain brick wall but does not materially improve the appearance of the building. The design approach taken results in the proposed building turning its back on the lower part of Deans Hollow and would provide no active frontage to Deans Hollow. It would adversely harm the views both into and out of the Conservation Area

It is considered that the proposal fails to preserve or enhance the character or appearance of a Conservation Area, by virtue of its design, form, scale, height and siting and as such should be resisted on this grounds.

#### Highway safety

As stated the development would be sited on an existing car park area and involves the formation of a new car park layout providing a total of six spaces to serve the office use, the existing residential use of the upper floor of Safex House and the two proposed flats. Double yellow lines are provided around the application site road frontage. As stated above the site is well sited for both the services and facilities in Audley and public transport links to larger urban areas beyond.

The Highway Authority have not objected to the proposal subject to the provision of the car parking area and in reaching this recommendation they have taken into account the sustainability of the site, the proximity of Audley village centre with bus stops, the parking restriction around the site and the proximity of two public car parks

Given the above it is considered a refusal on highway grounds could not be sustained.

#### Residential amenity

Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy under the heading of Design Quality advises development should have public and private spaces that are safe, attractive, easily distinguished, accessible, complement the built form and foster civic pride (point 6).

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on residential development including the need for privacy, daylight standards, and environmental considerations.

The adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides advises at R16 that *“Developments must provide some form of private or shared communal outdoor space, in the form of balconies, terraces and/or gardens for each dwelling. This space should be usable and should relate to the house type and occupiers”*.

In this particular instance this subject should be considered from two aspects:

#### Amenity of existing occupiers adjacent to the development

As stated above the proposed new build would be sited immediately adjacent to the retaining wall boundaries of the site this being only approximately 6 to 7 metres from the gable wall of the adjacent residential properties. The adjacent ground levels are lower than the application site by approximately 650mm, the proposed building wall would be a further 5 metres to eaves above this higher ground level with the ridge of the roof extending to 7 metres above the higher ground level.

There are number of windows in the side gable elevation of the existing adjoining property however it is not believed any of these are principal windows as defined by the guidance, nevertheless it is considered the proposal would have a detrimental impact on the occupiers of this existing property by virtue of the proximity of the proposed building which results in it being overbearing due its siting, height and massing and should be resisted as such.

### Amenity of Future occupiers of the development

The proposal is for two one bedroom flats and no private outdoor space is being proposed other than potentially the car parking spaces at front of the proposal.

The Supplementary Planning Guidance (SPG) relating to Space about Dwellings only advises on the size of gardens for dwellings of 3 or more bedrooms, and as this current proposal involves one bedroom units it would not, technically, conflict with the adopted SPG. Proposal R16 of the urban design guidance provides further assistance with this issue advising the outdoor space should be usable and should relate to the house type and occupiers. The document indicates that the appropriate size of private external space to be provided for each dwelling should be determined in relation to the provision and location of local open spaces.

Given the proposal provides no outside space it would not serve all the requirements of future occupiers of the development for example the storage of refuse and recycling bins, an area to dry washing, etc. Your officers consider the proposed outdoor space at the front of the proposal, the car park does not meet these needs and as such the proposal would not provide adequate living conditions for the occupiers of the development and should be resisted.

### **Background Papers**

Planning file

Planning documents referred to

### **Date Report Prepared**

31 October 2012