

The application is for full planning permission for the erection of 6 bungalows at Slacken Lane, Kidsgrove.

The site lies within the urban area as defined on the Local Development Framework Proposals Map.

The application has been called in to be determined by planning committee by two councillors for the following reasons:

- Loss of amenity
- Over development - detrimental to the local environment and the abundance of wildlife in the area
- Inappropriate development – the number of bungalows proposed is unacceptable and not in keeping with the area.
- Access – off a footpath beyond the wide part of Slacken Lane, and would require widening and adoption.
- Landscaping – lack of public spaces, the properties have only been allocated rear gardens with no provision for any soft landscaping to fronts of the dwellings to improve their appearance
- Plans have not been submitted for each dwelling.
- Obscures views at the rear of an adjoining property.
- Butt Lane is becoming over developed as a whole and persistent development is putting severe pressure on the A34, Congleton Road.

The 8 week period for the determination of this application expires on the 6th August 2013.

RECOMMENDATION

REFUSE for the following reason;

- 1. The unacceptable design, orientation and close proximity to the site boundary of the dwelling to the rear of No. 17 Slacken Lane would adversely impact upon any development of adjoining land for residential purposes, materially reducing the number of dwellings that can be constructed. Such an adverse impact would significantly and demonstrably outweigh the benefits of the development on the supply of housing land and as such there isn't a presumption in favour of this development.**

Reason for recommendation

The unacceptable design, orientation and close proximity to the site boundary of the dwelling to the rear of No. 17 Slacken Lane would adversely impact upon any development of adjoining land for residential purposes, materially reducing the number of dwellings that can be constructed. Such an adverse impact would significantly and demonstrably outweigh the benefits of the development on the supply of housing land and as such there isn't a presumption in favour of this development.

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

This is considered to be an sustainable form of development and so accords with the provisions of the National Planning Policy Framework.

Policies and Proposals in the approved Development Plan relevant to this decision:-

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

Policy SP1 Spatial Principles of Targeted Regeneration
Policy SP2 Spatial Principles for Economic Development
Policy SP3 Spatial Principles of Movement and Access
Policy ASP 5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP4: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan 2011

Policy H1: Residential development: sustainable location and protection of the countryside
Policy H3: Residential development – Priority to brownfield sites
Policy T16: Development: General Parking Requirements
Policy T18: Development – Servicing Requirements
Policy N3: Development and nature conservation – Protection and enhancement measures
Policy N12: Development and the protection of trees
Policy N13: Felling and pruning of trees
Policy N14: Protection of landscape features of major importance to flora and fauna

Other material considerations include:

National Planning Policy

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (Nov 2010)
Space around Dwellings Supplementary Planning Guidance (July 2004)
Developer Contributions Supplementary Planning Document (October 2007)

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

Newcastle (urban) Transport and Development Strategy (NTADS)

Circular 11/95 The use of conditions in planning permissions

Relevant Planning History

76/03196/OUT	Permitted	Proposed ex-servicemen's social club
00/00419/OUT	Refused	Residential development (Amended highway information)
10/00437/PLD	Permitted	Certificate of lawfulness for a proposed ex service men's social club

Views of Consultees

Highway Authority – no objections subject to conditions relating to:

- Development no commencing until details of off site highway works have been submitted and approved in writing
- Notwithstanding submitted plans, no development shall commence until revised access details indicating the widening of the south east section of Slacken Lane to a width of 6m as broadly detailed on MAYER Brown drawing No X/PBSlackenLn.1/01
- Development shall not be brought into use until the access, parking and turning areas have been provided in accordance with the approved plans
- Prior to first occupation of the dwellings then unmade section of Slacken Lane from the Junction with Congleton Road through to the site access shall be reinstated by grade and level with compacted stone in accordance with details to be submitted to and approved in writing by the LPA

They previously requested a £4000 contribution to NTADs in the event of the application being acceptable in highway safety terms

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

- Construction hours
- Internal noise levels of dwellings
- Waste storage and collection arrangements
- Contaminated land conditions

The **County Council Rights of Way** Section comments that Public Footpath No 10 (Kidsgrove: Hardingswood) runs along the access track (Slacken Lane). The footpath constitutes the full width of the track and the width of the path cannot be restricted as a result of the application proposal. The applicant must be made aware that cars cannot be parked on the footpath.

The **Waste Management Section** of the Council has concerns over the access to the proposed properties off Slacken Lane which is an unadopted road, which is narrow and in a generally poor state of repair. Servicing these properties would require a collection point to be agreed close to the main Congleton Road. Recommend a prior to commencement condition for approval of details of recyclable materials and refuse storage and collection.

United Utilities has no objections to the application

Kidsgrove Town Council has objected to the application on the following grounds:

- Loss of amenity
- Over development
- Harm to wildlife and the environment
- Inappropriate development – number of bungalows proposed is not in keeping with area
- Insufficient access arrangements
- No provision of landscaping
- Plans not submitted for each dwelling
- The proposed bungalow to the rear of No. 17 will obstruct its views
- Butt Lane is becoming over developed

The **Canal and River Trust** has not responded to the consultation by the date given, therefore it is assumed that they have no comments to make on the application

The **Staffordshire County Council Flood Risk Team** –confirm that there is a 900mm diameter culvert underneath Slacken Lane which is approximately 1m below the road surface. The culvert is in quite a good condition and therefore from the evidence they have, the surface water flooding appears to arise from overland flow from higher nearby areas. As the proposed development is at a higher level, the surface water runoff rates from the site should be restricted to at least the existing runoff rates. This will require attenuation within the development which could include underground tanks or lined SUDs features as it is doubtful infiltration methods would be appropriate due to the ground conditions and higher water table.

The **Landscape Development Team** – Request landscaping on the south eastern boundary. Currently awaiting comments on the Arboricultural Implications Assessment – due by 10th July

Representations

28 representations of objection, including one from Joan Walley MP and one which is on behalf of seven neighbouring properties, have been received, and are summarised as follows:

- The access is too narrow and would not allow for any pavement. Public walkway on either side of the access road, and shows the road touching the boundaries on both sides
- The road is unadopted and residents have to maintain it
- Conflict between increased vehicular movements and pedestrians using the public footpath
- Increase in traffic would cause problems joining the A34 from Slacken Lane
- Loss of public amenity
- Destruction of important open space and wildlife area
- Over development of the local area
- Loss of visual amenity and impairment of views to rear of No. 17
- The long dwelling proposed to rear of 17 will look like a barn and be very imposing
- Number of windows overlooking existing properties is of concern
- Slacken Lane includes a hidden culvert if damaged will lead to flooding
- One of the conditions for building the bungalow “The Shires” was that the public footpath should not be more than 10 foot in width
- Danger of more traffic is of concern
- Maps and plans submitted do not reflect land ownership and the true width of Slacken Lane outside the development site
- Increase in noise, traffic pollution and deliveries will cause disturbance to existing residents
- Lack of green space in the area generally
- Concern that the land is waterlogged which could be exacerbated if developed
- Localised flooding problem particularly with standing water in the lane
- proposal that the footpath and curb across the junction of Slacken Lane with Congleton Road be removed to accommodate a new turn-in, would effectively channel surface rain-water running down the hill and along the A34, directly into the lane and towards existing Slacken Lane properties without any provision for drainage
- Local infrastructure cannot cope with increase in development already permitted
- If this application is approved it will open the gates for the larger area beyond to be developed
- Losing important social beneficial uses
- Introducing unnatural features to the landscape
- Loss of important trees, hedges and other vegetation and habitats for wildlife

- Conflict with character of the area
- Better alternative sites available in the Borough
- Primary schools in the area are already over subscribed
- No clear waste collection plans
- The development of the brown field site known as “Bluebell Croft” (off Old Butt Lane) has only recently been completed in its’ first phase and further building work on adjoining land has been approved. We have yet to assess the impact of the volume of additional traffic generated by this new estate on our roads and, in particular, at the junction of Old Butt lane with Congleton Road and Slacken Lane.
- Butt Lane has already completed its quote for new build
- We need to retain our green space. To this end, we would appreciate the contribution of an independent survey by Staffordshire Wildlife Trust to verify the range of species of both flora and fauna in this locality
- The plans do not recognise that land to rear of 34 Pickwick Place is owned by the resident at 34 Pickwick Place
- The site is land locked, and has never enjoyed any rights of access to any property on this land. Feel that the approval of the application would be granting rights for use of the lane currently not in existence to the six new bungalow owners (and the necessary construction crew) without the obligation of responsibility

Applicant/agent's submission

A Design and Access Statement, utilities information, a traffic assessment, a contaminated land phase 1 desk study, an Arboricultural Implications Assessment and an acoustic report have been submitted along with the requisite plans and application form.

These documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/SlackenLane

KEY ISSUES

This is an application for full planning permission for 6 No. bungalows and the formation of new accesses at Slacken Lane, Butt Lane, which is within the urban area of Kidsgrove as indicated by the Local Development Framework Proposals Map.

The site forms an arc around No. 17 Slacken Lane, with one dwelling proposed to the rear of No. 17 served from its own access, and 5 bungalows proposed to the south east of No. 17 Slacken Lane which would share an access.

Slacken Lane is an un-adopted road and has a public right of way running along and adjoining the site's frontages.

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

- The principle of residential development of the site
- Highway Safety and access issues
- Design and impact on the character of the area
- Impact upon residential amenity
- Impact on trees and hedgerows
- Waste and recyclable materials storage and collection arrangements
- Flood risk

The principle of residential development of the site

The site is within the urban area, as identified on the Local Development Framework Proposals Map. The site is currently un-developed, however works commenced on an ex

servicemens club some years ago, and a certificate of lawful development was granted in 2010 confirming that this it could be lawfully be completed, meaning that the site has the potential to be developed into an ex servicemens club without the need for further planning permission.

Area Spatial Policy 5 of the Core Spatial Strategy seeks to provide 600 dwellings in the Kidsgrove area over the plan period to 2026. The National Planning Policy Framework specifies that housing applications should be considered in the context of the presumption in favour of sustainable development. In this case, the creation of 6 residential units in Butt Lane Kidsgrove with access to a good range of local facilities and reasonably good transport links to both Kidsgrove and Newcastle Town Centre, is considered to be a sustainable development.

The delivery of this site is taken into account within the calculation for the Borough's five year housing supply and given the Council is currently unable to demonstrate a five year supply of housing land a refusal of planning permission could, depending upon the reason for that decision, result in further shortfall in this supply.

The National Planning Policy Framework (NPPF) advises, at paragraph 14, that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole. The NPPF indicates that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

There is a presumption in favour of this development, therefore, unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the development on the supply of housing land. Such impacts are addressed below.

Highway safety and access issues

The proposed development is served off an unadopted and unmade highway, Slacken Lane, which does not have junction radii at its junction with the A34. Slacken Lane narrows down to a width of less than 4m and effectively only serves as a public footpath at that point. The proposal provides an access to one of the properties from the wider part of Slacken Lane, with the remaining 5 properties accessed from the narrower part.

The dwelling to the north of the site would have space for the parking of at least three cars which is considered ample car parking provision for a three bed dwelling. The five dwellings accessed from the south eastern end of the site are proposed to have two car parking spaces each. For two bedroom dwellings this is considered an acceptable level of car parking provision and in compliance with the Councils Local Plan car parking standards.

The application is accompanied by a traffic assessment, which demonstrates how the applicant proposes to gain access to the site from the A34.

The applicant's Technical Note which assesses highway safety issues states that appropriate radii can be formed at the junction of Slacken Lane and Congleton Road and adequate visibility is provided. In addition a 6m wide access can be provided for the final 40m. The Highways Authority has no objections to the technical note and detailed drawings submitted in respect of highway improvements and access arrangements. They consider that highway safety would not be compromised by the development subject to off-site highway works which would need to be undertaken prior to the commencement of the

construction of the dwellings. Such conditions as recommended by the Highway Authority could be imposed by condition.

The Highways Authority has previously commented that, should the application be approved, a contribution of £4000 in the form of a unilateral undertaking is required, to contribute towards the Newcastle (urban) Transport and Development Strategy (NTADs).

Overall, provide that the applicant enters into a unilateral undertaking to secure £4,000 towards NTADs, the development is considered to be acceptable in terms of highway safety and as such there are no adverse impacts arising, in this regard, which would prevent the granting of planning permission.

Design and impact on the character of the area

The NPPF states that the Government attaches great importance to the design of the built environment and 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. Planning decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, be mixed use, respond to local character and history but not prevent appropriate innovation, create safe and accessible environments and are visually attractive as a result of good architecture and appropriate landscaping. 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.

The Newcastle and Stoke on Trent Urban Design SPD (2010) states that it is important that living environments should be integrated into their surroundings, to make sure that there is good accessibility between different parts of a place, and also to help reinforce a positive identity for the area. This needs to be based upon an appraisal of the site in its surroundings to ensure that development relates well to existing facilities, connects to the surrounding context and responds positively to the site and surroundings.

Policy R3 of the Urban Design SPD states the importance of new housing relating well to its surroundings, by not ignoring the existing environment and responding to and enhancing it. The discussion after the policy highlights the importance of new housing development enhancing the character of the surrounding area.

Policy R5 of the Urban Design SPD states that buildings must define the street space with a coherent building line that relates to existing building lines where they form a positive characteristic of the area. This policy goes on to state that infill development should generally follow the existing building line. Designers must consider how continuous the building line should be and whether to continue an existing local pattern or whether new housing can add richness to the character of the area. Policy R12 of the Urban Design SPD states that residential development should be designed to contribute towards improving the character and quality of the area.

The application site curves around No. 17 Slacken Lane, and would bound this dwelling on three sides, with one dwelling to the rear and five dwellings to the south eastern side of No. 17. The character of the street is of dwellings facing onto the road and whilst some dwellings back onto Slacken Lane from Congleton Road and Pickwick Place, there is no backland development on the north side of the lane.

The proposed development does not front a highway, and could be considered to be backland development on an unadopted highway. The five proposed dwellings to the south east of the application site would face towards an existing dwelling (No. 17 Slacken Lane), and the 6th proposed dwelling to the north of the site would also face towards this dwelling.

The application site curves around No. 17 Slacken Lane, and would bound this dwelling on three sides, with one dwelling to the rear and five dwellings to the south eastern side of No. 17. The character of the street is of dwellings facing onto the road and whilst some dwellings back onto Slacken Lane from Congleton Road and Pickwick Place, there is no backland development on the north side of the lane.

The dwelling to the rear of No. 17 Slacken Lane is very long and narrow with all principle windows on one elevation within 1-2m from the boundary. This is dictated by the narrowness of the site at this point, rather than the character and form of dwellings in the area, and appears to be 'squashed' into the site. The dwellings would not conform with the existing building line and character, which is characterised by dwellings facing onto Slacken Lane. Whilst it is considered that the other dwellings are not so harmful as to be unacceptable in form and character the single, individually designed, dwelling to the rear would have an adverse impact on character or quality of wider area.

Of possibly more significance is the impact of the design of the development on the deliverability of the adjoining land as a housing site, such a site having been identified within the Strategic Housing Land Availability Assessment as a possible site for residential development. The design, orientation and proximity of the proposed dwelling to the rear of No. 17 Slacken Lane would place a constraint upon the design and layout of the adjoining land. It would have an adverse impact on the density of that development as any dwellings would need to be sited in a position some distance from the boundary to ensure that the living conditions of the occupiers of that dwelling is maintained. Such an impact, it is considered, would significantly and demonstrably outweigh the benefits of the development on the supply of housing land as in granting permission for one dwelling would in the medium/long term have a detrimental impact on the supply of housing by reducing the number of dwellings that can be built on other land. On that basis it is considered that there is not a presumption in favour of developing this site.

Impact upon residential amenity

It is important to assess how a proposed development will impact upon existing residents and proposed occupants of new development, to ensure they benefit from acceptable residential amenity standards.

The Environmental Health Division of the Borough Council recommends that the noise levels identified in the submitted noise assessment need to be achieved for all dwellings should the application be approved.

In terms of loss of amenity, the dwelling that would be most obviously affected by the development would be No. 17, which would have a dwelling to the rear and five dwellings to the south east. There would be 22 metres between front facing windows of the dwellings to the south east of No. 17 and the side elevation of No. 17 Slacken Lane, which meets the distance requirements for facing windows. There would be an intervening vehicle access for the five dwellings and retained trees and hedgerows to further screen overlooking, and overall the amenity achieved for the proposed dwellings and in relation to No. 17 is considered acceptable. They would all have satisfactory sized gardens and parking areas that would meet the requirements of the SPD.

The proposed dwelling to the rear would have three high level windows facing towards No. 17, and these would all serve a corridor area in the proposed dwelling. Therefore, in terms of overlooking and loss of privacy, the distance achieved between these two dwellings (approximately 11.5 metres) would be acceptable and no loss of privacy would ensue. The dwelling to the rear of No. 17 would have an acceptable sized garden and parking area.

It is considered that the proposed development would cause no loss of light to any neighbouring dwellings.

Overall, the proposed development would be acceptable in terms of residential amenity.

Impact on trees and hedgerows

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 that loss cannot be avoided by appropriate siting or design.

An Arboricultural Implications Assessment has been submitted indicating that no trees are proposed to be removed as part of the application.

The site is identified as semi-natural open space in the Green Space Strategy; the site forms a part of a larger area of open space part of which is in public ownership and part in private ownership. The section that is affected by this proposal lies within the privately owned space. This site is not presently publically accessible and is bounded by security fencing.

It would appear that both access driveways on this site are within the RPA (Root Protection Area) of trees to be retained. As such the impact of the proposal on these trees should be properly assessed. The Landscape Division has requested details of how refuse vehicles enter and exit the site, but this is not considered necessary as refuse vehicles would not be entering the part of the site where the dwellings are to be located.

The narrow shape of this site along the northern boundary will leave little space for any meaningful landscaping. However should this development be approved the Landscape Division suggest that an appropriate landscaping condition is applied to secure landscaping along the south eastern boundary of the development.

Waste and recyclable materials storage and collection

From a waste management perspective the waste management division has concerns over the access to the proposed properties off Slacken Lane which is an un-adopted road, which is narrow and in a general poor state of repair. However they would have no objections to the development provided a waste collection point is agreed prior to the commencement of the development close to the junction of Slacken Lane and Congleton Road. A suitably designed waste collection point could be secured by a negatively worded, or Grampian, condition which would require it to be agreed and provided before construction of the dwellings commenced.

Flood Risk

Whilst representations received have indicated that the area is prone to flooding, the County Council Flood Risk Team consider that surface water from the site could be restricted to at least the existing runoff rates thereby ensuring that existing conditions are not exacerbated. Appropriate run-off attenuation measures can be secured by condition as can the provision of drainage to address run-off from the surfacing of a section of Slacken Lane as required by the Highway Authority.

Background Papers

Planning file
Planning documents referred to

Date report prepared

3.7.13