

The application is for outline planning permission for the erection of up to 12 dwellings on land to the rear of the former Randles Garage. Only access arrangements are applied for at this stage with the appearance, landscaping, layout and the scale of the development all reserved as matters for subsequent approval.

The Design and Access Statement and indicative plan information submitted with the application shows a scheme for twelve 2 bedroom flats together with 20 car parking spaces.

The site measures 0.21 hectares in area and is located within the Urban Neighbourhood of Newcastle as defined by the Local Development Framework Proposals Map. Certain trees in the vicinity of the site are the subject of a Tree Preservation Order. Higherland (Keele Road) is part of the A525, whilst Seabridge Road, from which the access would be taken, is a B class Road.

The 13 week period for the determination of this application expires on the 18th June 2014.

RECOMMENDATION

Refusal on the following grounds:-

1. The number of dwellings proposed and its three storey nature is inappropriate in this elevated position and would be harmful to the appearance of the area.
2. The use of the proposed vehicular access by the number of residential units proposed and also the proximity of three storey development to neighbouring garden land will result in an unsatisfactory level of residential amenity for residents along Seabridge Road adjacent to the site.
3. Without an appropriate secured financial contribution relating to public open space contribution the development would be contrary to policy on the provision of open space for residential development.

Reason for Recommendation

There are two principal concerns about the development. The first is that because of the number of dwellings proposed the three storey nature of the development would be harmful to the form and character of the area, and the second being that the level of the use of the access and expected height of the development would result in significant detriment to the residential amenity of the occupiers of the adjacent houses on Silverdale Road. These adverse impacts significantly and demonstrably outweigh the benefits of the development – in particular the provision of housing on a previously developed site involving a disused car parking area, in the context of the Council's inability to demonstrate a 5 year supply of deliverable housing sites, in a sustainable location very close to the Town Centre. The absence of a contribution towards the improvement and maintenance of public open space could be resolved by an obligation but at the time of writing there is no obligation secured.

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

Concerns in relation to the scheme have been raised with the applicant's agent during the application process. Only a lesser number of dwellings than the applicant has applied for would be appropriate on the site. The reasonable course of action available to the Authority is therefore to refuse the application for the reasons detailed.

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles for Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP5: Open Space/Sport/Recreation
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy N2: Development and Nature Conservation – Site Surveys
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 N17: Landscape Character – General Considerations
Policy T16: Development – General Parking Requirements
Policy T18: Development – Servicing Requirements
Policy C4: Open Space in New Housing Areas
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations

National Planning Policy

National Planning Policy Framework (March 2012)
National Planning Practice Guidance (March 2014)
Community Infrastructure Levy Regulations (2010) as amended

Supplementary Planning Guidance/Documents

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

North Staffordshire Green Space Strategy (September 2007)

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

Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated in 2008/09

Planning History of other part of former Randles site

12/00701/FUL Change of use of ground floor to A1 retail (convenience goods), installation of a replacement shopfront, associated external alterations and works including the recladding of the building and formation of a car park and amended site access – Permitted 2013, unimplemented to date, but extant permission

13/00463/FUL Variation of condition 6 of planning permission 12/00701/FUL to allow the convenience goods store to open to members of the public between the hours of 07:00 and 23:00 on any day – Permitted, unimplemented to date, but extant permission

Views of Consultees

Severn Trent Water have no objections to the proposal subject to the prior approval and implementation of drainage plans for the disposal of surface water and foul sewage.

The **Waste Management Section** have concerns that the access arrangement proposed will not be able to accommodate a standard sized refuse vehicle. Servicing the proposal would require a collection point to be agreed close to either Higherland, or Seabridge Road, which may prove to be impracticable. Should permission be granted the specific collection arrangements would need to be agreed and adhered to.

The **Highway Authority** have no objections to the proposal subject to conditions securing:

1. Details of the off site highways works required submitted and approved in writing which shall include a Stage 2 Safety Audit, details of construction, surface water drainage and road markings deemed necessary by the Highway Authority.
2. Details of parking and turning within the site curtilage.
3. Means of surface water drainage.
4. Surfacing materials for the private access road and parking areas.
5. Construction Method Statement.
6. Bin storage area adjacent to the highway boundary

The **Landscape Development Section** comment that there are trees that may be affected by the proposal (situated on land adjacent to the site) some of which are affected by Tree Preservation Order 85. Tree protection measures and landscaping of the site should be dealt with by planning condition and should include:

- An Arboricultural Impact Assessment.
- Retained trees and RPAs shown on proposed layout.
- Dimensioned Tree Protection Plan.
- Existing and proposed finished levels.
- Full landscaping proposals.

They also comment that the development triggers the need to secure a financial contribution for public open space improvement and maintenance which would normally be £2,943 per dwelling which equates to £35,316. Commuted sums from the development will be used to pay for improvements to facilities at Queen Elizabeth Park, Westlands Sports Ground, Thistleberry Parkway, Lyme Valley Parkway and Brampton Park.

The **Education Authority** advise that no financial contribution toward education provision is required for a development involving 1 or 2 bedroom apartments. However if the 12 dwellings involved family accommodation they would be projected to generate 3 primary aged pupils and 2 high school pupils. The local High School is projected to have sufficient spare capacity but all three primary schools in this shared catchment area are projected to be full. Therefore a financial contribution of 3 primary spaces at £11,031 each with a total education contribution of £33,093 would be required for a development consisting of family housing.

The **Local Flood Authority (SCC)** have no objections subject to the prior submission, approval and implementation of an appropriate surface water drainage scheme at reserved matters stage.

The **Environment Agency** comment that the site is located on a formation of sandstone which is designated a 'Secondary (A) Aquifer'. An un-named tributary of the Lyme Brook is located 70 metres to the west of the site. Lyme Brook itself is located 400 metres to the east. The previous use may be currently impacting such "controlled water" receptors. In this context they object to the proposal on the basis that no preliminary risk assessment has been submitted with the application demonstrating the risk to 'Controlled Waters' by any site contamination is understood by the applicant and can be safely managed.

Staffordshire Police comment that they have no concerns with the provision of housing for this vacant piece of land to the rear of the old garage site. The sketch scheme drawing although indicative at this stage shows apartment blocks orientated to provide good natural surveillance over the parking provision and towards the single site entrance. The absence of unnecessary through routes is noted and is desirable as it discourages casual access into or across the site and can help foster a stronger sense of community. They also comment that a robust boundary treatment for the western and northern boundaries (which exists currently) would be advisable to help create a secure environment for the future residents. Should outline permission be granted, an explanation within the Design and Access Statement at the reserved matters stage as to how crime prevention has been addressed would be welcomed.

The **Greater Town Centre Locality Action Partnership** have been consulted but no comments have been received by due date so it must be assumed that they have no observations.

The **Environmental Health Division** have no objections subject to conditions relating to.

- Protection of the highway from mud and debris.
- Construction activity being restricted to between 0700 hours and 1800 hours Monday to Friday and not at any time of Sundays, Bank Holidays or after 1300 hours on any Saturday.
- Prior approval of waste storage arrangements.
- Noise mitigation measures to achieved internal and external noise levels.
- Contaminated land remediation matters.

Representations

3 letters of representation have been received including a letter from the **Thistleberry Residents Association** objecting to the development on the following grounds:

- Three storey development situated on an elevated site would have a relationship with the properties along Seabridge Road, Beaumaris Court and Higherland that is harmful to the form and character of the area.
- The proposal would reduce light and privacy levels of neighbouring occupants by an unacceptable degree.
- Low rise bungalow development would be preferable.
- The development is of an inappropriate density for this area
- There are existing on-street parking problems in Seabridge Road. Use of the proposed access would be impeded by this problem and is also considered to be unsafe taking into account its proximity to the junction shared with Higherland and the approved retail store on the adjacent site.
- Surrounding trees and hedgerow should be protected.
- Insufficient parking accompanies the development.
- The approved retail development will be incompatible with the proposed development because of the former's permitted opening hours

Applicants/ Agents submission

The requisite plans and application forms have been submitted along with a Design and Access Statement. The submitted information is available at the Guildhall and on the Council's website

Key Issues

The application is for outline planning permission for the erection of 12 dwellings with only means of access applied for at this stage with all other matters of detail reserved for subsequent approval. The Design and Access Statement and indicative plan information which supports the application shows a scheme involving twelve, two bedroom flats of three storeys in height with 20 car parking spaces.

The site comprises two parts of the former car parking area of Randles Garage, together with an intervening area currently occupied by workshop building. The smaller part of the car park is served by an existing access off Seabridge Road which also leads into workshop building and the first floor of the former Randles building, with the larger part served by an access of Higherland. The proposals envisage all access would be off Seabridge Road. The site slopes significantly down towards the A525 from the its rear.

The term 'access' in relation to such an application, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding highway network.

In consideration of an outline planning application, the Authority must assess if it has sufficient information to demonstrate that the use and amount of development proposed can be satisfactorily accommodated on the site. If it is considered necessary to ensure that the reserved matters of an outline permission accord with the indicative information submitted as part of an application and/or any elements of the Design & Access Statement, including the scale parameters of development, this would need to be made clear by conditions which the Authority has the option of imposing in the consideration of the proposal.

The key issues to consider in the determination of the application are:

1. Is the broad principle of residential development acceptable in this location?
2. Is the impact of the development on the form and character of the area acceptable?
3. Would there be any harm to visually significant trees, and if so would their potential loss be acceptable?
4. Would the resultant living conditions of neighbouring residents and the living conditions of future occupants of the development be adequate?
5. Is the impact on highway safety acceptable?
6. What financial contributions are appropriate for the proposal?
7. What is the risk to 'Controlled Waters' in light of the advice received from the Environment Agency?, and
8. An assessment overall of whether or not any adverse impacts of the development significantly and demonstrably outweigh its benefits, when assessed against the policies in the NPPF taken as a whole.

Is the broad principle of residential development acceptable in this location?

Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provide access to services and service centres by foot, public transport and cycling. The CSS 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 and impacts positively on the growth of the locality.

The National Planning Policy Framework (NPPF) advises, at paragraph 49, that housing applications should be considered in the context of the presumption in favour of sustainable development. 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. At paragraph 14, the Framework also states 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 Borough Council is currently unable to demonstrate a five year supply of deliverable housing sites which triggers the provisions of paragraph 49 of the Framework and, on that account, paragraph 14.

The broad principle of residential development in this location does not conflict with any of the relevant housing policies within the Development Plan in any case. The proposal makes use of previously developed land, involving a car park and part of a building, in a sustainable location within a relatively short walking distance of the full complement of services offered within the Town Centre. 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 proposal.

Is the design and appearance of the development acceptable?

Paragraph 56 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.

Policy CSP1 of the Core Strategy sets out the design criteria to which development will be assessed against which include that development positively contributes to an area's identity in terms of scale, density, layout, use of appropriate material for buildings surfaces and accesses. The Council's Urban Design Supplementary Planning Document gives further detail of how the development should be assessed above the broad guidance contained within Policy CSP1.

Although the appearance of the development is not part of this application it is reasonable to consider the indicative material that has been submitted, particularly given that the size and shape of the site suggests that if 12 units are to be accommodated on the site, this would almost certainly have to be in the form of a three storey flatted development.

The form and character of the immediate area comprises semi-detached dwellings to the north on the opposite side of Higherland,, terraced and semi-detached housing on Seabridge Road to the east, single storey backland development to the south, and the sheltered housing flats of Beaumaris Court to the west. The style and variety of housing in this location is broad but it is predominantly two storeys in height except for the backland development behind Seabridge Road. Beaumaris Court is a large residential building comprising of around 38 apartments. Its north, east and south elevations are two storeys although its western elevation is three storeys in height due to the sloping nature of the land which falls downwards toward the cul-de-sac known as Hillside off Higherland. The former Randles Garage building which is immediately to the north fronts onto Higherland and it plus part of its car park separates the application site from Higherland. The application site in relation to Higherland is significantly elevated, although it is set back by at least 30 metres from that road. It is from this public vantage point that the development would be the most prominent. There being quite extensive tree cover between Beaumaris Court and Higherland views approaching from the west are curtailed as a result.

There are concerns that the number of units proposed (up to 12), with provision for parking, and landscaping, and adequate separation between neighbouring properties, is too high. With respect to the indicative plan information supporting the application, of three storey flats, it is considered that such development due to its height in an elevated position relative to Higherland would appear incongruous and harmful to the form and character of the area. If the Authority were to conclude that only a lesser number of dwellings would be appropriate, the appropriate course of action would be to refuse the application detailing the basis for this conclusion.

A broader permission which enables different housing types is considered to be an unrealistic option given the total number of units proposed.

Would there be any harm to visually significant trees?

There are protected trees to the west of the development site and all tree protection matters arising from the proposal can be properly dealt with by planning conditions.

Would the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development be adequate?

1. The impact of the development on existing neighbouring living conditions

Supplementary Planning Guidance (SPG) Space about Dwellings provides advice on environmental considerations such as light, privacy and outlook.

The relationship of the development with existing residential properties along Seabridge Road adjacent to the site causes concern. Some of these properties have rear facing principal windows. The Beaumaris development also includes a first floor window on its side gable which appears to be a principal window (for the purposes of the SPG). It not appropriate due to the significant level difference between the development site and the slab levels of neighbouring properties that descend along Seabridge Road to rely upon the minimum separation distances advised in the SPG. It is considered that a three storey development, as indicated, relatively close to the boundary of residential properties would be overbearing and there is not enough scope available within the site to create a satisfactory relationship at a reserved matters stage, bearing in mind the amount of development that is being proposed for the site.

Most of the site is a former car park to the former garage/showroom and accordingly there would have been movement upon it during business hours or in the case of the access from Seabridge Road also the movement on occasion of vehicles into the first floor of the building (which it is noted is not affected by the unimplemented retail consent referred to in the planning history section above). Nevertheless even when this is taken into account the additional use of the access serving the development gives rise to concern given the amount of development proposed (and thus the expected number of vehicles movements along that access). The access is immediately to the rear of 2, 4 and 6 Seabridge Road which have a very small amount rear private amenity space. The circulation area for vehicles once within the site is also directly to the rear of 8, 10, 12 and 14 Seabridge Road. Taking into account the gradient of the access and its likely usage, the noise and disturbance created from vehicles going to and from the development would be exacerbated by that of vehicles turning around within the site and from the associated noise of vehicles starting up and the closing of car doors.

A bin collection point which will need to be located along the internal access road and this is discussed further below.

Although soft landscaping and boundary treatments could be provided at points the judgement is that these would not sufficiently address the harm to amenity given the closeness of the access and the turning/parking area to both the boundary and the properties affected. The proposal through noise and disturbance would lead to a degree of harm to the quality of life of neighbouring occupants which further weighs against the proposal. The harm created would decrease with respect to a scheme entailing a significant reduction in the total number of dwellings proposed.

The fall back position – what would be likely to be the result should permission be refused – in the form of a continuation of the use of the part of the site for car parking serving a garage business also has to be borne in mind in the assessment of resultant living conditions – but continuation of the historical use is unlikely given the ground floor of the former Randles Garage building and the car park to its side has been marketed by the landowner as an independent site and is also subject to a separate extant permission. Continuation of the use of the site for parking would have a different and lesser affect anyway in terms of impact upon residential amenity.

2. The expected living conditions of future occupants of the units proposed

Noise

In addition to the potential of noise and disturbance to be experienced by future occupants

from road traffic on the A525 there is also an extant permission for a small convenience store and its car park adjacent to the site which will have a significant impact. However it is considered, upon the advice of the Environmental Health Division, that appropriate design measures to achieve an acceptable internal and external noise levels for this development can be secured by planning condition.

Garden area provision

The amount of private amenity space provision required is dependent on the type of housing proposed. Two bedroom flats have different space requirements than family housing. Development other than that consisting of flats of the density proposed would appear unable to provide sufficient garden space.

Expected bin storage and collection arrangements

The applicant proposes that refuse collection is undertaken from Seabridge Road to avoid the need for waste collection vehicles to enter the site. Collection vehicles entering and manoeuvring within the parking and circulation area shown within the submitted plans has been identified as being impracticable by the Council's Waste Management Section and they also have concerns toward the feasibility of collection points on Seabridge Road and also Higherland. It is recommended by the applicant's advisors that an area of not more than 40 metres from Seabridge Road is allowed for a bin collection point. This provision would be roughly in the vicinity rear of numbers 6 and 8 Seabridge Road but could be positioned so that it is separated from these properties by the access road utilising an area immediately rear to the rear of the Randles garage building. The bin collection point would also need to provide suitable housing to reduce the potential of odour becoming a problem and adequately landscaped which could be achieved.

The Council's technical guidance advises that bin storage area should be no more than 10 metres from the closest point of access for a refuse collection vehicle. The guidance also advises that wheeled bins storage areas should be no more than 15 metres of the public highway. This would not be achievable in this case as refuse collection vehicles could not get into the site. The only solution would be for there to be an appropriately designed bin collection point closer to the Seabridge Road to which occupiers would be expected to bring their bins upon collection days. Although the remote collection arrangement expected would exceed the recommended distances it is considered that this issue can be satisfactorily dealt with at reserved matters stage.

The impact of the development on highway safety.

The applicant proposes to use an existing access off Seabridge Road. A new footway build out which will modify the existing kerb line is proposed to enable safe use of the access. The applicant's agent has submitted a technical report in light of initial concerns from the Highway Authority regarding how this would be achieved. In light of the technical information submitted which details the specific engineering method proposed the Highway Authority have no objections to the development subject to planning conditions. Although not a matter applied for at this stage it is also anticipated that adequate car parking provision can be provided. From a highway safety perspective the development is acceptable.

Financial contributions triggered by the development

The Council needs to have regard to the three tests set out in Section 122 of the CIL Regulations i.e. is any contribution necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

1. Public open space provision

Saved Local Plan Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing, and its maintenance must be secured. Core

Strategy Policy CSP5 identifies that developer contributions will be sought to provide a key funding source to meet the needs of new residents and for the delivery of Newcastle's Leisure Needs and Playing Pitch Strategy and the Urban North Staffordshire Green Space Strategy.

Local Authorities are justified in seeking planning obligations where the quality of provision is inadequate or under threat, or where new development increases local needs. The normal contribution expected is £2943 per dwelling (consisting of £1791 for improvements to capital development and maintenance in addition to £1152 per dwelling for 60% maintenance costs for 10 years).

Contrary to the advice of the Landscape Development Section your Officer's view is that the Council is entitled to devise a pragmatic method of calculation for the amount requested to be considered reasonable. With respect to any housing that is not for family occupation it would be inappropriate for the Authority to require a contribution linked to children's play provision which should therefore reduce the level of expected contribution. There is however no completed and secured obligation at this moment in time 'on the table'.

2. Education

The Education Authority views is similarly that it would be unreasonable to require a financial contribution towards local school provision if the development is to consist of one or two bedroom flats. With respect to the prospect of family housing on the site they advise that as primary schools in the catchment area are projected a contribution for 3 primary spaces at £11,031 each – resulting in a total contribution of £33,093 for a development consisting of family housing would be required.

A permission entailing family housing for the density proposed is considered to be unrealistic and planning conditions would enable adequate control without the need for a planning obligation in this respect.

Can the risk of contamination to 'Controlled Waters' be properly managed in light of the objection of the received from the Environment Agency?

Development on the site falls to be considered in the context of national guidance on contaminated land. The Environmental Health Division whilst they would have preferred the application to be accompanied by a desk study, site walkover and preliminary conceptual model report, consider that the issue of contaminated land can be dealt with by the use of the standard contaminated conditions, and this has been the approach taken with respect to other proposals where the impact on 'Controlled Waters' has been raised as an issue.

Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

In conclusion, the adverse impacts of the development are primarily linked to the scale of the development within the confines of the site, the inadequacy of expected waste collection arrangements, the adverse impact on neighbouring amenity due to the expected height of the development and the proximity of the access road and vehicle circulation and parking area to the gardens of existing properties of Seabridge Road, the failure to demonstrate that there will be no adverse impact to highway safety, and also the absence of an obligation securing a financial contribution towards public open space provision. These are matters of considerable weight when taken together and outweigh the benefits (discussed at the beginning of the report), when assessed against the policies in the NPPF taken as a whole.

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

10 June 2014.