

**The Application** is for full planning permission for four semi-detached dwelling and one detached dwelling on the site of a group of garages and their forecourt within a residential area of Newcastle which has no specific land-use designations, as defined on the Local Development Framework Proposals Map. A provisional Tree Preservation Order is in place on a Lime Tree within the site.

The application has been called to Committee by two Councillors due to concerns about highway safety, visual amenity, flooding and inappropriate building line.

**The 8 week period for the determination of this application expires on 2<sup>nd</sup> July 2014.**

### **RECOMMENDATION**

**Refuse for the following reason:**

- 1. The development will result in the loss of a protected tree which will have a significant impact on the character and appearance of the area contrary to Policy N12 of the Local Plan.**

### **Reason for Recommendation**

The proposed development is considered to represent a sustainable form of development that would comply with the guidance and requirements of the NPPF, particularly in the context of the Council's inability to demonstrate an up to date 5 year plus 20% supply of deliverable housing sites. The design of the dwellings would not harm the character and form of the area or lead to any increased highway safety concerns. The development would also not lead to any significant harm to the residential amenity of neighbouring properties. The loss of a mature lime tree and the harm to the appearance of the area that arises, however, would outweigh the benefits of the development, and as such it is considered that there is not 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**

Pre application discussions prior to the application being submitted were undertaken and advice given however it is not possible to overcome the principle concern of this development.

### **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)

Strategic Aim 16: To eliminate poor quality development;

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan 2011

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside  
Policy H4: Housing Development and Retention of Parking Facilities  
Policy N12: Development and the Protection of Trees  
Policy T16: Development – General Parking Requirements

### **Other material considerations include:**

National Planning Policy Framework (March 2012)  
National Planning Practice Guidance (2014)

#### Supplementary Planning Guidance/Documents

Space Around Dwellings (July 2004)  
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

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

#### Planning History

Nil

#### Views of Consultees

The **Environmental Health Division** raises no objections subject to conditions regarding contaminated land and construction hours.

The **Landscape and Development Section** raises objections to the loss of a mature Lime Tree which is a visually prominent roadside tree. Accurate positions of trees should be provided on a plan which shows retained trees and RPAs on the proposed layout. No objection is raised to the loss of other trees on the site which are of a lower retention category (subject to appropriate replacement tree planting which could be secured by planning condition).

The **Highways Authority** raise no objections subject to conditions that a revised layout of the driveway gates of plot 1, the parking arrangements and accesses being completed before first occupation, surfacing being of a bound and porous material and the existing access to the site being permanently closed and access crossing reinstated as footway with full height kerbs.

#### Representations

Twelve letters of representation, including a letter from a ward councillor, have been received raising the following objections;

- The site suffers from flooding,
- The proposal would lead to increase traffic and subsequent highway danger,
- The detached house leads to a loss of light and privacy to no. 2 Tittensor Road,
- The proposal is out of keeping with the area and would harm the visual amenity of the area,
- Parking is a problem during football and rugby matches,
- A better design could be achieved through bungalows,
- The proposed design and materials are alien to the area.
- The development represents overdevelopment of the site,
- Object to the removal of the tree,
- The proposal would increase surface water and potential drainage problems,
- The narrowness of the road makes the section of road very dangerous
- Events at the land opposite result in lorries finding it hard to manoeuvre without mounting the kerb,
- Highway danger due to construction traffic,
- The location is an area of beauty and of local landscape character and this will be lost should the development go ahead.
- There is no bus stop opposite
- The existing garages may pose a risk to residents due to asbestos roofs being removed,
- A culvert runs through the site,
- It would result in a loss of views and a devaluation of property prices,

### Applicant/agent's submission

A Design & Access Statement has been submitted to support the application which details the following;

- The site currently accommodates six domestic garages, with only a proportion being currently used.
- The site is located adjacent to the Aspire Housing existing stock and there is evidence to support the demand for additional housing within this area.
- People in the locality will not be adversely affected by this much needed development of affordable homes which will have a positive impact to the local area and community.
- The site is a brownfield site.
- A proportion of the properties will be offered for shared ownership and the remainder will stay in the ownership of the Society and will be for rent. It is possible that plot 5 will be for sale on the open market.
- The properties will have entrance hall, kitchen, lounge/dining room and wc at ground floor level and 2 or 3 bedrooms and bathroom at first floor level.
- The size and scale of the proposals shall be such that they are not imposing on the existing surrounding houses and the planning guidelines for space about dwellings have been considered.
- Two spaces shall be provided to each of the proposed units.

A traffic and transport review has also been submitted which details that the garages no longer provide facilities within the locality with 3 being let to people outside of the immediate area. The report demonstrates that the proposed development is accessible by all modes of travel, in particular public transport, cycling and walking by virtue of its sustainable location. Regular site observations have concluded that there are no highway network operational performance issues within the area. As this former garage site no longer provides parking for the local residents, the development of the proposal site will not displace parking.

These application details are available to view at the Guildhall or using the following link [www.newcastle-staffs.gov.uk/planning/1400293FUL](http://www.newcastle-staffs.gov.uk/planning/1400293FUL)

### **KEY ISSUES**

The application is for full planning permission for five new dwellings on a site of garages, their forecourt and a large grass verge/ open space on Buckmaster Avenue in a residential area that adjoins but is not within the North Staffordshire Green Belt. The site has no specific land use designations, as detailed on the Local Development Framework Proposals Map.

The main issues in the consideration of the application are:

- The principle of residential development on the site
- Design and the impact on the character and appearance of the area, including the impact on a protected tree
- Impact on residential amenity
- Highway safety and loss of parking facilities
- Flood risk
- Other matters

### The principle of residential development on the site

Policy ASP5 of the CSS sets a requirement for 4,800 net additional dwellings in the urban area of Newcastle and Kidsgrove by 2026 and a target of 1000 dwellings within the Newcastle Urban South and East, of which Clayton forms part of. The CSS seeks to prioritise the use of previously developed land.

Policy H1 of the Local Plan indicates that permission for residential development will only be given where one of certain identified requirements are satisfied including that the site is within the urban

area of Newcastle or Kidsgrove. Policy H4 indicates that planning permission will not be granted for additional dwellings on garage courts unless the facilities serve no local need; alternative parking is proposed or the facilities that remain would be satisfactory for the identified demand.

The proposed site is partially occupied by private garages and is classed as previously developed land (PDL) and a large grassed verge which constitutes Greenfield land. The site is located on the edge but within the urban area with Green Belt land opposite. The area is well connected to existing public transport modes, schools, open spaces and amenities which would provide services for future occupiers of the dwellings. The application site is therefore considered to represent a sustainable location and whilst it is only partially considered to be previously developed land, there is local plan policy support for its development.

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.; or specific policies in the NPPF indicate development should be restricted.

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. 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.

#### Design and the impact on the character and appearance of the area, including the impact on a protected tree

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.

The Urban Design SPD indicates in R14 that “Developments must provide an appropriate balance of variety and consistency, for example by relating groups of buildings to common themes, such as building and/ or eaves lines, rhythms, materials, or any combination of them.”

As discussed the application site contains private garages but largely appears as a large grassed verge with a number of trees and vegetation. A large mature tree occupies a dominant position to the front of the site and overall the site has an attractive appearance. A further characteristic of the site is its undulation with a dip, centrally located.

The proposal is for two pairs of semi-detached dwellings and a detached dwelling that front Buckmaster Avenue. The site represents a gap in the street scene and is located on a bend in the highway. The proposed layout due to the disposition and footprint of the buildings is considered sympathetic to the existing building line in the street scene and the bend in the road. However, in order to achieve a further improvement it is considered that the detached dwelling should be moved back by 1.5 metres to be more sympathetic to the building line of no.2 Tittensor Road, this could be secured by condition.

The scale and appearance of the five properties are considered acceptable and sit comfortably on the plot. The parking arrangements are considered acceptable with only two properties having frontage parking and so the proposal would not be dominated by hard standings and parked cars.

There are trees and vegetation within the site that will be lost to accommodate the proposed development, most of the vegetation could be removed at any time by the owners without formal consent. However, since the application has been submitted a provisional Tree Preservation Order has been served on a large mature lime tree in a prominent position within the site and as such it cannot be removed with consent.

Policy N12 of the Local Plan details that the Council will resist development that would involve the removal of any visually significant tree unless the need for development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting and design. It also details that where trees are to be lost through development then replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

The loss of the large lime tree, which is considered to represent a visually significant tree within the street scene and has been protected as such, would be harmful to the area. Such a loss and harm to the character of the area that arises would significantly and demonstrably outweigh the benefits of the development to the supply of housing even if the tree was replaced, which could be secured through a condition.

#### Impact on residential amenity

Paragraph 17 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The application site has existing residential properties to both sides and to the rear. The separation distance between principal windows in the rear elevations of the proposed properties and the rear elevations of the properties beyond the rear boundary is substantial at over 30 metres which would exceed the separate distance guidance of the 'Space Around Dwellings' SPG. Acceptable amenity levels would be achieved even when the change in ground levels is taken into consideration. The properties to the north (side) of the site have an outlook towards the application site but the orientation of these properties would result in a limited impact to the residential amenity of the existing properties or the future occupiers of the proposed dwellings.

The proposed detached dwelling would be built close to the side boundary with no. 2 Tittensor Road and would be forward of the front building line of the existing property. In this location it would not have an unacceptable impact on the living conditions of the occupiers of that property, but as indicated above it is felt necessary to move the proposed dwelling back by 1.5 metres in the interests of design. This would improve the relationship and reduce the impact on the residential amenity of no. 2 and it would not result in a harmful impact that would be contrary to the SPG in terms of loss of privacy, light and overbearing impact to principal windows,

The layout shows that each of the five dwellings would have a rear garden. All the dwellings would be a two bedroom properties and the SPG does not offer guidance on the size of gardens for such properties. The amount of garden space that is achieved is acceptable in all cases. Furthermore the site is opposite a playground and public open space which would provide benefits for the development as a whole.

The proposed development therefore accords with the guidance of the Councils SPG and would not lead to the significant loss of residential amenity to neighbouring properties which would comply with the requirements and guidance of the NPPF.

#### Highway safety and loss of parking facilities

The proposed development would result in the loss of a private garage forecourt that provides parking provision for a number of vehicles (six garages).

The proposed development would front Buckmaster Avenue with access for each property being from this highway. Objections have been received raising concerns about the impact that five additional dwellings would have on highway safety. The application site is located on a bend in the road and residents have expressed concerns about vehicles reversing onto the highway and the existing on street car parking and highway safety concerns from neighbouring uses.

The applicant has detailed through the submission of a traffic review that the garages are no longer used by residents in the immediate area and their loss would not aggravate an on street parking problem or highway safety concern.

The proposed dwellings would be two bedroom dwellings and have two off street car parking spaces with access obtained from Buckmaster Avenue. This would meet the requirements of policy T16 of the local plan for this sustainable location. The Highways Authority has raised no objections subject to a number of conditions which would further minimise highway safety concerns. In particular a revised layout which repositions the gates to plot one would be required. Standard conditions regarding the parking arrangements and accesses being completed before first occupation, surfacing being of a bound and porous material and the existing access to the site being permanently closed and access crossing reinstated as footway with full height kerbs are advised.

It is noted that residents/ objectors are concerned about the existing highway safety concerns associated with neighbouring uses. However, as it cannot be demonstrated that the existing parking facilities are being used in a manner that would minimise such concerns the proposed development cannot be expected to address those issues.

#### Flood risk

Objections have been received regarding flooding of the site and in particular the adjacent highway. Flood risk maps detail that the site is not within any of the three flood risk zones. There is no evidence to suggest that the proposal would cause a flood risk problem but conditions could be imposed requiring prior approval of the drainage details and incorporation of porous materials for the driveways would ensure that surface water runoff from the site is not increased as a result of the development

#### Other matters

A number of other matters have been raised by objectors. The issue of the loss of a view and property values are matters that cannot be taken into consideration because they are not a material planning consideration.

The demolition of the garages and any hazardous materials are the owners responsibility and is again not a material planning consideration in the determination of this application.

The proposals would also result in natural surveillance for the playground and public open space opposite which would deter anti social behaviour.

#### **Background Papers**

Planning file  
Planning documents referred to

#### **Date report prepared**

10<sup>th</sup> June 2014