

The Application is for full planning permission for residential development of 10 dwellings comprising 3 pairs of semi-detached dwellings and 4 detached dwellings.

The application site, of approximately 0.26 hectares, is within the urban area of Newcastle, as indicated on the Local Development Framework Proposals Map.

The site has a frontage both onto the unclassified Moreton Parade and Stratford Avenue at their junction with Jubilee Road and Oxford Road (C classified roads).

The 8 week period for the determination of this application expires on 24th March 2015.

RECOMMENDATION

A. Subject to no adverse comments being received from consultees or in representations which cannot be dealt with by appropriate condition(s), and subject to the applicant entering into a planning obligation, by no later than 10th March 2015, to secure the following:

- **A financial contribution of £29,430 for open space enhancement/improvements and maintenance**

Permit, subject to conditions relating to the following: -

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. Materials**
- 4. Boundary treatments**
- 5. Contaminated land**
- 6. Approval of recyclable materials and refuse storage**
- 7. Landscaping scheme**
- 8. Tree protection measures**
- 9. Arboricultural method statement**
- 10. Highway matters**
- 11. Construction hours**

B. Failing completion by 10th March 2015 of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that without such matters being secured the development would be contrary to policy on the provision of open space within residential development, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The site is located within the urban area of Newcastle and is in a sustainable location for new housing. The benefits of the scheme include the provision of housing within an appropriate location making use of previously developed land. Subject to no adverse comments being received from consultees or in representations which cannot be dealt with by appropriate condition(s) and subject to the imposition of suitable conditions and appropriate financial contributions it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

Policies and proposals in the approved development plan relevant to this decision:-

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

Policy SP1: Spatial Principles of Targeted Regeneration
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 T16: Development – General Parking Requirements
Policy C4: Open Space in New Housing Areas
Policy C22: Protection of Community Facilities

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (July 2004)

Developer Contributions Supplementary Planning Document (SPD) (September 2007)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

Relevant Planning History

10/00777/OUT	Residential development	Approved
11/00649/REM	Erection of 6 detached dwellings, 2 semi-detached dwellings, 2 detached garages and formation of new accesses	Approved

Views of Consultees

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

The **Education Authority** states that the development falls within the catchments of May Bank Infants School, St Margaret's CE (VC) Junior School and Wolstanton High School. The development is scheduled to provide 10 dwellings which could add 1 infant school aged pupil, 1 junior school aged pupil and 2 high school aged pupils. May Bank Infants School and St Margaret's CE (VC) Junior School are projected to have limited vacancies and although the development will put additional pressure on school places, current pupil demographics indicate that the schools should be able to accommodate the likely demand from pupils generated by the development. Wolstanton High School is projected to have sufficient space to accommodate the likely demand from pupils generated by the development. No education contribution is accordingly sought.

The **Coal Authority** has referred to its Standing Advice

The comments of the **Landscape Development Section**, the **Highway Authority**, the **East Newcastle Local Area Partnership**, the **Waste Management Section**, and the **Police Architectural Liaison Officer** are all awaited. Any comments received in time will be reported to Members in a supplementary report.

Representations

None received at the time of writing the report but the last date for such comments to be made is 31st January 2015. Any representations received by then will be reported to Members in a supplementary report.

Applicant's/Agent's submission

The application is accompanied by a Design & Access Statement and a Phase 1 Geo-Environmental Report. All of these documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/1400973FUL

Key Issues

Outline planning permission was granted in 2011 for up to 10 dwellings on this site (Ref. 10/00777/OUT) and then in 2012, reserved matters were approved for the erection of 8 dwellings (Ref. 11/00649/REM). The period for the submission of reserved matters pursuant to the outline consent has now lapsed and therefore this application is for full planning permission for 10 dwellings comprising 3 pairs of semi-detached dwellings and 4 detached dwellings.

The application site, of approximately 0.26 hectares, is within the urban area of Newcastle, as indicated on the Local Development Framework Proposals Map.

It is considered that the main issues for consideration in the determination of this application are:

- Is the principle of residential development on this site acceptable?
- Would the proposed development have a significant adverse impact on the character and appearance of the area?
- Would there be any adverse impact on residential amenity?
- Would the proposed development have any adverse impact upon highway safety?
- Will appropriate open space provision be made?
- 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?

Is the principle of residential development on this site acceptable?

The site was formerly occupied by a Public House which the applicant has advised became unviable. The vacant premises were demolished following problems of anti-social behaviour, vandalism and arson and associated safety concerns. The site is not within a Conservation Area and the property was not a Listed Building and therefore, no consent was required for its demolition. As the building has now been demolished, any consideration, in the context of NLP Policy C22, of the acceptability or otherwise of the loss of the Public House as a community facility, has to take into account that the issue is now the *use* of the site for community facilities. The policy in question indicates that "in considering applications for development that would involve the loss of an important community facility, the need for the facility and the likelihood of its being able to be replaced will be a material consideration". Even if the building was still there, given the location of the site within an urban area, the continued availability of a range of community premises in the area, objections on grounds of loss of community facilities could not have been sustained.

Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. This site is located within the Urban Area of Newcastle.

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of

Newcastle-under-Lyme by 2026 and a target of at least 1000 dwellings within Newcastle Urban South and East (which includes May Bank).

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 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. 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 within the urban area. The site is in close proximity to the shops and services of May Bank and Wolstanton, and there are several bus services that run frequently close by the site to Hanley and Newcastle. It is considered that the site is in a sustainable location therefore.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also 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. At paragraph 14, the Framework also states that, unless material considerations indicate otherwise, 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 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 and promotes choice by reason of its proximity to modes of travel other than the private motor car.

On the basis of all of the above, it is considered that the principle of residential development in this location should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

Would the proposed development have a significant adverse impact on the character and appearance of the area?

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. It states that new development should protect important and longer distance views of historic landmarks and rural vistas and contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate vernacular materials for buildings and surfaces and access. This policy is considered to be consistent with the NPPF.

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered that it is consistent with the NPPF. Section 7 of the SPD provides residential design guidance and R3 of that section states that new housing must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it. R12 states that residential development should be designed to contribute towards improving the character and quality of the area. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists and has definite value.

Given the mix of dwelling size in the area it is considered that the 10 dwellings now proposed which would achieve a density of 38 dwellings per hectare would appropriately reflect both the general policy of making efficient and effective use of land, and the character of the locality.

The proposed layout would comprise 3 pairs of semi-detached dwellings along the site frontage facing the highway which would respect the siting of the properties to either side and, in the most prominent views from Wolstanton Marsh, would provide an attractive frontage. The layout would include 4 detached dwellings to the rear of the frontage development but given the context of the site within a reasonably high density residential area comprising a high proportion of terraced and semi-detached properties, such a layout would be appropriate.

The properties would be relatively simple and traditional in their design and given the mix of dwelling styles in the area, it is not considered that they would be unsympathetic to the character of the surrounding area. It is considered that subject to the use of appropriate external facing materials the appearance of the proposed dwellings would be acceptable.

Would there be any adverse impact on residential amenity?

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

With respect to the interrelationship of the proposed dwellings with the neighbouring properties, sufficient distances are proposed between existing and proposed dwellings in compliance with the Council's SAD SPG.

With regard the proposed dwellings, it is considered that an acceptable level of amenity would be achieved. Although the rear garden lengths of some of the properties would be below the 10.7m distance recommended in the SPG, the rear garden areas would exceed the 65 square metres minimum that is recommended and it is considered that the level of private amenity space would be sufficient for the family dwellings proposed.

In conclusion, it is not considered that a refusal could be sustained on the grounds of impact on residential amenity.

Would the proposed development have any adverse impact upon highway safety?

A condition of the previous outline consent required any access to the site to serve more than one dwelling to be from Stratford Avenue only. The access now proposed is from Stratford Avenue in the same location to that previously approved.

Sufficient parking and turning areas would be provided within the site for the proposed dwellings.

The previous scheme was subject to a planning obligation requiring a financial contribution of £6,000 towards the Newcastle (urban) Transport and Development Strategy (NTADS). Since April 2014, this Council is no longer seeking contributions to NTADS and therefore, it can no longer be required for this site.

The comments of the Highway Authority are awaited but it is not anticipated that they will raise any objections subject to the imposition of conditions, nor is it anticipated that they will seek any financial contributions either. On this basis, subject to conditions, it is not considered that the proposal would raise any issues in terms of highway safety. A further report to Members outlining the comments of the Highway Authority will follow.

Will appropriate open space provision be made?

The proposal is above the threshold where Policy C4 of the Local Plan advises that where no open space is being provided as part of the development, the Local Planning Authority should seek a financial contribution towards the provision/enhancement of open space in the area. This should be secured through a section 106 obligation requirement. This is also in accordance with CSS Policy CSP5 and the Developer Contributions SPD.

This development would not include an area of public open space within the site. Although the comments of the Landscape Section are awaited, it is anticipated that a financial contribution will be sought to include a contribution for capital development/improvement of off-site green space in

addition to a contribution to maintenance costs for 10 years. In accordance with the adopted Green Space Strategy, and as per the previous consent for the site, it is likely that a contribution of £2,943 per dwelling will be requested.

This should be secured through a planning obligation achieved by agreement. Your Officer is satisfied that such a contribution is one which meets the three tests set out in Section 122 of the CIL Regulations (i.e. it is 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).

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, subject to the imposition of suitable conditions and obligations, it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

21st January 2015