

The application is for full planning permission for the construction of six terrace dwelling houses on land of a former playground on Lyme Valley Road opposite Homebase.

The application site is located within the major urban area of Newcastle which has no specific land-use designations, as defined on the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expired on 22nd August 2014.

RECOMMENDATION

A. Subject to the applicant first entering into a Section 106 agreement by the 10th April 2015 to secure the long term management and maintenance of the parcel of land identified on the approved plans in accordance with a scheme agreed by the Local Planning Authority.

Permit the application, subject to conditions concerning the following matters:

- 1. Time limit and plans**
- 2. Materials and boundary treatment details as per submission**
- 3. Construction hours**
- 4. Contaminated land**
- 5. Hard and soft landscaping as per submission**
- 6. Finished ground and floor levels**
- 7. Access and parking arrangements completed prior to occupation**
- 8. Parking being surfaced in a bound porous material**
- 9. Relocation of a lighting column**
- 10. Footpath being carried out in accordance with submitted plans**
- 11. Recommendations of the FRA being adhered to**

B. Failing completion of the above planning obligation by the date referred to in the above recommendation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that without the obligation being secured, the development would fail to secure the long term management and maintenance of landscaping which is necessary to ensure that the development is not harmful to the visual appearance of the area, unless he considers appropriate to extend the period for securing these obligations

Reason for Recommendation

The site is located within a sustainable location and the development is considered to comply with the requirements of the National Planning Policy Framework (2012) subject to conditions and the long term management and maintenance of the open space being secured.

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

Discussions have been ongoing throughout the application process and it is now considered to be a sustainable form of development and so complies 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)

Strategic Aim 16: To eliminate poor quality development;

Policy SP1: Spatial Principles of Targeted Regeneration
Policy ASP4: Newcastle Town Centre Area Spatial Policy
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 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 for full contaminated land; construction hours; and design measures to protected noise levels.

Following the submission of a noise assessment the noise condition is no longer necessary.

The **Landscape and Development Section** detail that it is disappointing that information received since initial comments were made. The submitted plan (ref landscaping plan 1421/05) shows the intention to fell all of the trees on this site with the exception of a small Norway Maple (one of the poorest trees in the site, with a recommendation for felling). The existing trees are an attractive and much needed feature on Lyme Valley Road, and it is recommended that the retention of one or two of the better quality specimens should be maintained and retained to offer considerable benefits to this scheme. This development is likely to have a detrimental impact upon the street scene of Lyme Valley Road. However, if the development is recommended for approval then conditions regarding boundary details; a landscaping scheme; tree protection proposals; and utilities connections should be submitted for approval.

The **Highways Authority** raises no objections subject to conditions that the development shall not be brought into use until the access and parking areas have been provided; the access and parking being provided in a porous bound material; and the existing lighting column being relocated.

The **Police Architectural Liaison Officer (PALO)** details that despite some reservations they do not object to this application as it stands, primarily because the footpath link should be subject to reasonable opportunities for natural surveillance. However, Staffordshire Police would have strong reservations about subsequent changes to the retained green space that changed the nature of this footpath link.

Sport England advise that they do not wish to comment on this application.

Staffordshire County Council Flood Risk Team does not consider that they need to comment on this case. The site is affected by Flood Zone 2 so the Environment Agency should also be consulted.

The **Environment Agency** raises no objections subject to land contamination conditions.

Representations

Eight letters of representation have been received including two letters from Baroness Goulding and a one letter from NHSolutions.

Baroness Goulding objects to the removal of the existing footpath if this is proposed. The height of the proposed dwellings is not clear. Residents have been maintaining a piece of land to the rear of the playground for many years and is now being sold by the Council. Severn Trent has a drain and the development may affect this.

NHSolutions comment that amended plans appear to have addressed concerns regarding the existing footpath being obstructed or lost and the proposed development shielding the medical centre from view for visitors which would make it difficult to find. The only concern therefore is the construction period which could cause disruption from vehicles and materials being left on the highway.

Other objections raise the following additional comments;

- The proposal would increase traffic to the detriment of the area,
- The trees that front Lyme Valley Road are mature and should be retained,
- The application site includes land cultivated by residents and its loss is not supported, and
- There is an agreement to limit any buildings,

Applicant/agent's submission

The application has been supported by plans, design and access statement, flood risk assessment, noise survey, Phase 1 Environmental Assessment and tree information.

These documents are available for inspection at the Guildhall and via the following link:
www.newcastle-staffs.gov.uk/planning/1400472FUL

KEY ISSUES

The application is for full planning permission for six residential dwellings on a former playground on Lyme Valley Road located within the major urban area of Newcastle which 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 existing trees
- Impact on residential amenity
- Highway safety matters
- 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.

The site is a redundant former playground that this Council is in the process of selling.

In planning terms the site does not meet the definition of previously developed land because it is a recreation ground albeit no longer in use.

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 site is located within the urban area just outside Newcastle town centre which is considered to represent a highly sustainable location for housing development and due to the Council being unable to demonstrate a five year supply of housing the presumption should be in favour of residential development unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal (as required by para 14 and 49).

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 the town centre which has a range of services and facilities and promotes choice by reason of its proximity to modes of travel other than the private motor car.

Furthermore the playground has been redundant for a number of years and the population is served by other facilities within the area and as such there would be no adverse impact arising from the loss of the informal area of open space.

On the basis 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.

Design and the impact on the character and appearance of the area, including the impact on existing trees

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.

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."

The proposed development seeks permission for six terrace properties that front onto Lyme Valley Road. The proposed dwellings would be two storeys in height, each having two off street car parking spaces to the front and a rear garden area.

Lyme Valley Road is not a through road and is located within a mixed use area. The proposed dwellings would face towards the side of the Homebase store opposite with terrace properties beyond the rear boundary. There are also further small commercial/ industrial units to the side/ west and Lyme Valley medical centre towards the north-east.

The dwellings would each have a porch and the design and appearance is basic but the windows have brick headers and cills which would improve the front façade along with the porch features. Brick samples have been submitted and these are considered of good quality which would further assist the developments appearance.

The landscape section has raised objections to the loss of the existing trees on the frontage of the site which they say would have an adverse impact on the visual amenity of the area. These comments are acknowledged and whilst the loss is unfortunate the harm caused in this location would not be so significant that in itself it would significantly and demonstrably outweigh the benefits to the supply of housing that arises from this development. In addition the applicant has confirmed that a small parcel of land to the side of the dwellings would be maintained by them and this area would include replacement trees. The area of land is included within the application site and its management and maintenance would need to be secured via the completion of a S106 agreement to ensure this land is continually maintained by the future owner.

The submitted plans also show that the footpath that links the residential streets to the north with Lyme Valley Park to the south would be provided. The loss of this path was a concern to residents and the proposed footpath is a further benefit of the application. The PALO has confirmed that its design is acceptable.

The proposed development would result in an unattractive and disused playground being developed and whilst the design is relatively standard it would not harm the visual amenity of the area. The frontage car parking is not desirable and would result in a number of attractive trees being removed. However, the applicant is proposing replacement trees. The site is not a through road and has an outlook towards the Homebase store and subject to replacement planting it is considered that the proposed development would meet the guidance and requirements of the NPPF.

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 terrace properties beyond the rear boundary and the rear elevations and windows of the proposed development would have an outlook towards these properties. The separation distances would meet the guidance of the SPG and the roof lights proposed in the rear facing roof slope would serve a non-principal shower room and are also considered acceptable.

The proposed six properties would each have a rear garden area that measure approximately 47 squares metres. The SPG details that for a three bedroom dwelling an area of at least 65 square metres should be achieved. In this instance whilst there is a shortfall of 17 square metres per dwelling the applicant is proposing a private parcel of open space and Lyme Valley park is across the road behind the Homebase store which would provide an opportunity for outdoor play and recreation over and above that provided within each plot.

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, this being in accordance with the requirements and guidance of the NPPF.

Highway safety matters

Lyme Valley Road and its junction with Brook Lane has the capacity to accommodate the additional vehicular movements arising from this development and as such no highway safety issues will arise.

Policy T16 of the local plan details that for a three bedroom dwelling there should be a maximum of two off street car parking spaces.

The development proposes frontage car parking with each dwelling having two off street car parking spaces. This would meet the requirements of policy T16 and the site is located within a highly sustainable location which would encourage sustainable transport modes, walking and cycling. A lesser requirement has the potential to cause highway safety problems on Lyme Valley Road and two off street car parking spaces is considered acceptable.

Flood risk

The application site is located close to the Lyme Brook and flood risk maps show that the site is within Flood Zone 2. The applicant has submitted a Flood Risk Assessment which has satisfied the Environment Agency who raise no objections to the proposal. The recommendations of the submitted FRA should be adhered to and this can be secured via a condition.

The proposed development will also result in a 20% decrease in impermeable area on site which will provide significant betterment to surface water runoff.

Other matters

A further issue raised by objectors is a piece of land to the north of the application site. Some residents of properties on Hatrell Street have been maintaining this land at their own expense. This area is included within the red edge owned by the borough council. Individual residents were offered the opportunity to purchase the very small section that they have been maintaining informally but no one has taken up this opportunity. Therefore the Council who own the land proposes to sell the whole site to the applicant. This is a matter of private interest and as such is not material to the determination of this application.

Conditions regarding construction hours and contaminated land are considered appropriate.

Background Papers

Planning file
Planning documents referred to

Date report prepared

16th February 2015