

The proposal is a resubmission for outline planning permission following the refusal of application 14/00163/OUT also for the erection 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 preceding outline application was refused by the Authority due to concerns relating to 1). Harm to the form and character of the area, 2). Harm to neighbouring living conditions and 3). The absence of an obligation securing a contribution toward public open space provision and maintenance.

The 13 week period for the determination of this application expires on the 11th May 2015.

RECOMMENDATION

1) Subject to the applicant entering into a planning obligation by 30 April 2015 securing a contribution of an appropriate sum for public open space improvement and maintenance reflecting that the accommodation, being for two bedroom flats, would be unlikely to be for children, PERMIT subject to conditions relating to:-

- 1. Plans / time limit**
- 2. Approval of reserved matters**
- 3. Reserved matters to accord with Design and Access Statement**
- 4. Accommodation to be one or two bedroomed flats**
- 3. Levels and height of development**
- 3. Highways matters**
- 4. Contaminated land remediation**
- 5. Construction hours**
- 6. Construction management details- inducing mud and dust mitigation**
- 7. Internal and external noise levels for the new dwellings**
- 8. Waste storage and collection**
- 9. Tree protection measures**
- 10. Surface water and foul sewage drainage**

2) That should the obligation not be secured within the above period, the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would be contrary to policy on open space provision; unless he considers it appropriate to extend the period for completion of the obligation.

Reason for Recommendation

The Council has already accepted the principle of residential development and that the proposed access would not be detrimental to the interests of highway safety. Levels information has now been included with the current proposal which shows that a three storey development could be constructed with, where closest, a similar height to the Victorian properties along Seabridge Avenue overlooking the site. The potential for alterations in levels to accommodate the scale of the development applied for overcomes form / character harm and residential amenity concerns with respect to the buildings. Whilst the access could be detrimental to the interests of residential amenity regard has to be paid to the existing arrangements, and by the use of conditions an arrangement could be made that would be, on balance, satisfactory. A contribution towards the improvement and maintenance of public open space can be resolved by the securing of an obligation.

Key Issues

The application is a resubmission for outline planning permission for the erection of up to 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 the above workshop building and the first floor of the former Randles building, with the larger part served by an access off Higherland (the A525). The proposals envisage all access would be off Seabridge Road. The site slopes significantly down towards the A525.

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 proposal follows a previous outline application (reference 14/00163/OUT) refused last June due to concerns relating to 1). Harm to the form and character of the area, 2). Harm to neighbouring living conditions, and 3). The absence of an obligation securing a contribution toward public open space provision. Given the nature of the resubmission and the absence of any material change in planning policy or circumstances since June, it is only the Authority's reasons for refusal that need to be examined, although any representations received must be taken into account. In this context it should be noted that the Planning Authority found the proposed access arrangements acceptable in highway safety terms (on the basis of the advice of the Highway Authority).

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

- Is the impact of the development on the form and character of the area acceptable?
- Would the resultant living conditions of neighbouring residents and the living conditions of future occupants of the development be adequate?
- What financial contributions are appropriate for 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. As a policy that is consistent with the Framework, the policy can and should be given weight. 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. However the properties along Seabridge Road are tall Victorian dwellings, which are arranged in a stepped fashion up Seabridge Road, as it rises from its junction with Higherland. 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. 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 were previous concerns that the number of units proposed (up to 12), with provision for parking, and landscaping, and adequate separation between neighbouring properties, was too high. With respect to the indicative plan information supporting the application, of three storey flats, it was 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.

The current submission includes indicative plan information which shows that a new building could be erected at a somewhat lower slab level than was previously anticipated and with the result that that part of the development furthest away from Higherland would have a comparable roofline height to that of the number 18 Seabridge Road. However the element closer to Higherland, somewhat stepped down from the other block, would be higher than the equivalent building on Seabridge Road when viewed from Higherland, but it also further away from those buildings and is still well set back from Higherland – the public viewpoint. The question is would such an arrangement and its impact on the form and character of the area still justify withholding planning permission. Your officers do not consider that such a concern can any longer be sustained.

Would the impact of the development on the living conditions for neighbouring be adequate?

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 is the key aspect. 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). Due to the significant level difference between the development site and the slab levels of neighbouring properties that descend along Seabridge Road it is not appropriate to rely solely upon the minimum separation distances advised in the SPG to judge the acceptability of the scheme. Subject to

the level alterations indicated on the submitted plan an acceptable relationship against these existing residential dwellings can it is considered be created.

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). The access to the development is immediately to the rear of 2, 4 and 6 Seabridge Road which have a very small amount of rear private amenity space, particularly No.2. The circulation area for vehicles once within the site is also to the rear of 8, 10, 12 and 14 Seabridge Road, but it is recognised there is potential for landscaping between that area and the backs of those properties. 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 combined with that of vehicles turning around within the site and from the associated noise of vehicles starting up and the closing of car doors would have an impact upon residential amenity. However No.2 Seabridge Lane (the one most affected by the proposed arrangement) is occupied by a member of the applicant's family, which might suggest a higher tolerance of noise, and the historic use of the site may well have involved working in the open or noise from within workshop – a point not previously taken into account.

On balance, it is considered that this concern is not one which in itself would justify refusal of the application, although the detailed alignment of the access road, and of planting and screening along it, and the provision of a recycling and waste bin collection point, will need to be carefully considered at the reserved matters stage.

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).

Although it is not the view of the Landscape Development Section as indicated below, your Officer's view is that the Council should not, when calculating the appropriate financial contribution for this flatted development of one and two bedroom units – which children are unlikely to be in - require a contribution linked to children's play provision. It is relevant to note that a similar approach is currently taken by the Education Authority (and accepted by the Local Planning Authority) There is however no completed and secured obligation at this moment in time 'on the table'.

2. Education

The Education Authority accepts 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. Were family housing to be proposed they advise that as primary schools in the catchment area are projected to be at capacity a contribution of £33,093 would be required.

A permission for 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.

Other material considerations

The NPPF with its requirement that LPAs boost the supply of housing is a material consideration which whilst it would not overcome any specific concerns were they held to be justified, is a further factor in favour of the development.

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

14/00163/OUT Outline application for the erection of 12 dwellings Refused 2014.

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.

Waste Management 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

Landscape Development 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. To include 2 bedroom properties in the list of properties where the “childrens play element” is excluded (from the calculation) would go against the use of the Green Space Strategy for calculating the required sum. There is information available that supports the fact that households with more than 2 occupants do live in two bedroom properties. 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 **Newcastle South Locality Action Partnership** have been consulted but no comments have been received by the due date so it must be assumed that they have no observations.

Environmental Protection 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

5 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.
- There is no material difference in the current planning application for the Authority to reach a different conclusion than it did for the previous application entailing the same number of units.

Applicants/ Agents submission

The application documents are available at the Guildhall and on the Council's website

www.newcastle-staffs.gov.uk/planning/1500077OUT

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

Following negotiations and the consideration of level information the proposal is now considered to be a sustainable form of development.

Background Papers

Planning File

Planning Documents referred to

Date Report Prepared

16 March 2015.