

**WORKSHOP, MAY STREET**  
**MR ALAN LYCETT**

**15/00556/OUT**

The application is for outline planning permission for the erection of 4 dwellings and associated car parking. Details of scale and access are applied for at this stage with all other matters of detail (layout, appearance and landscaping) reserved for subsequent approval.

Access is off May Street. Off road car parking is indicated to be provided to the front of the proposed dwellings with scope for two parking spaces for each dwelling – eight spaces in total.

The site area measures approximately 1044 square metres.

The application site lies within the Urban Neighbourhood Area of Newcastle (which includes Silverdale) as specified on the Local Development Framework Proposals Map.

The application has been called in to Committee by three Councillors due to concerns about the adequacy of the parking provision and highway safety concerns; and because it is overdevelopment not in keeping with the local area.

**The 8 week period for the determination of this application expires on 20<sup>th</sup> August 2015.**

**RECOMMENDATION**

**PERMIT subject to conditions relating to:**

- **Standard time limit;**
- **Approved plans;**
- **Approval of reserved matters;**
- **Reserved matters landscape details shall include replacement tree planting through removal of existing trees on site;**
- **Tree protection measures;**
- **Contamination remediation;**
- **Highway matters.**

**Reason for Recommendation**

The site is located within a sustainable location for new housing. Submitted plans show that four semi-detached dwellings could be erected without harm to the form and character of the area. Satisfactory separation distances between the proposed dwellings and other existing properties can be achieved with garden provision in accordance with the Council's space around dwellings standards. The amenity space available for 22 and 23 May Street would be reduced (the application site include a remote garden/landscaped area (across a former parking area) but the reduction is not considered harmful given their use as student accommodation, and the limited functional contribution this garden area makes at present. The Highway Authority have no objections to the access arrangement applied for and that adequate off road parking provision and vehicle circulation can be accommodated without detriment to the safety of road users and residents of May Street.

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

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

**Key Issues**

The application is for outline planning permission for the erection of 4 dwellings. Details of scale and access have been submitted for approval at this stage with all other matters (appearance, landscaping and layout) reserved for subsequent approval. The scale of the development is two storeys with each building having a footprint of 11.5 metres by 8 metres in width and length. The submitted layout and floor plans accompanying the application which shows two pairs of semi's each with three bedrooms is indicative only. It is intended that the development will be let to students or to the wider market should the student market niche no longer prove to be realistic.

The majority of the site currently comprises of a tarmac hard standing area with a small part on its western side laid out as landscaping. No.'s 22 and 23 May Street (within the former ADC Ltd workshop building) immediately adjoining the site are currently used for student housing.

The main issues for consideration in the determination of this application are:

1. Is the principle of residential development in this location acceptable?
2. What is the impact upon the character of the area, and is the impact acceptable?
3. Is the impact to surrounding trees acceptable?
4. 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?
5. Is the use of the existing access for the dwelling acceptable in highway safety terms and is the loss of garages acceptable?

1. Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?

The site is located within the urban area of Silverdale close to a range of local services and regular public transport provision to the town centre and further afield. Development Plan policies support the broad principle of residential development in this location.

The Local Planning Authority (the LPA), by reason of the National Planning Policy Framework (NPPF), is however required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements (in the Borough's case as set out within the CSS) with an additional buffer of 5% to ensure choice and competition in the market for land. Where, as in the Borough, there has been a record of persistent under delivery of housing, the LPA is required to increase the buffer to 20%. The Local Planning Authority, is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF), because that it does not have a full objective assessment of housing need, and its 5 year housing land supply statement is only based on household projections.

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 (as defined in paragraph 47). Paragraph 14 of the NPPF details that at the heart of the Framework is a presumption in favour of sustainable development and that this means, 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, or specific policies in the Framework indicate development should be restricted. The examples given of 'specific policies' in the footnote to paragraph 14 indicate that this is a reference to area specific designations such as Green Belts, Areas of Outstanding Natural Beauty and similar. The application site is not subject to such a designation.

Given that the Borough is currently unable to robustly demonstrate a five year supply of deliverable housing sites in accordance with paragraph 14, there is a presumption in favour of this development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The merits of the scheme are now considered.

## 2. Is the impact on the form and character of the area acceptable?

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. The Urban Design SPD provides further specific detailed design guidance in complement to this provision.

Paragraph 56 of the Framework 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 site is back land surrounded by residential properties. On one side of May Street there is a line of terraced properties, on the opposite side, there are detached and semi-detached dwellings with no particular uniform architectural style evident. The view taken is that four two storey dwellings in a semi-detached format could be accommodated on the site without harm to the form and character of the area.

## 3. Is the impact to surrounding trees acceptable?

Some tree loss of low amenity value is required to accommodate the development. Limited planting, once the required parking is taken into account, could be secured within any subsequent landscaping scheme at reserved matters stage. There is a protected Ash tree in the rear garden of 115 High Street but appropriate measures can be employed to ensure there is no harm to the tree.

## 4. 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?

Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance on the assessment of proposals on matters such as light, privacy and outlook. In that layout is a reserved matter, but the scale is not, all the Authority can consider is whether there are grounds to consider that two buildings of the size applied for cannot be in any circumstances accommodated on the site without material detriment to residential amenity.

Immediately to south of the site are 17 and 19 Park Road with fairly shallow rear gardens. To the north are 115, 113, 111, 109 and 107 High Street with much longer rear gardens and 21 May Street. Development of the site for this scale of development would inevitably result in a degree of overlooking. The SPG recommends a separation distance of 21 metres to be achieved between two storey properties containing principal (or main) windows. It also advises minimum garden area sizes should be around 11 metres long and at least 65 square metres in area. Minimum separation distances, or very close to those distances, are achieved in the indicative layout and therefore adequate privacy and light levels for existing surrounding occupiers should be able to be secured as well as sufficient garden space per dwelling.

22 and 23 May Street (formerly ADC House), immediately to the east of the site, are currently used for student housing. They are in the ownership of the applicant. The use of those properties has been previously investigated by the Planning Service and deemed to be lawful. Those properties would not have access to any sitting out or garden area should the application site be developed. It is only the land to the front of those existing properties which would be available and it primarily is used for parking access and circulation and across it would run the access to the new dwellings units proposed. The properties are used for student accommodation rather than family occupation and it is very unlikely that they would be attractive as family housing anyway (the buildings being virtually on the boundary). The

properties also have a poor relationship to the current, limited, garden area. As such it is not considered that the loss of the garden as a consequence of the development, would be materially detrimental to the residential amenity of those occupiers.

Local residents have raised concerns in relation to the potential for antisocial behaviour to arise from future occupants of the development who may be students living together as a single household. Whilst issues of unneighbourly behaviour can arise, it is not reasonable to assume that they will or that they cannot be addressed through other legislation. The planning determination should concern itself the issue of the use, rather than the potential behaviour of individual occupiers. Objections to the proposal on this basis are therefore unjustified in a location where the broad principal of residential use is acceptable.

5. Is the use of the access and parking provision proposed acceptable in highway safety terms?

An existing access directly off May Street currently used by no's. 22 and 23 is proposed to serve the development. May Street is a small cul de sac. There is a small turning head half way along the road. Although there are some dwellings with off road parking provision there is considerable reliance upon on street car parking for the majority of residents in May Street.

There are no objections from the Highway Authority with respect to the access arrangement applied for or in relation to the scope to accommodate enough car parking spaces as to not to cause on street parking problems within May Street. The applicant's indicative plans show eight parking spaces can be accommodated (2 spaces per dwelling) along with adequate circulation space which is considered adequate for the proposal. Overall there is no harm to highway safety which makes the proposal wholly unacceptable.

**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) (CSS)

Policy SP1	Spatial principles of Targeted Regeneration
Policy SP3	Spatial principles of Movement and Access
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1	Residential development: sustainable location and protection of the countryside
Policy T16	Development – General parking requirements
Policy T18	Development servicing requirements

**Other Material Considerations**

National Planning Policy Framework (March 2012)

Planning Practice Guidance (March 2014)

Supplementary Planning Documents/Guidance

Space Around Dwellings SPG (SAD) (July 2004)  
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD

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

**Relevant Planning History of former ADC Ltd building**

15/00249/OUT Proposed 4 dwellings and associated car parking  
02/00527/COU Change of use of part from offices to use as a  
single dwelling

Withdrawn 2015  
Permitted 2002

### **Views of Consultees**

**Silverdale Parish Council** very strongly objects to the proposal on the ground that:-

- The development is not in keeping with the surrounding area.
- The access will not be adequate due to its width and position for the amount of cars that will need to enter and exit the site.
- There is already an issue with parking which is likely to be exacerbated.

The **Highway Authority** has no objections subject to conditions relating to:-

1. Revised parking details.
2. Weatherproof cycle parking provision

**Environmental Protection** has no objections subject to conditions:-

1. Noise assessment and mitigation measures for internal and external noise levels of the dwellings.
2. Contaminated land remediation.

The **Landscape Development Section** comments that:-

- Due to the removal of some trees and shrubs – a landscaping condition should be applied to help blend the development with its surroundings.
- There is a protected Ash tree in the rear garden of 115 High Street. Tree protection should therefore be a condition on any approval.

### **Representations**

12 letters of representation plus a petition with 16 signatories have been received objecting to the proposal on the following grounds:-

- On-street car parking (on May Street) is already a problem which would be exacerbated by the development.
- Turning in May Street very difficult due to parking problems making it unsafe for pedestrians and difficult for those who rely on emergency services.
- The proposal would overdevelop the site.
- S&S Bathroom and Kitchens have permission to use their showroom as a manufacturing unit which causes traffic problems on May Street. Church activities also increase traffic on the road.
- 22/23 May Street already operates as student accommodation.
- The rear of the development which is south facing will overlook 17 and 19 Park Road reducing privacy, light levels and result in an overbearing impact.
- Littering, noise and disturbance arising from students occupying the development.
- Drainage issues.

Covenant matters relating to the site have also been referred to which are not a material planning consideration.

### **Applicant/agent's submission**

Application forms and indicative plans have been submitted along with a Design and Access Statement. The application documents are available for inspection at the Guildhall and via the following link [www.newcastle-staffs.gov.uk/planning/1500556OUT](http://www.newcastle-staffs.gov.uk/planning/1500556OUT)

### **Background Papers**

Planning File  
Planning Documents referred to

**Date Report Prepared**

24 July 2015.