

The application is for 8 semi-detached dwellings. The dwellings measure 10.5m by 7.8m in footprint by 9m in overall roof height. Each of the dwellings is to have 3 bedrooms.

The application site lies within the Silverdale Conservation Area and the Urban Neighbourhood Area of Newcastle as specified on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors due to concerns about highway safety in terms of access, car parking and traffic as well as the appearance of the development within the Conservation Area.

**The 8 week period for the determination of this application expired on 1 January 2016.**

#### **RECOMMENDATION**

**PERMIT subject to conditions relating to:**

- **Time Limit**
- **Plans**
- **Prior approval of external facing materials**
- **Landscaping**
- **Removal of permitted development rights for front boundary treatments**
- **Contamination remediation**
- **Limitation of construction and demolition activity to reasonable hours**
- **Protection of highway from mud and debris**
- **Dust mitigation during construction**
- **Waste storage and collection arrangements**
- **Noise levels to be achieved.**
- **No occupation until access, parking and turning areas provided in accordance with approved plans.**
- **Prior approval and implementation of surfacing and surface water drainage for the private drive**
- **Provision of visibility**
- **No occupation until the access drives have been surfaced in a bound material for a minimum distance of 5m back from the highway boundary.**
- **Private access drive to remain ungated.**
- **Surface water drainage interceptors at rear of highway boundary on all driveways.**
- **Construction Method Statement**

#### **Reason for Recommendation**

The site is located within a sustainable location for new housing within the urban area of Newcastle and within walking distance of local services and public transport provision. It is considered that the design of the development will complement the positive elements of the special character and appearance of the Conservation Area. There would be no material detriment to highway safety or to neighbouring amenity.

#### **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 that complies with the provisions of the National Planning Policy Framework.

## **Key Issues**

The proposal involves the construction of 8, 3 bedroom semi-detached dwellings. Pitched roof dormer windows are proposed on the front and rear elevations of all the properties. The site lies within the boundary of the Silverdale Conservation Area on a site which previously operated as a bowling green. The main issues for consideration in the determination of this application are:

- Is the principle of residential development in this location acceptable
- Is the design of the proposal, with particular regard to the impact upon the special character and appearance of the Conservation Area, acceptable?
- Is the impact to surrounding trees acceptable?
- 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?
- Is the impact on highway safety acceptable?

### Is this an appropriate location for residential development?

Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The 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 3,200 dwellings within Newcastle Urban Central (within which the site lies).

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 in a sustainable location within the urban area. The site is in easy walking distance of the shops and services of Silverdale and there are regular bus services that run frequently close by the site. It is considered that the site provides a sustainable location for additional residential development.

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 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 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. 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.

Is the design of the proposal, with particular regard to the impact upon the special character and appearance of the Silverdale Conservation Area, acceptable?

Due regard must be paid to requirements to protect the special character and appearance of Conservation Areas which includes the existing built development as well as landscaping and trees.

In terms of the Development Plan, Core Strategy Policy CSP1 – Design Quality lists the broad criteria of how new development will be assessed which includes amongst other things the need to promote the image and distinctive identity of Newcastle through the enhancement of strategic and local gateway locations and key transport corridors. It also requires a positive contribution to an area's identity and heritage through the use of appropriate vernacular materials. The Urban Design Supplementary Planning Document gives additional detailed design advice to be read in conjunction with the broad requirements of Policy CSP1.

Core Strategy Policy CSP2 states that the Council will seek to preserve and enhance the character and appearance of the historic heritage of the Borough.

Saved Local Plan policy B9 of the Local Plan states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B13 also requires applicants applying for planning permission to demonstrate how they have taken into account the need to preserve and enhance character or appearance of Conservation Areas.

Paragraph 17 of the Framework sets out various Core Planning Principles for Local Authorities to adhere to which includes the need to secure high quality design. Heritage protection policies defined in the Framework are consistent with that of the Development Plan.

The design of the housing proposed draws upon the features present in the neighbouring terraced houses present along Kinsey Street which have a distinctive blue brick plinth and arched yellow brick headers around doors and windows.

The Council's Conservation Officer has no objections to the layout of the scheme proposed but has encouraged a number of design improvements covering issues such as window design, the appropriateness of dormer windows over roof lights. In light of those comments amended plans have been submitted extending the amount of soft landscaping against the internal access road, introduction of a slight window reveal and also clear glazing is to be used for the dormer windows rather than opaque glass. The front boundary treatments serving the properties are to be kept open with soft landscaping.

The existing plot which is fenced off provides no positive contribution to the appearance of the Conservation Area. The new dwellings proposed are slightly taller than surrounding terraced properties (around 0.3m). The difference in height is not considered to be inappropriate given the development would be viewed in the context of a break between the line of the traditional terraced block immediately to the north and east of the site. The development has been designed to complement traditional terraced properties and subject to the approval of high quality materials the impact to the form and appearance of the area would be acceptable.

Is the impact to surrounding trees acceptable?

There are several tall trees close to the western boundary of the site. Subject to standard protection measures during construction those trees can be retained unharmed.

Is the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development acceptable?

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 each other and with neighbouring properties sufficient distances are proposed dwellings in compliance with the Council's SAD SPG. In addition all but one of the plots achieves the recommended garden area and length. One of the plots (plot 7) has slightly smaller garden area but the shortfall is not deemed to be significant.

Environmental Health Division advised that a noise assessment is undertaken which identifies any mitigation measures needed to ensure future residents will not be adversely impacted upon by road traffic noise. That has been undertaken by the applicant and an appropriate level of mitigation can be secured.

Subject to planning condition acceptable living conditions can be secured for both surrounding residents and future occupiers of the development.

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

It is proposed that each of the 8 properties will have 2 car parking spaces. Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The Local Plan indicates that 2 parking spaces should be provided for dwellings with three bedrooms as proposed, and as such the proposal does not provide significantly less parking than the maximum level specified.

Representations received raise concern that the development will result in the loss of on street parking. It is not considered, however that it could be demonstrated that the proposal will create or aggravate a local on-street parking problem as adequate parking provision is secured to meet the needs of the development. The proposal therefore complies with the relevant policy.

The Highway Authority initially objected to the proposal on the basis that the application failed to provide adequate information to assess the visibility requirements for vehicles to safely turn in and out of the proposed internal road access off Kinsey Street. Taking into account that advice a speed survey has been submitted to show that vehicles travel at speeds considerably slower than the allowed limit. In acknowledgment of the speed survey submitted by the applicant the Highway Authority has confirmed that they have no objection to the application.

In light of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe, it is considered that the proposed development is acceptable in this regard.

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?

The site is in a sustainable location for new housing and the benefits of the scheme include the provision of housing within an appropriate location making use of previously developed land. Subject to the imposition of suitable conditions 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. It is therefore considered that the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF.

## **APPENDIX**

### **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 ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP2	Historic Environment
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open Space/Sport/Recreation
Policy CSP10	Planning Obligations

#### 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 B9	Prevention of Harm to Conservation Areas
Policy B10	The Requirement to Preserve or Enhance the Character or Appearance of Conservation Areas
Policy B12	Demolition in conservation areas
Policy B13	Design and development in Conservation Areas
Policy B14	Development in or adjoining the boundary of Conservation Areas
Policy B15	Trees and landscape in conservation areas
Policy IM1	Provision of Essential Supporting Infrastructure and Community Facilities

### **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**

None relevant to this proposal.

### **Views of Consultees**

The **Education Authority** comment that the development of this size could add 2 Primary School aged pupils and 1 High School aged pupil. However all schools in the catchment area are projected to have sufficient space to accommodate the likely demand from pupils generated by the development.

**Silverdale Parish Council** resolved that to request adequate parking spaces are made available as the properties may become student accommodation. There are also drainage concerns as the rear of the site is flooded on a regular basis and there could be additional water run off onto the highway if it is a non-permeable surface. The Parish Council would also like to see the access to and egress from the site via the service road detailed on the plans for all vehicles, rather than via the current proposal where some will approach directly from

the street. This would also reduce the need for residents on the new development to reverse into the street. This may also provide scope for additional parking spaces on the site.

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

- No occupation until access, parking and turning areas provided in accordance with approved plans.
- Prior approval and implementation of surfacing and surface water drainage for the private drive
- Provision of visibility
- No occupation until the access drives have been surfaced in a bound material for a minimum distance of 5m back from the highway boundary.
- Private access drive to remain un gated.
- Surface water drainage interceptors at rear of highway boundary on all driveways.
- Construction Method Statement

The Council's **Urban Design and Conservation Service** advises that the proposed properties reflect the character of the rest of the terraced street, with a building line that is close to the back of the pavement. The detail of the design is important for the scheme to appear successful and the following is suggested:-

- If there are boundary treatments proposed along the front elevations these should be conditioned to ensure no fussy details are included.
- Dentil course to eaves should be replicated. Windows should be set back to a similar reveal as seen in other properties.
- The full height dormer window with opaque glass may not be appropriate and a roof light may be preferable.
- Ground floor windows serving the kitchens should have a matching casement design to other windows.

The **Conservation Advisory Working Party (CAWP)** has no objections to the proposal. The Working Party approves of the efforts made to reflect the historic street pattern and brick detailing on the existing terraces.

The **Environmental Health Division** has no objections subject to conditions relating to the following:-

1. Construction and demolition hours restrictions.
2. Protection of highway from mud and debris.
3. Dust mitigation during demolition and construction.
4. Noise levels.
5. Waste storage and collection arrangements
6. Contaminated land conditions.

The **Landscape Development Section** has no objections subject to:-

1. The provision of a detail landscaping scheme – not to include Ash due to the outbreak of Chalara ash dieback and the resultant restrictions ash.
2. Provision of a detailed, dimensioned Tree Protection Plan to BS5837:2012.

## **Representations**

29 letters of representation have been received objecting to the proposal on the following grounds:-

- The development will exacerbate an existing on street car parking problem in Kinsey Street which features terraced housing due to driveway access directly off the highway. Off road parking to the rear of the dwellings would be more favourable.
- Consideration to extending the existing drive off High Street would be a better option for minimising the parking reduction impact on Kinsey Street.
- The development would create safety issues from the amount of traffic that would need to travel along Kinsey Street.
- The development could be used for student housing.

- The bowling green should be kept as a recreational facility for local residents.
- The proposed dwellings are around 0.5 metres taller than other existing dwellings.
- The development could block natural light levels of other dwellings.
- The development could result in the fear of crime as a result of people having to park in neighbouring streets.
- A construction method statement should be required to safeguard the safety of people in the area including children.

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

Application forms and indicative plans have been submitted along with a Design and Access Statement, Noise Assessment, Contaminated Land Phase 1 Study and Speed Survey. These documents are available for inspection at the Guildhall and searching under the application reference number 15/01001/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

### **Background Papers**

Planning File  
Planning Documents referred to

### **Date Report Prepared**

15 December 2015.