

**LAND NORTH EAST OF BRITAIN AVENUE, CHESTERTON**  
**ASPIRE HOUSING** **15/01081/FUL**

The application is for full planning permission for the erection of 7 dwellings, consisting of 3 No. 2 bedroom houses and 4 No. 1 bedroom apartments.

The application site lies in the urban area of Newcastle under Lyme as indicated on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors due to concerns about the removal of a green space from within the Estate and the development will increase an already dangerous traffic situation adjacent to Chesterton Primary School.

**The 8 week period for the determination of this application expires on 2<sup>nd</sup> February 2016.**

**RECOMMENDATION**

Permit, subject to conditions relating to the following: -

1. **Standard Time limit for commencement of development.**
2. **Approved plans.**
3. **Provision of access, parking and turning areas prior to the development being brought into use**
4. **Prior to use or occupation approval of surfacing materials for the parking court, surface water Drainage details for the parking area and delineation of the proposed parking bays**
5. **Prior approval of a Construction Method Statement**
6. **Prior approval of a Tree Protection Plan for the construction phase of the development**
7. **Prior approval of a landscaping scheme including proposed boundary treatments**
8. **Full suite of contaminated land conditions**
9. **Retention of the existing hedge on the boundary with the school access road**
10. **Approval of samples of facing and roofing materials**

**Reason for Recommendation**

The impacts of the development to the community involving the loss of informal open space and introduction of a car parking area on the site frontage do not significantly and demonstrably outweigh the benefits of the development. The development would provide off street car parking for the new dwellings in line with the Local Plan maximum standards, therefore would not be considered to create or exacerbate the local on street car parking problem in the area. The proposal is therefore considered to accord with the provisions of the National Planning Policy Framework.

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

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

**Key Issues**

This is an application for full planning permission for the erection of 7 dwellings on a site located within the urban area of Newcastle as indicated by the proposals map.

The site is a greenfield site, currently an area of informal open space within the housing estate. The proposal would provide 3 No. 2 bedroom houses and 4 No. 1 bedroom apartments, all proposed as

affordable housing. There is a footpath running across the site, however this is not a public right of way.

The key issues in the determination of this application are:

- The principle of the development
- The design of the proposal and the impact on the character and appearance of the area
- The impact on residential amenity
- The impact of the development on trees and hedgerows
- Highway Safety and car parking issues

#### The principle of the development

The application lies within the urban area in a location where policies seek to target development towards brownfield land. As the site is greenfield land the principle of residential development on the site is not in full accordance with adopted policy. The Local Planning Authority is, however, currently unable to 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). It is therefore accepted that paragraph 49 of the NPPF applies to this application as follows:

*“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

The application has therefore to be assessed against the NPPF including paragraph 14 which states:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*...For decision-taking this means (unless material considerations indicate otherwise):*

- *...where...relevant policies are out-of-date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.”*

Consideration will be given to whether there are any adverse impacts arising from granting planning permission that would outweigh the benefits of the provision of housing land under the headings below and a conclusion reached at the end of the report regarding the acceptability of the proposed development in principle.

#### The design of the proposal and the impact on the character and appearance of the area

Paragraph 56 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people. The section of the NPPF on “Requiring Good Design” discusses the importance of the design of the built environment, and to plan positively for the achievement of high quality and inclusive design for all developments.

Policy R1 of the Urban Design SPD states that new housing should be well sited so that centres, jobs, local facilities, and recreation, including open spaces are accessible. Policy R3 of the Design SPD states that new housing should relate well to its surroundings, and should not ignore the existing environment, but should respond to and enhance it.

The land is currently informal open space which makes a positive contribution to the local area, providing a green space for local residents to enjoy and for children to play on, and by providing a green gap in the otherwise built up area. This is a material consideration which weighs against the proposal but as Chesterton Memorial Park, a designated formal open space which includes a playground, bowling green and footpaths for walking, is located in close proximity approximately 250 metres of the application site, it is not considered that the harm arising from the loss of this informal open space would be so significant that it would outweigh the benefits set out below.

The proposed design of the housing would be in keeping with the prevailing character of dwellings in the immediate street scene, and would not detract from the overall character of the predominantly residential area. The car parking area to the frontage of the dwellings is not a feature characteristic of the area, however the harm caused to the street scene's character would not be so significant as to justify refusal, and landscaping is proposed to the front corners of the site, which will soften the impact of the development on the street.

Overall, it is considered that the design of the proposal is considered to accord with the policies of the Urban Design SPD and with the aims and objectives of the National Planning Policy Framework.

#### The impact on residential amenity

It is important to assess the impact of the proposed development upon the amenity of both the existing neighbouring residents and the proposed occupiers of the development. The Council's Supplementary Planning Guidance "Space Around Dwellings" sets out guidance for all new development in terms of provision of private outdoor amenity space and any impacts on loss of light or privacy to neighbouring properties.

The development would be located approximately 10 metres from the side wall of the neighbouring dwelling. It would be set back from the pavement edge by 14 metres, meaning that the building would sit behind the neighbouring dwelling and project beyond the rear wall of the neighbouring dwelling. However the proposed building would not conflict with the 45 degree rule with regards to loss of light to the neighbouring dwelling's principal rear windows.

The proposed 2 bed dwellings would all have over 65 square metres of private garden space, which exceeds the standards as set out in the SPG. The one bedroom apartments would each have their own private garden space.

The separation distances between the forward facing windows and the dwellings on the opposite side of Brittain Avenue are acceptable as they exceed 21 metres.

#### The impact of the development on trees and hedgerows

Policy N12 of the Local Plan "Development and the protection of trees" states that the Council will resist development that would involve the loss of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design.

Four trees are proposed to be retained on the site, and the hedgerows which surround the site, which do not appear to have been included in the survey, should be conditioned to be retained. The tree proposed to be removed (T4, Sycamore) is identified as being in a poor condition and its removal is considered acceptable.

Overall the proposed development would have an acceptable impact on trees and hedgerows, and would accord with Policy N12 of the Local Plan and with the aims and objectives of the NPPF.

#### Highway Safety and car parking issues

Policy T16 of the Local Plan and its appendix set out the maximum car parking standards for new development, and states that development will not be permitted where it would provide significantly less than the specified maximum standards, or where the development would create or exacerbate an existing on street car parking problem. The National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The proposal seeks to provide two spaces for each of the 2 bed dwellings, and one space per one bedroom apartment. The standard is therefore met for the two bedroom dwellings, however there is a slight under provision for the one bedroom apartment, where the Local Plan requires one space per apartment, plus one additional space per three apartments for visitors. The level of proposed parking provision is considered ample for the proposed development, and therefore the application is

acceptable in terms of highway safety and car parking issues, in compliance with Policy T16 of the Local Plan and with the aims and objectives of the National Planning Policy Framework.

### Conclusion

To summarise, the development would result in the loss of green space which has amenity value to local residents and the proposed car parking area to the frontage of the dwellings is not a feature characteristic of the area. However, this sustainable development would make a contribution towards addressing the undersupply of housing in the Borough. It is considered therefore that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. Accordingly the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted.

## **APPENDIX**

### **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 ASP5: Newcastle and Kidsgrove Urban Neighbourhoods area spatial policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP5: Open space/ sport/ recreation

#### 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 N12: Development and the protection of trees  
Policy N13: Felling and pruning of trees

### **Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)  
Planning Practice Guidance (2014)

#### Supplementary Planning Guidance/Documents

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)  
Space around Dwellings Supplementary Planning Guidance (2004)

### **Relevant Planning History**

None

### **Views of Consultees**

The **Landscape Division** has no objections to the proposal subject to provision of a Tree Protection Plan to British Standards for the construction phase of the development and prior approval of a detailed landscaping scheme. Consideration should be given to retaining the existing hedge on the boundary with the school access road.

The **Environmental Health Division** has no objections to the proposed development subject to inclusion of the full suite of contaminated land conditions and an informative relating to the importation of waste materials to facilitate construction.

**Natural England** has no comments to make on the application

**Staffordshire County Council School Organisation Team** has no objections and does not request an education contribution

The **Highway Authority** has no objections to the proposal subject to conditions being included on any approval relating to prior approval of surfacing materials, surface water drainage details, delineation of car parking bays, diversion of the public footpath to an alternative route and a construction method statement

The **County Footpaths Officer** has no objections as no public footpaths cross the site

### **Representations**

96 separate representations have been received of which the main points are summarised below:

- Disruption during the construction phase of the development (noise, dirt, access issues)

- Safety of school pupils will be compromised
- Congestion during school drop off and pick up times
- The future residents will have problems accessing their off road car parking due to the on street car parking problems and traffic problems in the area
- Road surfaces and pavements already in a poor condition
- Parking in Brittain Avenue is already a problem
- This is the only green space in the estate
- Children play on the grass
- The proposal will involve the loss of trees

### **Applicant's/Agent's submission**

The application forms and plans have been submitted, along with a Geo Environmental Report, Arboricultural Survey and Report and a Design and Access Statement. These documents are available for inspection at the Guildhall and searching under the application reference number 15/01081/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

### **Background papers**

Planning files referred to  
Planning Documents referred to

### **Date report prepared**

14<sup>th</sup> January 2016