

The application is for outline planning permission for 5-7 dwellings, with all matters reserved, at the lock up garage site off Sussex Drive, Kidsgrove.

The application site lies in the urban area of Kidsgrove 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 access to the site.

The 8 week period for the determination of this application expires on 21st April 2016.

RECOMMENDATION

REFUSE for the following reasons:

- 1. The development of 7 dwellings is unlikely to provide adequate amenity standards for the residents, in terms of distances between principal windows and side walls of existing dwellings, contrary to the standards as set out in the Space Around Dwellings Supplementary Planning Document and the aims and objectives of the National Planning Policy Framework.**

Reason for Recommendation

An indicative plan (not to scale) has been provided which shows that it is unlikely that 7 dwellings can be accommodated within the site, whilst achieving adequate residential amenity for future residents. The application therefore does not 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

Additional information has been sought from the applicant to address concerns, however the information received does not demonstrate that the site can accommodate 5-7 dwellings and achieve appropriate living conditions for the occupiers. This is therefore considered to be an unsustainable form of development that does not comply with the provisions of the National Planning Policy Framework.

Key Issues

This is an application for outline planning permission for the erection of 5-7 dwellings on a site located within the urban area of Kidsgrove as indicated by the proposals map. All matters of detail (access, appearance, landscaping, layout and scale) are reserved for subsequent approval, although an indicative (not to scale) layout plan has been provided.

The site is a previously developed site currently occupied by lock up garages.

The key issues in the determination of this application are:

- The principle of the development
- Whether the development could achieve an acceptable character and appearance
- Whether the development could achieve acceptable residential amenity standards
- Whether the development would have an acceptable impact on trees surrounding the site
- 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. This site is a previously developed, brownfield site. The application is therefore considered to comply with the aims of Policy ASP5 of the Core Spatial Strategy.

Policy H4 of the Local Plan states that planning permission will not be granted for additional dwellings on garage courts or communal parking areas unless one of the following is satisfied:

- i. the car parking facilities serve no local need
- ii. alternative parking with equivalent or better capacity and accessibility is proposed
- iii. the car parking facilities that would remain would be satisfactory for the identified demand.

The site appears to contain 21 garages the loss of which, if in full use as car parking spaces, could result in a further 21 cars being parked on the street or in the surrounding area should the application be permitted. The applicant states that three of the garages are not in use, and the remainder are used for storage only. If this is the case, then they would appear that the garages do not serve a local need and therefore the proposal accords with the requirements of Policy H4.

The Local Planning Authority is 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 other 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.

Could the proposed development of 5-7 dwellings achieve an acceptable character and appearance?

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 accessed from an existing access off Sussex Drive, and is located behind the dwellings on the street. Therefore the development is considered to represent backland development. It is currently occupied by lock up garages, which have a neutral impact on the character of the streetscene. The proposal is to demolish these garages.

Given the application is for outline permission, no details have been submitted regarding the appearance of the development. An indicative layout plan showing how 5-7 dwellings could potentially be accommodated on the site has been received. Although not to scale the plan is sufficient to show that the development would have a fairly cramped layout and appearance, and that there would be little opportunities for landscaping the site. Notwithstanding this it is not considered that the design would be so harmful as to warrant refusal on this backland site.

Is the development capable of achieving acceptable amenity standards?

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 site is located in a predominantly residential area, and is surrounded by mostly two storey residential properties. The indicative plan is not to scale, however it shows that the guidance regarding separation distances, as set out in the Space Around Dwellings SPG, between principal windows and side walls of existing dwellings could not be achieved with the layout as shown on the indicative layout for 4 of the 7 dwellings. The outlook from the proposed properties would be unacceptably dominated by the side elevation of the existing properties. Given the nature of the site there is little scope to reposition that number of dwellings to achieve the separation distances in accordance with the SPG. Therefore it has not been demonstrated that 5-7 dwellings could be accommodated within the site that would provide appropriate living conditions for the occupiers.

Would the development have an acceptable impact on trees surrounding the site?

There are trees surrounding the application site, presumed to be outside of the applicant's control. Whilst the application is not supported by a tree survey and a scale plan it is considered that the site could accommodate residential development without adverse impact on trees.

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 NPPF, at paragraph 32, states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

The current access to the site is approximately 2.9(m) wide and therefore can only accommodate one vehicle accessing or egressing the site at any one time. The proposal to build 7, 2 bedroomed residential units would, however, result in less vehicular movement in and out of the site than that which could be generated by the current use of the site, for 21 garages along with additional hardstanding areas.

The proposal seeks to provide up to 7 dwellings. Whilst the comments of the Highway Authority have not yet been received, comments were received on an outline application for residential development on the site in 2015, subsequently withdrawn. In that case the Highway Authority had no objections to residential development of this site, subject to the submission of further information to include details of the level of garages currently occupied and to whom they are assigned to. They sought details of alternative replacement parking provision to be provided prior to any development. They also requested details of parking, turning and servicing provision within the site, means of surface water drainage, surfacing details and that for a two bedroom dwellings; two car parking spaces would be required.

As the loss of garaging is a matter of principle, it is important to assess whether the loss of garaging would cause an on street car parking problem as part of this application. The loss of 21 garages in this area where many residential properties do not have off road car parking could result in a severe on street car parking problem, however the applicant has stated that the garages that are in use are used only as storage, therefore it would appear that there would be no displacement of cars onto the highway. In such circumstances it would be difficult to sustain a reason for refusal on that ground.

Conclusion

To summarise, the development of this site for residential use is considered acceptable in principle. The indicative plan provided demonstrates that the required separation distances between principal windows and side elevations of existing dwellings cannot be achieved and as such the living conditions for the occupiers of the dwellings would be unacceptable. Such an adverse impact would significantly and demonstrably outweigh the benefits of this development which are the benefits of the provision of housing land and the benefits to the local economy through construction and occupation of the development. Based on the above, your officers cannot currently recommend approval of this development, and it therefore conflicts with the policies of the National Planning Policy Framework.

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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 H4: Housing Development and retention of parking facilities
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

15/00271/OUT Withdrawn Outline application for residential development with all matters reserved

Views of Consultees

The **Landscape Division** has no objections subject to additional information being provided with the reserved matters application, including a tree survey, root protection areas shown on the proposed layout, and an arboriculture impact assessment

The **Environmental Health Division** has no objections to the proposed development subject to inclusion of the full suite of contaminated land conditions. They had not commented on other matters at the time of writing the report. Any comments will be reported separately.

The **Highway Authority** has not yet provided their response, however did not object to the principle of residential development on a previously withdrawn application in 2015 reference 15/00271/OUT, subject to the provision of additional information and subject to alternative garaging being provided for those still occupied and lost as a result of the development Any comments made on the current application will be reported.

The **Coal Authority** and **Kidsgrove Town Council** have not yet provided comments. Any comments made will be reported.

Representations

None received

Applicant's/Agent's submission

The application forms and plans have been submitted, along with a Contaminated Land Desk study and a coal mining report. These documents are available for inspection at the Guildhall and searching under the application reference number 16/00174/OUT on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00174/OUT>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

11th March 2016

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