

The application is for outline planning permission for a residential development comprising 2, two storey detached houses. All matters of detail (access, appearance, landscaping, layout and scale) are reserved for subsequent consideration and approval although a layout plan has been provided for illustrative purposes.

The application site, of approximately 0.5 hectares, is within the Urban Neighbourhood of Newcastle as defined on the Local Development Framework Proposals Map. The site also forms part of a wider area of informal play space that has been identified, within the current Green Space Strategy, to remain.

The 8 week period for the determination of this application expires on the 19thSeptember 2016.

RECOMMENDATION

Permit, subject to conditions relating to :-

1. **Standard time limit.**
2. **Subsequent approval of access, appearance, landscaping, layout and scale of the development as reserved matters.**
3. **Reserved matters submission to include the provision of a footpath link from Stafford Avenue to the public open space to the rear of the site.**
4. **Reserved matters condition to include details of any works to stream and its banks**
5. **Reserved matters submission to include details of the retaining wall and the regrading and landscaping of the adjoining land within the site to soften its appearance.**
6. **Reserved matter submission addressing landscaping to include replacement tree planting.**
7. **Submission and approval design measures to ensure acceptable noise levels are achieved for the occupiers of the development.**
8. **Construction hours.**

Reason for Recommendation

The site is located within a sustainable urban area. The benefits of the scheme include the contribution to the housing supply and the economic benefits commensurate with such a development. Some harm has been identified – loss of public open space, loss of trees and the visual impact of the required retaining wall. Applying the appropriate weight to the adverse impacts of the development it is considered that they do not significantly and demonstrably outweigh the benefits. The proposed development therefore accords with the guidance and requirements of the National Planning Policy Framework 2012.

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 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 2, two storey detached houses. All matters of detail (access, appearance, landscaping, layout and scale) are reserved for subsequent approval although a layout plan has been provided for illustrative purposes.

The application site is within the Urban Neighbourhood of Newcastle as defined on the Local Development Framework Proposals Map. The site also forms part of a wider area of some 5 ha. that has been identified, within the Green Space Strategy, to remain as informal play space.

The site measures approximately 0.24 hectares and as such the application does not need to be supported by a habitat and protected species survey to satisfy policy N2 of the Local Plan. In addition the nature of the site, which is maintained open space that is regularly mown, is not an important habitat for protected species. Notwithstanding that the site contains a number of trees and a minor watercourse crosses the south-west corner it is considered that the development would not have an adverse impact on protected species or result in the loss of important habitat.

The main issues in the consideration of the application are therefore:

- Is the principle of the development on this site acceptable?
- Is the loss of open space arising from this development acceptable?
- Would the proposed development have a significant adverse impact on the character and appearance of the area?
- Would there be any adverse impact on residential amenity?
- Highway safety
- Do any adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

Is the principle of the development on this site acceptable?

CSS Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods within General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say 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.

Policy ASP5 of the Core Spatial Strategy (CSS) 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 1,000 dwellings within Newcastle Urban South and East (within which the site lies).

Furthermore, policy H1 of the Local Plan seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

The site forms part of a wider area of open space and as such it is not previously developed land. Being located in the urban area and close to a range of services and facilities it is considered to represent a sustainable location.

The National Planning Policy Framework (Framework) states at paragraph 49 that "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 to up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

The Council 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) for the reasons set out in a report to its Planning Committee in January 2016. The starting point therefore is set out in paragraph 14 of the NPPF which states that there is a presumption in favour of sustainable development, and for decision taking this means, *unless material considerations indicate otherwise granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.*

Is the loss of open space arising from this development acceptable?

As indicated above, the site forms part of a wider 5 ha. area of informal public open space that has been identified, within the Green Space Strategy, to remain. The area of open space that would be lost (0.24 ha) as a result of the development would not significantly or unacceptably reduce the amount of open space available. The remaining area would still be capable of beneficial use.

The application site is the only useable part of this open space that fronts onto Stafford Avenue, as the rest of the land is densely planted. The residents of Stafford Avenue and areas to the north of the site would therefore have a significantly greater distance to walk to access the open space unless a footpath is provided from Stafford Avenue. It is considered that the provision of such a footpath could be secured by condition.

Would the proposed development have a significant adverse 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.

Stafford Avenue is characterised, on the north side, by bungalows. The character is more mixed, however, on the south side where the development is proposed including three storey flats, a Church and a two storey dwelling in addition to a number of bungalows. The introduction of 2, two storey dwellings on the site would therefore not be incongruous and out of keeping with the street scene.

The loss of green space on Stafford Avenue would have an impact on its appearance, but the area of dense landscaping to the north west of the site would be retained.

The site levels fall away from the road, with the ground gently sloping for about the first 25m from the pavement which then changes to a steeper slope beyond. To address such levels the illustrative plans provided indicate the potential need for a 3m gabion retaining wall so that a plateau can be provided upon which the dwellings can be constructed and to provide a relatively level garden area within the plots. Such a structure will, no doubt, have a significant visual impact when viewed from the publicly accessible open space to the south of the site. It is, however, considered that this impact can be reduced by building up the ground levels directly to the rear of the gabion wall so that suitable planting can soften its appearance – although such alterations in levels would have to be carried out carefully to ensure that the watercourse running through the site is not adversely affected.

A number of visually prominent mature trees will be lost to the development. The supporting information suggests that these trees are not good specimens, however and the site is of a sufficient size that replacement tree planting can be undertaken. A large and visually prominent street tree within the pavement verge can be retained.

Overall, the proposed development is considered to have an acceptable impact on the character and form of the area, and complies with Policy CSP 1 of the Core Spatial Strategy and the aims of the NPPF.

Would there be any adverse impact on residential amenity?

Paragraph 17 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The proposed houses would be set within sizeable plots and sufficient separation can be achieved from the proposed houses and the adjoining flats, Falmouth Court.

Therefore the proposed development would not lead to the significant loss of residential amenity to neighbouring properties and the development would comply with the requirements and guidance of the NPPF.

Highway safety and loss of parking facilities

The National Planning Policy Framework states that a safe and suitable access to the site should be achievable for all people and 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.

Whilst not submitted for approval at this stage, the illustrative plans that have been provided demonstrate that maximum parking standards set out in the Local Plan can be achieved on the site and that the development will not conflict with policy T16. The Highways Authority has raised no objections on access and parking grounds subject to conditions.

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 proposal would result in the provision of two houses, which would make a small contribution towards addressing the current shortfall in housing supply. Additionally there are economic benefits arising from the development through constructions jobs and the additional custom to local shops, services and public transport from the two new households. Such benefits can be given some weight.

Harm has been identified in respect to the loss of public open space. The remaining open space is of such a scale that the loss would not be significant and would still be capable of beneficial use. In addition provided that a footpath link is secured it would be accessible to the surrounding residential population. The loss of trees would also be harmful but such trees are poor specimens and replacement planting can be secured. The adverse visual impact arising from the required retaining wall can be mitigated, to some extent, through the grading and planting of the adjoining land within the application site.

Applying the appropriate weight to the identified benefits of the proposed development, the adverse impacts of the development do not significantly and demonstrably outweigh the benefits.

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 (adopted 2009)

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 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 N2: Development and nature conservation – site surveys
Policy N12: Development and the Protection of Trees

Other Material Considerations

National Planning Policy

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

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (July 2004)

Developer Contributions Supplementary Planning Document (SPD) (September 2007)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

North Staffordshire Green Space Strategy (Sept 2007)

Relevant Planning History

15/00585/DEEM4 Outline planning application for the erection of 2, two storey detached dwellings Withdrawn

Views of Consultees

The **Environmental Health Division** raises no objections on contaminated land and recommends conditions that restrict the hours of construction and ensure that acceptable noise levels are achieved for the occupiers of the development.

The **Highway Authority** raises no objections subject to conditions regarding the access and parking; surface water drainage and surfacing materials for the parking areas.

The **Landscape Development Section** advises the following:

- The application will result in the loss of numerous visually prominent trees, however due to their poor condition and/or form none of these trees are suitable for protection under a Tree Preservation Order.
- The driveways and access points are likely to have an impact on a Beech tree which is a highly prominent roadside tree which would appear to be in poor health. Nevertheless alterations to the layout on the illustrative plan now avoid the root protection area to that tree.

- There are concerns about the appearance of the 3m gabion retaining wall from the publicly accessible open space beyond.
- There are concerns that no provision is made for public access to the wider open space and footpaths to the south.

Representations

One objection has been received on the following grounds:

- Loss wildlife habitat and open space
- Stafford Avenue is a busy thoroughfare and the dwellings will add to the existing congestion.
- Stafford Avenue is not adequately constructed to carry additional traffic and will continue to disintegrate.
- New houses should be constructed on brownfield land first and there are many such sites in Newcastle.
- The retaining structure required would be out of keeping with the area.

Applicant/agent's submission

An Arboricultural Survey and Report and Arboricultural Implications Assessment, Geo-Environmental Assessment Report along with the requisite plans have been submitted to support the application. These documents are available for inspection at the Guildhall or via this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00646/DEEM4>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

26th August 2016