

The application seeks full planning permission to vary condition 2 to enable alterations to the design of the roof over the kitchen area and terraced area balustrading at the Homestead extra care facility at May Place, Brampton Road.

The site lies within the urban area close to Newcastle town centre. The site is adjacent to the Brampton Conservation Area.

The application is retrospective as the works have already been done.

The statutory 13 week determination period for the application expired on the 23rd January 2017 but the applicant has agreed to extend the statutory period until 3rd March 2017.

RECOMMENDATION

(1) REFUSE for the following reason:

The retention of the metal railing balustrading would not provide sufficient noise mitigation for the terraced area from the traffic noise on Brampton Road/ Sandy Lane. As such, the railings are considered to conflict with the aims and objectives of the National Planning Policy Framework 2012, specifically paragraphs 69 and 123, which concern the promotion of healthy communities and avoiding adverse noise impacts.

(2) Should the metal railing balustrading not be removed and replaced with the permitted glass balustrading within 8 weeks of the decision on this application; or a further planning application for alternative balustrading, supported by a noise assessment that demonstrates appropriate noise levels, is not submitted within the same period the Council's solicitor be authorised to issue enforcement and/or any other notices and to take and institute on behalf of the council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 to secure the removal of the balustrading within 3 months.

Reason for recommendation

The alternative metal balustrading to the permitted glass balustrading would not provide adequate noise mitigation from the traffic noise on the Brampton/ Sandy Lane and roundabout, contrary to the aims of the National Planning Policy Framework which seeks to create healthy communities and also to ensure adverse noise impacts to developments are avoided.

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

The feedback of the consultees was provided to the applicant's agent during the application process, however the additional information provided does not address the concerns of the Environmental Health officers. This is considered an unsustainable form of development that does not comply with the aims and objectives of the National Planning Policy Framework.

KEY ISSUES

Full retrospective planning permission is sought for the variation of condition 2 to enable minor alterations to the design of the roof over the kitchen area and terraced area balustrading relating to planning application 14/00476/FUL for the 65 apartment extra care scheme with allied facilities.

The ballustrading that was originally permitted was glass screening, however metal railings have been installed instead of the glass, which is not in accordance with the plans.

The application as initially submitted also included a variation of Condition 30 - retention of hardstanding adjacent to Sandy Lane, however this element of the application was withdrawn and therefore no longer forms a part of the planning application.

The main issues to consider in this proposal, therefore, are as follows;

- The design of the roof over the kitchen area
- The design and noise implications of the amended balustrading

The design of the roof over the kitchen area

The National Planning Policy Framework attached great importance to the requirement for good design and states that good design is indivisible from good planning and a key aspect of sustainable development

Policy CSP1 of the Core Spatial Strategy complements the requirements for good design in the NPPF, stating that new development should be well designed to respect the character, identity and context of Newcastle and Stoke's unique townscape and landscape.

A section of the rear element of the butterfly roof over the kitchen has been removed which exposes some of the plant which was previously hidden. The plant which is to some extent now exposed will not be visible from any public views outside of the site and it is considered that these alterations to the roof are very minor and as such are acceptable and raise no new planning issues. It is compliant with Policy CSP1 of the Core Spatial Strategy and with the aims and objectives of the National Planning Policy Framework 2012.

The design and noise implications of the amended balustrading

The permitted balustrading was for reinforced glass barriers around the terraced area, however metal railings have been installed. In design terms, the railings are considered acceptable, however the Environmental Health Division have raised concerns regarding the loss of the noise attenuation that the glass balustrading would have provided to the terraced area for the residents of the care home.

As part of their submission, an extract from one of the acoustic reports for the scheme has been referred to by the applicant, which states that "noise levels on the terrace area to the west of the site are expected to be below 55dB, assuming that current site topography providing partial screening from Brampton Road remains in place. As such noise levels are expected to be below the criterion given by the World Health Organisation for serious annoyance. The supporting information states that people sitting or standing on the terrace will not be shielded acoustically due to the height of the edge guarding being below shoulder/ head level, that is 1100mm high. The change of the 1100mm high glass balustrading to a vertical metal bar railing design therefore will not significantly affect the acoustic levels of anyone using the outdoor terrace space whether they are sitting or standing."

The Environmental Health Division (EHD) advises that the acoustic consultant's report highlights that the garden and terrace areas will need localised acoustic treatment to provide for appropriate noise levels due to high levels of road traffic noise. Accordingly condition 16 was imposed on permission 14/00476/FUL. Environmental Health officers consider that the terraced area balustrading now installed will not provide for appropriate noise levels and object to this element of the application.

In light of this, and in the absence of any alternative balustrading as requested by EHD, it is concluded that this element of the application is unacceptable and should be refused.

As the balustrading is already installed, it is necessary to consider whether any appropriate enforcement action is required. In this case, it is considered that it is appropriate in the first instance to encourage the developer to implement the scheme as permitted, with the reinforced glass balustrading, within 8 weeks of this committee decision. Alternatively a further planning application should be submitted within the same period for a different balustrading to that installed and that permitted, accompanied by a noise assessment to demonstrate that satisfactory noise levels will be achieved in this area, which is considered to be the main outside space for the majority of the residents.

Should neither be forthcoming, in light of the concerns expressed by EHD that appropriate noise levels will not be achieved therefore affecting amenity, appropriate enforcement action should be undertaken requiring the metal railing balustrading to be removed and the glass balustrading installed in line with the original planning permission granted.

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 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

Newcastle-under-Lyme Local Plan 2011 (NLP)

None relevant

Other material considerations include:

National Planning Policy Framework (March 2012)

Planning Practice Guidance (2014)

Community Infrastructure Levy Regulations (2010) as amended and related statutory guidance

Supplementary Planning Guidance/Documents

Developer Contributions SPD (September 2007)

Space Around Dwellings SPG (SAD) (July 2004)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Relevant Planning History

14/00476/FUL Permitted 65 apartment extra care home with allied facilities

Views of Consultees

Environmental Health Division – Ballustrading

The developer's report highlights that the garden and terrace areas will need localised acoustic treatment to provide for appropriate noise levels due to high levels of road traffic noise. Accordingly condition 16 was imposed on permission 14/00476/FUL. The proposed terraced area balustrading will not provide for appropriate noise levels and as such they object to this element of the application and would recommend that a revised scheme is put forward for consideration which incorporates appropriate acoustic treatment and that an application is made to also discharge condition 16.

Roof over kitchen area

No objections to the amended roof over the kitchen area.

Landscape Division - No objection to the alterations to the design of the roof, however express concern about the retention of the hardstanding.

Representations

None received

Applicant/agent's submission

The application plans and form are available to view at the Guildhall or using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00880/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

14th February 2017