

The application seeks full planning permission for the demolition of existing buildings and their replacement with a four storey apartment block containing 27 one bedroom apartments.

This application follows the withdrawal of an application that came before the Planning Committee on the 2nd February 2017, reference 16/00630/FUL.

The site lies within the urban area close to Newcastle town centre. The site is adjacent to but not within the Stubbs Walk Conservation area, As indicated on the Local Development Framework Proposals Map. The site extends to approximately 0.10 hectares. The site lies within a Live –Work Office Quarter as indicated in the Town Centre Supplementary Planning Document

A tree adjacent to the site is covered by Tree Preservation Order No.16.

**The statutory 13 week determination period for the application expires on the 31<sup>st</sup> May 2017**

### **RECOMMENDATION**

**A. Subject to the applicant first entering into a Section 106 agreement by 26<sup>th</sup> May 2017 to secure a review mechanism of the scheme’s ability to make a policy compliant contribution to public open space and the provision of policy-compliant on-site affordable housing, if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such a contribution and the provision of such affordable housing if found financially viable, PERMIT the application subject to conditions relating to the following matters:-**

- 1. Standard Time limit for commencement of development**
- 2. Approved Plans**
- 3. Submission of Materials**
- 4. Window reveal specification**
- 5. Roof Specification Plans**
- 6. Boundary Treatments**
- 7. Approval of Tree Protection Proposals**
- 8. Arboricultural Method Statement**
- 9. Landscaping Scheme (including replacement tree planting)**
- 10. Hard Surfacing**
- 11. Provision of Parking and Turning areas**
- 12. Construction Method Statement**
- 13. Visibility Splays**
- 14. Existing Access Permanently Closed**
- 15. Secure Cycle Storage**
- 16. Design Measures to Secure Noise Levels**
- 17. Ventilation Provision/ Arrangements**
- 18. Full Land Contamination**
- 19. Drainage Details**
- 20. Bat Mitigation Measures**

**B. Should the matters referred to above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such an obligation there would not be an appropriate review mechanism to allow for changed financial circumstances, and, in such circumstances, the potential provision of policy compliant affordable housing and financial contribution towards public open space.**

### **Reason for recommendation**

The development is located on previously developed land within a highly sustainable urban area and given that there is a strong presumption in favour of sustainable development in the context of the Council's inability to be able to demonstrate a 5 year supply of deliverable housing it is considered that the development is acceptable in principle. The design of the scheme, impact on heritage assets, tree, highway safety and noise impacts are considered acceptable subject to conditions. It is also accepted, following the obtaining of independent financial advice, that the scheme is not viable with any affordable housing and contribution towards public open space, and whilst these policy compliant requirements are not sought, given the benefits of the scheme, a S106 agreement should be secured for a review mechanism.

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

Since the withdrawal of the previous application, and the submission of the current application, the applicant has been in discussions with officers of the LPA to address concerns raised by consultees and this has resulted in amended plans being submitted. The proposed development is still considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

### **KEY ISSUES**

1.1 The application seeks full planning permission for the demolition of existing buildings and the replacement with a four storey apartment block containing 27 one bedroom apartments. The application follows the withdrawal of a previous application that came before the 2nd February Planning Committee when the Committee resolved to permit the application subject to conditions and the securing of planning obligations securing a review mechanism of the financial viability of the scheme, should it not be substantially commenced within an appropriate period.

1.2 The application was withdrawn because the applicant did not have the required control to be able to enter into the planning obligation. The new application refers to a site that is slightly different (smaller) and that has affected the design and layout of the scheme proposed.

1.3 The principle of residential development on the site was accepted in the consideration by the Planning Authority of the withdrawn application and it is not considered necessary to consider this matter again. The financial viability of the scheme was also considered and it was accepted that the proposed development was financially unviable with policy compliant affordable housing and a contribution towards public open space, subject to the securing of a financial viability reappraisal mechanism which is still necessary as part of this planning application if the scheme is again considered to be acceptable. Although the scheme is different in terms of its content, the difference is not such as to mean that a new financial appraisal is now required, having regard to the clear cut conclusions of the previous appraisal. The impact on the residential amenity levels of future occupiers was also accepted, subject to conditions.

1.4 The main issues to now consider in this proposal are whether the revised scheme would impact on the following;

- Visual amenity, adjacent Conservation Area and Listed Buildings?
- Protected and visually significant trees, and
- Car parking and highway safety

### **2.0 The design and impact on the adjacent Conservation Area and Listed Buildings?**

2.1 The application site is adjacent to the Stubbs Walk Conservation Area and NLP policy B10 indicates that permission will only be granted to construct a building ... if its proposed appearance..will preserve the character and appearance of a Conservation Area and that this will be achieved by interalia ensuring that important views... into and out of the Conservation Area are protected.

2.2 The site is also adjacent to two Grade II Listed Buildings and NLP policy B5 states that "The Council will resist development proposals that would adversely affect the setting of a Listed Building."

2.3 The design of the previous scheme was accepted as being acceptable, subject to conditions, that would not harm the character and appearance of the adjacent Conservation Area or the setting of the adjacent Listed Buildings.

2.4 The revised scheme now proposed only results in changes to the north facing side elevation with a brick stairwell being repositioned further towards the rear of the proposed building. This elevation has prominent views from public vantage points to the north looking into the Conservation Area from Hassell Street/Brunswick Street and whilst it would increase the expanse of brick on this elevation it is not considered that it would have a significant and harmful impact on the visual amenity of the area. However, a visually significant sycamore tree has now been removed since the previous application and the impact of this is considered in the section below.

2.5 The revised design would not have any greater impact on the adjacent Conservation Area and Listed Buildings.

### 3.0 Protected and visually significant trees

3.1 In the consideration of the previous application it was identified that there would be two trees that would be affected by the proposed development. Following changes to the layout of the scheme and appropriate conditions it was accepted that the Lime tree towards the front of the site, which is covered by Tree Preservation Order T16, would not be adversely affected. However, it was demonstrated and subsequently agreed by the Landscape Development Section (LDS) that the visually significant sycamore tree, which is not covered by a TPO, towards the rear of the site could be removed due to it being downgraded to a category C - being unsuitable for long term retention due to structural defects.

3.2 A factor in agreeing the removal of the sycamore tree was that appropriate replacement tree planting could and should be proposed to mitigate the loss of this tree.

3.3 The change to the application site now results in the site being more constrained and limits the space available for a replacement tree and any soft landscaping. This has resulted in LDS raising concerns about the layout and on the basis that it allowed no space for suitable replacement trees and the removal of the sycamore tree is now not justified.

3.4 The applicant has sought to address the concerns of the LDS and a further revised layout has been submitted which results in one of the car parking spaces being removed. This allows more space for a suitable replacement tree and soft landscaping to be proposed within the revised application site. LDS have indicated that this now addresses their previous concerns and the proposal can be supported subject to the conditions previously advised.

### 4.0 Car parking and highway safety

4.1 The access to the site will remain in the location previously proposed and is taken off Marsh Parade via an access point that passes through the front elevation of the building to the rear. The previous scheme allowed 11 vehicles to park within the site.

4.2 NLP policy T16 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. The NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the 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.

4.3 Based on the maximum parking standards in the Local Plan a development of 27 one bedroom flats/ apartments would require a maximum of 36 car parking spaces.

4.4 The Highways Authority (HA) raised no objections to a proposal with 10 parking spaces subject to the conditions previously agreed.

4.5 As discussed however the applicant has submitted a further layout plan to allow more space within the site for a suitable replacement tree and landscaping but this is at the expense of an additional car parking space. Therefore the number of spaces indicated on the plans is now reduced to 9 in total which is a shortfall of 27 spaces. The HA have objected to this revision and they have indicated that the parking bays which are parallel to the stairwell are not of a sufficient length which would reduce the number of usable spaces to 8. They indicate that the poor parking provision is likely to result highway danger due to the likelihood of vehicles being parked on the public highway.

4.6 The application is again supported by a transport statement (TS) but it does not reflect the reduction of two spaces now proposed since the previous application.

4.7 The justification for the shortfall relative the maximum standards set out in policy T16 of the previous scheme was that the provision is acceptable for a development of the scale and location proposed, cycle parking is proposed, there are car parking restrictions on surrounding roads and there are public car parks in close proximity to the site and regular bus services that run along Brunswick Street. The site is also within walking distance of the town centre. Furthermore the TS indicated that the higher the percentage of 1 bedroom units within a development the lower the parking demand becomes.

4.8 As discussed the NPPF identifies that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Your officers have no evidence to suggest that this development is likely to lead to a severe parking problem within the locality. The applicant has also been in contact with the Council about car parking permits for future residents on nearby public car parks which are within walking distance of the site, but members should avoid giving any particular weight to this approach in their decision as the Planning Authority. There is no suggestion that a planning permission could (or indeed should) be subject to a condition requiring the obtaining of such permits. Such a condition would almost certainly not meet the standard tests (for conditions)

4.9 It is accepted that the number of spaces would be reduced to 8 useable spaces and whilst this is a further reduction in car parking spaces, which is likely to increase the demand for on-street car parking from future occupiers of the apartments, it has to be recognised that the site is located within a sustainable location as identified above and for this reason it is accepted that the loss of two further spaces is acceptable, subject to the advised conditions of HA. On balance it is also considered that the weight to be given to the benefits of additional landscaping is greater.

## **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 CSP6	Affordable Housing
Policy CSP10	Planning Obligations

#### Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy B10	The requirement to preserve or enhance the character or appearance of a Conservation Area
Policy B14	Development in or Adjoining the Boundary of Conservation Areas
Policy B15	Trees and Landscape in Conservation Area
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas
Policy IM1	Provision of essential supporting infrastructure and community facilities

### **Other material considerations include:**

National Planning Policy Framework (March 2012) and March 2015 Ministerial Statement

Planning Practice Guidance (2014)

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

#### Supplementary Planning Guidance/Documents

Developer Contributions Supplementary Planning Document (September 2007)

Affordable Housing Supplementary Planning Document (2009)

Space around Dwellings SPG (SAD) (July 2004)

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

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Newcastle Town Centre Supplementary Planning Document (2009)

Stubbs Walk Conservation Area Appraisal and Management Plan Supplementary Planning Document (2016)

#### Relevant Planning History

N12592 (1983)	Change of use to offices	Permitted
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08/00882/FUL Demolition of existing buildings and erection of a single storey building to be used as a place of worship with associated parking Refused

16/00630/FUL Proposed demolition of existing buildings and the erection of a 4-storey apartment block with parking Withdrawn

#### Views of Consultees

The **Highway Authority** raised no objections to the original layout for 10 car parking spaces subject to conditions regarding access, parking, servicing and turning being provided, submission and approval of a construction management statement, visibility splays and the existing access being permanently closed off are still advised.

However, they have objected to the reduction of spaces down to 9 spaces and indicate that the parking bays which are parallel to the stairwell are not of a sufficient length which would reduce the number of usable spaces to 8. They indicate that the poor parking provision is likely to result highway danger due to the likelihood of vehicles being parked on the public highway.

The **Environmental Health Division** raises no objections subject to the conditions recommended for the previous withdrawn application, 16/00630/FUL.

The **Landscape Development Section** initially raised objections to the loss of a visually significant tree that has been removed which they say was only justified in the last application because appropriate replacement could mitigate this loss. However, the revised layout now allows no space for a suitable replacement trees. Furthermore, from the new information provided, it is now unclear as to whether the developer owns that tree, additional information is required. Problems may arise should the owner of the tree not support its removal. However, following the submission of amended plans which provides for additional space for a replacement tree and landscaping they are now satisfied with the revised layout and impact of the development.

A contribution of approximately £65,000 towards public open space maintenance and improvements of the Stubbs Walk Open Space is sought.

The **Waste Management Section** raises no objections. They indicate that it will help that there is a management company on site to keep the site tidy and they would want to work with the company to implement recycling collections.

The **Newcastle South Locality Action Partnership (LAP)** have been consulted on this application and has not responded by the due date and so it is assumed that they have no comments to make on the application.

#### Representations

None received.

#### Applicant/agent's submission

The application is accompanied by the following documents:

- Planning, Design and Access Statement
- Arboricultural Report
- Arboricultural Impact Assessment
- Phase 1 Geo-Environmental Report
- Acoustic Reports
- Heritage Report
- Affordable Housing position Statement
- Preliminary Ecology Appraisal

All of the application documents can be viewed at the Guildhall or using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00179/FUL>

Background Papers

Planning File

Development Plan

Date report prepared

12<sup>th</sup> April 2017