

The application seeks outline planning application for two detached dwellings on Wedgewood Avenue with all matters of detail (appearance, landscaping, layout, scale and access) have been reserved for subsequent approval.

The site lies within the Newcastle Urban South and East Area of Newcastle as indicated on the Local Development Framework Proposals Map

**The statutory 8 week determination period for the application expired on 3<sup>rd</sup> March 2017 but the applicant has agreed an extension to the statutory period until 28<sup>th</sup> April.**

### **RECOMMENDATION**

**PERMIT subject to the following conditions;**

- 1. Time Limit for submission of reserved matters and implementation of the development**
- 2. Approval of reserved matters required before any development**
- 3. Restriction of hours during construction**
- 4. Contaminated land conditions**
- 5. Details of boundary treatment, to include an acoustic fence between the rear gardens and the tennis courts, to be submitted as part of any reserved matters application.**
- 6. Approval of an Arboricultural Method Statement (BS5837:2012)**
- 7. Tree Protection Plan (BS5837:2012)**
- 8. Schedule of Works to Retained Trees (BS5837:2012)**
- 9. Parking and turning areas in place for the community centre as approved, with spaces delineated & retained**
- 10. Weatherproof parking storage for 5 bicycles to be provided and thereafter retained for use in connection with the community centre**
- 11. Drainage to prevent any additional discharge onto the highway**

### **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 involving the noise levels within the gardens of the properties which have the potential to affect the activities in the adjoining tennis courts which would limit the health and fitness benefits that arise from such a sporting activity and loss of trees. However, when 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 in a positive and proactive manner in dealing with this application**

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

### **KEY ISSUES**

The application seeks outline permission, with all details reserved for subsequent approval, for the erection of two detached dwellings within the existing disused tennis courts currently used as overspill parking area for the adjoining Whitfield Community Centre. The car park to the north of the

Community Centre, which currently has space for 13 vehicles, is to be reconfigured to provide a total of 29 spaces.

The main issues to address for the application are as follows;

- Principle of development
- Whether the site can accommodate residential development without an adverse impact upon the character of the area, including trees
- Whether the impact upon residential amenity would be acceptable
- Highway implications
- 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?

#### Principle of Development

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 National Planning Policy Framework (NPPF) advises, 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 up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The Borough Council is currently unable to demonstrate a five year supply of deliverable housing sites which triggers the provisions of paragraph 49 of the Framework and, on that account, paragraph 14. As such whilst policies on the location of housing within the Development Plan are supportive of the proposal they are out of date and have limited weight.

The site involves previously developed land within walking distance of access to public transport links to Newcastle and Stoke-on-Trent. This is considered to be a sustainable location for residential development.

In light of the above, the starting point must be one of a presumption in favour of residential development unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal. This will be considered later in this report.

#### Design and Impact upon Character of the Area, including impact on trees

Policy CSP1 of the Core Spatial Strategy outlines how the design of new development is assessed which includes amongst other requirements the need to promote and respect the areas character and identity.

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

The information submitted at this stage is for illustrative purposes only, however it is considered that the application site is large enough to accommodate two detached two storey dwellings, and that the relocation of the overspill parking area would not adversely affect the character of the area or street scene.

There are a number of mature and visually significant trees along the highway boundaries and in light of this the application is supported by arboricultural information. Some trees have been identified as being required to be removed to allow for the development to take place but such trees are not visually significant. Those trees that are visually significant can be retained provided that the layout of the site is appropriately designed to take account of such trees. This would be addressed in the consideration of any submission of reserved matters that would follow the granting of outline planning permission which would need to be supported by an Arboricultural Method Statement. It is considered necessary to request level details with full soft and hard landscaping to also be submitted as part of any reserved matters applications also.

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.

#### Impact upon Residential Amenity

The Framework states within paragraph 9 states that pursuing sustainable development involves seeking positive improvements in peoples quality of life, including improving the conditions in which people live, work, travel and take leisure. The impact upon the amenity of surrounding residents has to be taken into consideration. Paragraph 17 sets a core planning principle that planning should seek to secure a good stand of amenity for all existing and future occupants of land and buildings.

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on new dwellings including the need for privacy, daylight standards, and environmental considerations.

#### *Privacy, Outlook, Light and Overbearing Impact*

Whilst the submitted plan is for illustrative purposes, it is noted that sufficient spacing could be achieved between the proposed housing and the closest neighbouring dwelling on Emery Avenue and Whitfield Avenue.

#### *Noise*

A Noise Assessment was submitted with the application. The assessment found that with regards to general environmental noise that housing development on the site is acceptable, subject to appropriate glazing and ventilation provision that would ensure appropriate internal noise levels. However, concerns have been raised with regards to external noise levels, i.e. in the garden areas of the proposed dwellings due to their proximity to the neighbouring tennis courts. The Environmental Health Division (EHD) consider that there is the potential for the noise levels and noise characteristics associated with tennis playing has the potential to cause a statutory noise nuisance in line with the Environment Act 1990. Discussion with EHD have established that no complaints have been made by existing residents who back onto the tennis courts and whilst this does guarantee that no complaints would be received from residents of the proposed development, it does indicate that the noise conditions within rear gardens can be acceptable to people. In addition an acoustic fence can be provided between the rear gardens of the proposed houses and the tennis courts without it having an unacceptable visual impact and whilst this would not fully deal with noise it would reduce noise levels within the gardens.

#### Highway Implications

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. Maximum parking standards are provided, within table 3.2 of Appendix 3, which sets the level of parking for community centre, which are Class D2 uses, at 1 space per 10m<sup>2</sup>. The existing

community centre floor area is 87.6sqm including a 4.4sqm kitchen area and to accord with Local Plan policy a maximum of 9 parking spaces are required.

The existing car park to the community centre provides 13 spaces with additional, overspill, spaces provided on the part of the application site where the dwellings are proposed to be sited. To compensate for the loss of the overspill parking spaces the proposal includes a re-design the parking area to be retained to provide 29 spaces. What is proposed therefore significantly exceeds the maximum level of parking set out in Appendix 3 and is therefore contrary to policy. In light of this, notwithstanding the objections that have been received, it would be difficult to sustain a refusal of the proposal on the basis of inadequate parking provision, particularly as the Highway Authority have not objected.

Parking surveys have been undertaken in connection with the proposal which indicated that on average 19 cars were parked at the Community Centre per session (morning, afternoon, and evening) and on only two sessions were more cars parked than the 29 proposed. Whilst it could be argued that the proposal is unacceptable on the basis that too many parking spaces are proposed, bearing in mind the level of parking that has been observed in the surveys it is considered that the level of parking proposed should be accepted. The level of parking proposed would appear to better meet the operational needs of the Centre than adopted parking standards.

Whilst, as indicated, there were two occasions where the level of parking observed exceeded the level of parking to be provided it is considered that this would not create or aggravate any on street parking or traffic problem as there is on street parking available in the area to accommodate such overspill parking demands .

Overall the development is considered to be acceptable and would not result in any unacceptable highway safety concerns.

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.

Concern has been expressed about the noise levels within the gardens of the properties which have the potential to affect the activities in the adjoining tennis courts which would limit the health and fitness benefits that arise from such a sporting activity. The harm, however, can to some extent be reduced through the provision of an acoustic fence. The loss of trees would also be harmful but more visually significant and important trees can be retained.

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

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 include:**

#### National Planning Policy Framework (NPPF) (2012)

#### Planning Practice Guidance (PPG) (2014)

#### Space Around Dwellings SPG (SAD) (July 2004)

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

#### Relevant Planning History

None relevant to this application

#### Views of Consultees

The **Environmental Health Division** has raised no objections with regard to land contamination subject to a condition ensuring a survey is carried out. However, an objection is raised with regards to the dwellings being sited in close proximity of the existing tennis courts which could cause a statutory nuisance due to noise in the proposed garden areas.

Following receipt of additional information, the **Highway Authority** has no objections to the proposal subject to conditions relating to the following:

- Provision of parking and turning areas for the Community Centre, in accordance with the submitted drawing, before the development commences.
- Provision of secure weatherproof parking for a minimum of 5 cycles.
- Drainage to the additional car parking area to be designed so surface water is not discharged onto the public highway.
- No residential development until details of access, layout, parking, surfacing materials and surface water drainage has been approved.

The **Landscape Development Section** indicates that there are errors in the arboricultural document by reference to the site being Horton Hall and through the inclusion of two site plans. The submission appears to show the retention of important trees, but the layout needs to ensure that there is room for trees to development. Notwithstanding this should the application be approved the following conditions are recommended.

- Approval of an Arboricultural Method Statement (BS5837:2012)

- Tree Protection Plan (BS5837:2012)
- Landscaping Proposals
- Schedule of Works to Retained Trees (BS5837:2012)

### Representations

15 letters of objection were received during the course of the application. A summary of their contents is provided below; however the full documents can be viewed on file.

- Concerns about the loss of parking causing issues on the local highway
- Would result in an increase of on street parking – already an issue in the area
- Concerns relating to the provision of parking after the houses have been constructed and the effect that this would have
- Traffic issues caused by the construction phase of the development
- What would happen to the existing BT box
- Highway safety concerns due to increased traffic and parking
- Loss of open space
- Loss of trees and planting
- No need for housing in the area
- Out-of-character with the area
- Flooding caused by the loss of the existing turfed area – the proposed parking should be placed on the disused tennis courts
- Insufficient replacement parking has been proposed
- Insufficient parking proposed for the new dwellings
- Loss of amenities at the community centre

A petition has also been submitted objecting to the application signed by residents from 84 different addresses.

An additional email submission was made from the Bridge Club to demonstrate that the car park is full when bridge is played at the Hall, providing a number of photographs.

### Applicant/agent's submission

The application is supported by an Outline Planning Application, plans, and Phase 1 Contaminated land survey and Noise Assessment.

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/16/01108/DEEM4>

### Background Papers

Planning File

Development Plan

### Date report prepared

11th April 2017