

**8 BARFORD ROAD, NEWCASTLE**  
**MR A MOSS**

**17/00483/FUL**

The application is for the demolition of the existing bungalow on this site and the construction of 3 detached dormer bungalows. The site measures 0.2 hectares.

The application site is presently garden land which lies within the Urban Neighbourhood Area of Newcastle as specified on the Local Development Framework Proposals Map. Immediately to the south of the site is an area of Green Belt land which is not intruded upon by the proposal.

The application has been called in to Committee by three Councillors due to public concerns about the development which include the impact to the local area.

The item was previously deferred at the preceding Committee meeting dated the 15<sup>th</sup> August in order to allow a Committee site visit to take place which has also given the applicant opportunity to submit revised plans to overcome tree impact concerns raised in relation to the proposal and for further publicity and consultation upon them to be considered. Additional financial information has also been submitted by the applicant in relation to a contribution request made for public open space provision.

**The 8 week period for the determination of this application expired on the 7<sup>th</sup> August 2017.**

## **RECOMMENDATION**

**Subject to an independent review confirming that the scheme cannot, at present, support any financial contribution and subject to consideration of the further awaited comments of the Landscape Development Section:-**

**A) Subject and subject to the applicant entering into a Section 106 obligation by 12<sup>th</sup> October 2017 that either**

- (i) If the independent review of the scheme confirms that a financial contribution cannot be supported and the development is considered to be acceptable without some/all of that contribution, a review of the financial assessment of the scheme if there is no substantial commencement within a year of the grant of planning permission, and a contribution being made to public open space if the scheme is evaluated at that time to be able to support such a contribution; Or**
- (ii) secures a public open space contribution of £11,158 towards improvements to Guernsey Drive Play Area, and/or Wye Road Playing fields.**

**PERMIT subject to the following conditions:-**

- 1. Time limit/plans.**
- 2. Materials.**
- 3. Approval of all boundary treatments.**
- 4. Approval of landscaping provision including tree planting.**
- 5. Tree protection measures where appropriate.**
- 6. Prior approval of any site level changes.**
- 7. Prior approval and impetration of a noise assessment with any mitigation measures necessary.**
- 8. Construction hours be restricted to between the hours of 18.00 hours and 07.00 hours Monday to Friday, and not at any time on Sundays, Bank Holidays or after 13.00 hours on any Saturday.**
- 9. Approval and implementation of a Construction Management Plan.**
- 10. Provision of parking and turning areas in accordance with the approved plan and surfaced in a bound porous material.**
- 11. The integral garage for Plot 1 shall be retained for the parking of motor vehicles for the life of the development.**

**(iii) Should planning obligation as referred to at A) 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 matters being secured the development would fail to secure the provision of a play area or, if he considers it appropriate, to extend the period of time within which such obligations can be secured.**

## **Reason for Recommendation**

There is a protected tree on the site (a Scots Pine tree) which makes an important contribution to the local landscape. The tree is clearly visible from Bunny Hill, and is also visible from Stockwood Road, Barford Road, Kensworth Close, Ridgemont Road, Langford Road, and Wye Road. The tree makes a valuable contribution to the local landscape and the information provided with the application when initially submitted did not demonstrate that the development would not cause harm or loss of the tree and a consequent detrimental effect on the visual amenity. Further supporting information has been submitted, however, in an attempt to demonstrate that the tree can be retained and the views of the Landscape Development Section are awaited.

The development site albeit consisting of garden land is in a sustainable location for new housing. The impact on the form and character of the area is acceptable taking into account wider landscape impacts. There are some attractive mature trees around the periphery of the

site at least one of which will be affected, as are some other trees within the site... The ground levels make it difficult for attractive mature boundary trees to be retained but the applicant is submitting that they can be retained in the tree impact information now submitted. The views of the Landscape Development Section are awaited on that information. The impact to neighbouring living conditions would not be significantly eroded subject to the use of appropriately worded planning conditions. There are no highway safety issues which weigh against the proposal.

A financial contribution towards public open space provision is required by current policy and is deemed appropriate and following receipt of a financial viability case from the applicant independent advice will be sought as to whether the development can support such a contribution without rendering it unviable and further information will be reported.

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

Tree impact concerns have led to additional information being requested from the applicant to establish whether or not those concerns can be overcome alongside viability information to the development scheme in relation to financial contribution.

**Key Issues**

Two 3 bedroomed and one 4 bedroomed dormer bungalows are proposed on the site which is divided into plots 1-3 as shown on the submitted plans.

- The dwelling shown on Plot 1, that at the head of proposed new access drive, has a footprint of 17.4 by 15 metres, and 9.9 metres in maximum height owing to changes in ground levels.
- The dwelling shown on Plot 2 has a footprint of 9.6 by 12 metres, and 7.2 metres in maximum roof ridge height.
- The dwelling shown on Plot 3 has a footprint of 8 by 12 metres, and 7.2 metres in maximum roof ridge height.

The key issues are:

1. Is the principle of residential development in this location acceptable?
2. Is the design of the proposal and the impact upon the character and appearance of the area acceptable?
3. Is the impact to surrounding trees acceptable?
4. Would the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development be adequate?
5. Is the impact on highway safety acceptable?
6. What financial contributions are required?
7. 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?

**1. Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?**

Local planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site under consideration is presently garden land and therefore does not constitute previously developed land according to the NPPF.

Saved Local Plan policy H1 supports new housing in the urban area of Newcastle and Kidsgrove with policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - setting 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).

Policy SP1 of the CSS states 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. The Core Strategy goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

The site does not meet the NPPF definition of previously developed land. The site is within the urban area in relatively close proximity to various facilities in Clayton and beyond in Newcastle town centre and its associated shops, public transport links, leisure facilities and entertainment facilities. The site is also in close proximity to schools, open space and employment opportunities. Therefore, it is considered that the site provides a highly sustainable location for additional residential development.

Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing within the Development Plan cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites (as defined in paragraph 47). Paragraph 14 details that at the heart of the Framework is a presumption in favour of sustainable development and that this means, unless material considerations indicate otherwise, 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 Framework at a whole, or specific policies indicate development should be restricted.

Local Planning Authorities (LPA), by reason of the National Planning Policy Framework (Framework), are required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements (in the Borough's case as set out within the Core Spatial Strategy) with an additional buffer of 5% to ensure choice and competition in the market for land. Where, as in the Borough, there has been a record of persistent under delivery of housing, the LPA is required to increase the buffer to 20%. The Council, is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%).

On the basis of all of the above, it is considered that the principle of residential development in this sustainable location should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

## 2. Is the design of the proposal, with particular regard to the impact upon the character and appearance of the area acceptable?

Core Strategy Policy CSP1 lists the broad criteria for the assessment of new development . It also requires a positive contribution to an area's identity and heritage through the use of appropriate vernacular materials. The Urban Design Supplementary Planning Document gives additional detailed design advice to supplement Policy CSP1.

The site is at the top end of a cul de sac on the edge of the urban area, backing onto open countryside which lies within the Green Belt. The site slopes downwards towards Stockwood Road where properties are at a much lower level, and to the boundary with the open countryside as well. The plot, along with the other two at the head of the cul de sac, is significantly larger than other plots on Barford Road being a corner plot. The three proposed properties would be lie parallel to the Barford Road/Stockwood Road boundary and would have significantly shorter rear gardens than some, but not all properties, in this area. Although the 3 dwellings proposed would be a clear break from the existing form and character of the properties along Barford Road, they are discretely positioned at the corner of

the head of the cul de sac and the view taken is that there would be no material visual harm arising from the development.

Concerns have been raised in relation to the wider landscape impact of the proposal. Particularly with respect to public views from Bunny Hill (a local recreational walking area) which is to the south of the application site. Considering that perspective the development will be seen in the context of other urban residential development and therefore the additional two dwellings proposed (discounting the one already on the site) will not appear inappropriate from wider views.

Subject to controls over external facing materials and boundary treatments the impact on the character of the area is acceptable.

### 3. Is the impact to trees acceptable?

A Tree Preservation Order Assessment has been carried out by the Landscape Development Section, and Tree T12 (a Scots Pine) meets the criteria for protection. Other trees on this site which will require removal do not meet the criteria for protection. A Tree Preservation Order was served on 8th August.

The Scots Pine tree makes an important contribution to the local landscape. The tree is clearly visible from Bunny Hill (public open space), and is also visible from Stockwood Road, Barford Road, Kensworth Close, Ridgemont Road, Langford Road, and Wye Road.

The tree occupies an elevated position, and is a backdrop feature within the local landscape setting. There are distant views of the tree from a wide area within the locality. The tree makes a valuable contribution to the local landscape and its loss would have a detrimental effect on the visual amenity.

The Scots Pine is of a good shape and form, with a full and healthy crown and is sufficient quality to be retained. It is suggested by the Landscape Development section that the layout of the proposed development may possibly be altered to allow for T12 to be retained and protected and to allow space for its future growth. The applicant has submitted revised plans in that regard and a further separate update will be given.

### 4. Is the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development acceptable?

Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance on the assessment of proposals on matters such as light, privacy and outlook.

In terms of separation distances between the proposed dwellings and existing properties the proposed dwellings are significantly closer to the intervening boundary than those (on Stockwood Road) are on other side and they are aligned parallel rather than oblique to that boundary. However there is around 35 metres between the dwelling shown on plot 2 and number 61 Stockwood Road (the closest of the houses on Stockwood Road) which exceeds the minimum recommended distance of 24 metres referred to in the SPG taking into account ground level differences changes where an additional 3 metres separation is recommended as being appropriate in addition to the 21 metre standard.

With respect to No.s 7 and 9 Barford Road either side of the application site the scheme has been designed so that there is no significant impact to the principal windows of those dwellings. The layout applied for complies with privacy and outlook standards achieved through the position of the driveway and orientation of the dwellings proposed.

Taking into account surrounding properties the proposal is in accordance with the terms of the SPG.

The Environmental Health Division have advised that a noise assessment and any mitigation measures will need to be incorporated into the development to ensure suitable noise levels are

achieved for habitable areas and external space (having regard to the noise of traffic on the M6). The use of a planning condition requiring those details could overcome that particular concern. They have also advised that any use of piling for foundations should be subject to a vibration assessment with any mitigation measures necessary to protect neighbouring residents.

5. Is the use of the access and parking provision proposed acceptable in highway safety terms?

The NPPF indicates that development should only be prevented or refused on transport grounds where the impact of development is severe.

The dwellings on plots 2 and 3 each have 2 car parking spaces. Plot 1 has 4 parking spaces when including the integral garage.

The Highway Authority has no objections to the vehicle access parking and turning arrangement applied for subject to conditions. Overall it is considered, in line with the Highway Authority advice there is no significant detriment to highway safety arising from the proposal.

6. What financial contributions are required?

Landscape Development Section advise that a financial contribution of £5,579 per dwelling be sought towards public open space improvements and maintenance. This amounts to £11,158 for the two additional dwellings that have been proposed.

Saved Local Plan policy C4 (part of the approved development plan) does not support the seeking of a contribution for developments of less than 10 units or less than 0.4 ha. The site covers 0.2ha. The more recent Core Spatial Strategy (also part of the development plan), CSP5 indicates that developer contributions will be sought to provide a key funding source to meet the needs of new residents and for the delivery interalia of the Urban North Staffordshire Green Space Strategy and any approved revisions or replacement strategies. There is such a replacement strategy the Open Space Strategy that was adopted by Cabinet at its meeting on the 22nd March 2017.

The recommendation contained within the Development Strategy of the OSS was that as good practice for residential development 0.004 ha per dwelling of open space should be provided for the total number of dwellings; and that such open space will be provided in areas of not less than 0.1 ha regardless of development size. It goes on to indicate that a cost model for offsite contributions will need to be agreed based upon a Table that is itself an update of the cost model that was contained within the 2007 Urban North Staffordshire Green Space Strategy.

In this case LDS are not seeking open space on the site itself but instead are requesting a contribution of £5,579 per dwelling.

Any developer contribution to be sought must be both lawful, having regard to the statutory tests set out in Regulation 122 and 123 of the CIL Regulations, and take into account guidance. It must be:-

- Necessary to make the development acceptable in planning terms
- Directly related to the development, and
- Fairly and reasonably related in scale and kind to the development.

It must also comply with national planning practice guidance on the seeking of contributions for small scale developments. Most importantly ministerial policy as set out in a Ministerial Statement of the 28th November 2014, since confirmed by the Court of Appeal in May 2016, indicates that "tariff-style contributions" should not be sought from developments of 10 units or less which have a maximum combined gross floorspace of no more than 1,000 square metres. The proposal is such a development.

A tariff style contribution is defined as one where the intention is to required contribution to pooled funding pots intended to fund the provision of general infrastructure in the wider area. The LDS have indicated that the contribution in this case would be applied to Guernsey Drive Play Area, and/or Wye Road Playing fields so whilst the amount is calculated on a “sum per dwelling” basis it does not meet the definition in the Guidance or Statement of a tariff-style contribution and therefore the guidance does not rule out seeking such contributions in this case.

The contribution being sought is considered to meet the statutory tests. It is necessary to make the development acceptable in planning terms and directly related to this residential development (it seeks to address the additional demands upon open space which residential development brings) and is fairly and reasonably related in its scale – the Open Space Strategy setting out a detailed methodology to demonstrate how the capital element of the sum (£4,427) is calculated whilst the maintenance element (£1,152) represents 60% of the costs of 10 years maintenance – a figure in line with that sought by other LPAs, according to the Strategy.

For the avoidance of doubt it can be confirmed that the obligation would not be contrary to Regulation 123 either.

The applicant has only become aware of the Landscape Development Sections request at a very late stage in consideration of this scheme and as a result did not anticipate that this would be a requirement of obtaining planning permission. They have in response submitted a short financial appraisal with the aim to demonstrate that the development would not be viable with such an obligation. Upon confirmation that the applicant is prepared to cover the costs, your Officer will be seeking the independent review of the submitted financial information. Further information will be report upon receipt of that review.

7. 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?

As the Council is currently unable to demonstrate a five-year supply of housing land, the provisions of the NPPF are engaged and the presumption in favour of sustainable development therefore applies, as set out above.

There are several factors that do weigh in favour of the development. The proposal would make a contribution toward boosting housing land supply within the Borough in the context of an identified shortfall. Some limited economic benefits would arise during construction and as a consequence of the occupation of the dwellings. In relation to negative impacts it is anticipated that the loss of a visually significant protected tree would be harmful to the character of the area. The positive elements in allowing the development to proceed acknowledged do not outweigh the harm arising from tree removal.

## 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 T18	Development servicing requirements
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N12	Development and the Protection of Trees
Policy N17	Landscape Character – General Considerations

### Other Material Considerations

#### [National Planning Policy Framework \(NPPF\) \(2012\)](#)

#### [Planning Practice Guidance \(March 2014\)](#)

#### Supplementary Planning Documents/Guidance

#### [Space Around Dwellings SPG \(SAD\) \(July 2004\)](#)

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

#### Relevant Planning History

58/03962/APP	Housing development	Allowed	1959
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#### Views of Consultees

The **Highway Authority** has no objections on highways grounds subject to conditions relating to the following:-

1. Approval and implementation of a Construction Management Plan.
2. Provision of parking and turning areas in accordance with the approved plan and surfaced in a bound porous material.
3. Integral garage for Plot 1 shall be retained for the parking of motor vehicles for the life of the development.

**Severn Trent** have been consulted but no comments have been provided by the due date of the 24<sup>th</sup> July so it is assumed they have no objections to the development.

The **Environmental Health Division** has no objections subject to:-

1. Construction and demolition hours being restricted to between the hours of 18.00 hours and 07.00 hours Monday to Friday, and not at any time on Sundays, Bank Holidays or after 13.00 hours on any Saturday.



2. Prior approval design measures, supported by an appropriate noise assessment, to achieve appropriate internal and external noise levels.
3. Prior notice of any piling activity which will also be subject to a vibration assessment and mitigation measures for surrounding occupiers.

The **Landscape Development Section** following the receipt of additional arboricultural information submitted by the applicant make the following comments:

The Landscape Department do not support the loss of T12 which is an attractive Scots Pine tree. Information provided in the Tree Survey and Impact Assessment and on the present layout drawing shows that this tree would be lost as a result of the development. A Tree Preservation Order was served on 8th August to protect the tree.

The Scots Pine tree makes an important contribution to the local landscape. The tree is clearly visible from Bunny Hill (public open space), and is also visible from Stockwood Road, Barford Road, Kensworth Close, Ridgemont Road, Langford Road, and Wye Road. The tree occupies an elevated position, and is a backdrop feature within the local landscape setting. There are distant views of the tree from a wide area within the locality.

The tree makes a valuable contribution to the local landscape and its loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality. The Scots Pine is of a good shape and form, with a full and healthy crown and is sufficient quality to be retained. It is suggested that the layout of the proposed development be altered to allow for T12 to be retained and protected and to allow space for its future growth.

The following is also requested should permission be granted for the proposal:

- a contribution by the developer for capital development/improvement of off-site open space of £4,427 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years. Total contribution: £5,579 per dwelling. This would be used for improvements to Guernsey Drive Play Area, and/or Wye Road Playing fields.
- An appropriate planning condition to secure landscaping proposals.
- An appropriate planning condition to secure approval of Tree Protection measures to retained trees (some of which are overhanging the site and do not belong to the applicant).

The views of the LDS have been sought upon additional information that has been submitted regarding the impact of the development on the Scots Pine.

### Representations

14 letters of representation have been received, including a letter from **Mr Paul Farrelly MP** objecting to the proposal on the following grounds:-

- Overlooking/ privacy detriment to neighbours (including the occupiers of 61 Stockwood Road).
- Mature trees in the area provide drainage solutions and if they are removed it would cause a flooding problem.
- Tree loss would be damaging to wildlife and biodiversity.
- It's inappropriate to increase the housing density within Barford Road due to form and character concerns.
- There are landslip/ land stability concerns if the site is developed.
- Surface water and foul drainage details are absent and may be difficult to achieve on the site given the levels.
- The plans are not clear, lack dimensions and accuracy.
- Light levels will be diminished for neighbours.
- Emergency vehicles need adequate turning room.
- Trees on the site are valuable and should be protected by order.
- There is insufficient separation with neighbouring properties.

- There will be an adverse impact to the character of the area including from long distance views from Bunny Hill.
- Application reference NNB00804 (Housing development of 3 sites in the 1950's) was refused which is important to acknowledge.
- Noise and dust created will be detrimental to neighbours.
- The dwelling shown on Plot 1 is too big.

### **Applicant/agent's submission**

Application forms and indicative plans have been submitted along with a Tree Impact Report. These documents are available for inspection at the Guildhall and via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/00483/FUL>

### **Background Papers**

Planning File.  
Planning Documents referred to.

### **Date Report Prepared**

31<sup>st</sup> August 2017.