

The proposal is a resubmission of planning application 17/00483/FUL for the demolition of the existing bungalow on this site and the construction of 3 detached dormer bungalows which has previously been refused by the Council on grounds relating to harm to the visual appearance of the area and also neighbouring living conditions. 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 two Councillors due to public concerns about the development.

The 8 week period for the determination of this application expired on the 15th December 2017.

RECOMMENDATION

A) Subject and subject to the applicant entering into a Section 106 obligation by 5th January 2018 that 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. Agreement/ implementation of landscaping including additional replacement tree planting.**
- 5. Tree protection measures involving dimensioned Tree Protection Plans and an Arboricultural Method Statement**
- 6. Prior approval of any site level changes.**
- 7. Prior approval design measures, supported by an appropriate noise assessment, to achieve appropriate internal and external noise levels.**
- 8. Construction hours are 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. Controls over piling works**
- 10. Approval and implementation of a Construction Management Plan.**
- 11. Provision of parking and turning areas in accordance with the approved plan and surfaced in a bound porous material.**
- 12. The integral garage for Plot 1 shall be retained for the parking of motor vehicles for the life of the development.**

B) 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

The amendment to the roof design for the dwelling (shown as Plot 1) as proposed reduces its bulk and massing and visually improves the development when viewed from the adjoining Bunny Hill and wider vantage points. Additional boundary tree planting and other internal site landscaping as proposed will also improve the overall appearance of the development as well as improving its relationship with neighbouring properties. The landscaping can also be further improved by planning condition. Taking into account the amendments and additional landscaping, the view taken overall is that impact on the form, character and appearance of the area and neighbouring living conditions is now acceptable.

A financial contribution towards public open space provision is required by current policy and is deemed appropriate.

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

The proposal is considered to be a sustainable form of development and no further amendments to the proposal following submission are deemed necessary.

Key Issues

The application is a resubmission of planning application 17/00483/FUL which was refused by Planning Committee on 12th September for the following reasons:-

1. *The scale, form and appearance of the development scheme is out of keeping with its immediate surroundings and is visually detrimental to Bunny Hill and the prevailing form and character of the local area.*
2. *The development, due to its scale and position, would have an unacceptable impact on the occupiers of neighbouring properties by virtue of an overbearing impact.*

The current scheme, as was previously the case, comprises two 3 bedroomed and one 4 bedroomed dormer bungalows on the site which is divided into plots 1-3 as shown on the submitted plans.

- The dwelling shown on Plot 1, 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 current proposal involves amendment to dwelling on plot 1 so that it now includes a hipped roof on the side facing towards Bunny Hill (rather than a gable as was previously proposed). Additional tree planting and landscaping has also been included on the submitted plans over and above that previously proposed.

It has already been accepted that the site is in a sustainable location for new housing. There are some attractive mature trees around the periphery of the site including a protected mature Scott's Pine and the applicant, as in the previous scheme, has demonstrated that all trees worthy of retention including the Scott's Pine can be retained. In addition the conclusion reached previously, that there are no highway safety issues which weigh against the proposal, remains applicable to the current proposal.

The main consideration in the determination of this application is whether or not the current proposal overcomes the Councils previous objections to the scheme. The key issues to consider therefore are:-

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

2. Is the impact to neighbouring living conditions acceptable?
3. Is a financial contribution towards public open space provision appropriate?

1. 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 indicates that new development should contribute positively 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 application site, along with the other two corner plots at the head of the cul de sac, is significantly larger than other plots on Barford Road. The three proposed properties would 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.

The layout of the scheme and general architectural appearance of the dwellings applied for remain largely unaltered since the scheme was last considered. Your Officer's view remains that 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 there would be no material visual harm arising from the development when viewed from Barford Road.

In response to the concerns which 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, the applicant has partly modified the dwelling shown on Plot 1 by introducing a hipped design rather than a gable as previously proposed. The change, although modest, results in a reduced massing of the dwelling on that plot when viewed from Bunny Hill reducing its visual prominence particularly when it is noted that it will be seen in the context of other urban residential development.

The current proposal also includes additional tree planting around the edges of the eastern boundary (towards Stockwood Road) and southern site boundary (towards Bunny Hill) and also shrub planting to the front of Plot 2 to improve the schemes appearance when viewed from Bunny Hill compared to the previous proposal.

As a result the development proposed, introducing two additional dwellings, will not appear inappropriate from wider views subject to the agreement of external facing materials.

Subject to the provision of the soft landscaping/tree planting proposed and controls over external facing materials the impact on the character of the area is acceptable.

2. Is the impact to neighbouring living conditions acceptable?

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

The separation distances between the proposed dwellings and existing properties remain unchanged from the previous application. 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 Nos 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.

The additional tree planting now included along the boundary of the site shared with neighbouring properties along Stockwood Road which includes a mixture of Silver Birch and Pear trees further improves screening and privacy for those residents. Additional tree planting can be achieved, through the imposition of a condition, to provide further screening.

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). 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. Such matters can be addressed through a planning condition.

3. Is a financial contribution towards public open space provision appropriate?

The Open Space Strategy, which was adopted by the Council on the 22nd March 2017, requires a financial contribution of £5,579 per dwelling towards public open space improvements and maintenance for any development involving the construction of additional dwellings. The policy that applied prior to the adoption of the Open Space Strategy only sought contributions for developments involving 10 or more dwellings.

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.

A tariff style contribution is defined as one where the intention is to require contribution to pooled funding pots intended to fund the provision of general infrastructure in the wider area. The Landscape Development Section 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.

Guernsey Drive is approximately 400m from the application site and Wye Road approximately 850m. As such both are within easy walking distance. The contribution 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. The contribution being sought is therefore considered to meet the statutory tests.

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

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

17/00483/FUL	Proposed demolition of existing bungalow and construction of three dormer bungalows	Refused	2017
58/03962/APP	Housing development	Allowed	1959

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 Water has 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. Refuse storage and collection arrangements
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** has no objections subject to the following:-

- 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.
- Agreement and implementation of a dimensioned Tree Protection Plan to be approved prior to the start of work on site.
- Agreement and implementation of an Arboricultural Method Statement (detailed).
- Agreement and implementation of revised landscaping Proposals (to include replacement trees for other trees on the site that will be lost).

Representations

12 letters of representation have been received objecting to the proposal on the following grounds:-

- The development has not addressed any issues previously found to be unacceptable in the last attempt to secure planning permission.
- There is a lack of detailed information in the plans regarding dimensions, levels, drainage and landscaping.
- The plans are inconsistent as they show no trees or hedges on or adjacent to the site.
- There is no information about how impacts of construction will be mitigated.
- The development is still out of keeping / detrimental to the visual appearance of Bunny Hill.
- The new buildings are still overbearing to neighbouring residents.
- Land stability will be disrupted through construction activity and also any tree removal.
- There will be potential harm to local wildlife.
- The plans submitted are vague and misleading.
- The proposal will bring about parking issues

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/17/00878/FUL>

Background Papers

Planning File.
Planning Documents referred to.

Date Report Prepared

17th November 2017.