

58, ABBOTS WAY, WESTLANDS
MRS MARGARET COUPE

17/00906/FUL

The Application is for full planning permission for a detached dwelling and double garage.

The application site, which comprises part of the garden of No. 58, Abbots Way, is located within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors due to residents' concerns, particularly about impact on visual amenity and the scale/positioning of the structures on the site.

The 8 week determination period expired on the 4th January 2018 but the applicant has agreed to an extension of the statutory period to the 8th February 2018.

RECOMMENDATION

A) Subject to the applicant entering into a Section 106 obligation by 28th February 2017 to secure a public open space contribution of £5,579 towards improvements to Rydal Way or Lilleshall Road play areas,

PERMIT subject to conditions relating to:-

- 1. Time limit**
- 2. Approved plans**
- 3. Landscaping conditions**
- 4. Provision of access and parking**
- 5. Construction method statement**
- 6. Construction hours**
- 7. Materials**
- 8. Boundary treatments**
- 9. Finished level of garage**

B) Should the 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 a matter being secured the development would fail to secure the provision of improvements to a play area or, if he considers it appropriate, to extend the period of time within which such an obligation can be secured.

Reason for Recommendation

This site is in a sustainable location within the urban area and therefore the principle of residential development is acceptable. The siting and design of both the proposed dwelling and garage are acceptable and would have no adverse impact on the character and appearance of the streetscene or on the residential amenity of the neighbouring dwellings. Subject to conditions, there would be no adverse impact on the trees.

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 proposed development 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 is for full planning permission for a detached dwelling and double garage. The application site, which comprises part of the garden of No. 58, Abbots Way, is located within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

The main issues in the consideration of the application are:

- Is the principle of residential development on the site acceptable?
- Is the proposal acceptable in terms of its impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Would there be any adverse impact on trees?
- What financial contributions are required?
- an assessment overall of whether or not any adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Is the principle of residential development on the site acceptable?

Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within the Urban Area of Newcastle.

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - 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 3,200 dwellings within Newcastle Urban Central (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.

This site is in a sustainable location within the urban area. The site is in easy walking distance of the shops and services of Newcastle town centre and there are regular bus services that run frequently and close by the site. It is considered that the site provides a sustainable location for additional residential development.

Paragraph 49 of the NPPF 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 cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that 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 NPPF at a whole.

The Local Planning Authority is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF). The starting point therefore must be one of a presumption in favour of residential development. In this particular context as has already been stated the development is in a location which is close to services and facilities and promotes choice by reason of its proximity to modes of travel other than the private motor car.

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

Is the design of the proposal and the impact on the character and appearance of the area acceptable?

The NPPF places great importance on the requirement for good design, which is a key aspect of sustainable development. CSS Policy CSP1 broadly reflects the requirements for good design contained within the NPPF, and the Urban Design Supplementary Planning Document provides detailed policies on design and layout of new housing development.

Policy R3 of the Urban Design Supplementary Planning Document (SPD) states that new housing must relate well to its surroundings, it should not ignore the existing environment but should respond to and enhance it, exploiting site characteristics. Policy RE5 of the Urban Design SPD requires new development in the rural area to respond to the typical forms of buildings in the village or locality. In doing so, designers should take into account and respond to, amongst other things, height of buildings and the pattern of building forms that helps to create the character of a settlement, for instance whether there is a consistency or variety.

The proposed dwelling would be sited to the north-west of the existing house, No. 58, Abbots Way. An attached garage would be demolished and a new detached garage is proposed for the existing dwelling, to be sited between Nos. 58 and 60. The dwelling would be 2½ storeys with dormer windows in the roof. The design would be relatively simple and traditional and the materials would comprise facing bricks and tiles.

The existing property and the immediate neighbouring dwellings are large and set within spacious plots, however there are a mix of dwelling sizes and styles in the area with bungalows opposite, semi-detached and terraced properties to the south and some larger detached and semi-detached properties to the north and west. It is considered that the plots of both the existing and proposed dwellings would be sufficiently spacious and commensurate with those in the surrounding area and that the dwelling now proposed would be appropriate to this location and would have no adverse impact on the character or quality of the streetscene.

The proposed garage would measure 5.3m x 6.1m in plan with a height of 4.9m from the front and 5.4m from the side due to the varied ground levels. The scale of the double garage proposed is fairly typical of domestic garages and, set back behind the front elevation of the dwelling, it is considered that it would not be unduly prominent in the streetscene.

To conclude, it is considered that the siting and design of both the proposed dwelling and garage are acceptable and would have no adverse impact on the character and appearance of the streetscene.

Would there be any adverse impact on residential amenity?

The Council's Space Around Dwellings Supplementary Planning Guidance (SAD SPG) provides advice on environmental considerations such as light, privacy and outlook.

No principal windows are proposed in the side elevations of the dwelling and with respect to the interrelationship of the proposed dwellings with the neighbouring properties, sufficient distances are proposed between existing and proposed dwellings in compliance with the Council's SAD SPG.

The occupiers of No. 54 have expressed concern about overlooking from the landing window. A landing is not a habitable room and given that a landing window is not defined as a principal window in the SPG it is not considered that impact on privacy would be significant.

The owners of No. 60 have raised concerns particularly about the impact of the proposed garage. They are concerned that the garage will be overbearing and oppressive and that the rear window would cause overlooking of their garden. There are no principal windows in the side elevation of No. 60 and given that the garage is only single storey, albeit on a higher ground level than that of No. 60, it is not considered that it would be unduly overbearing on their outlook or experience of their private amenity space. The window in the rear elevation of the garage is not a principal window and it is not considered that there would be any material impact on the privacy of the occupiers of the dwelling.

With regard to both the proposed and existing dwellings, it is considered that sufficient private amenity space would be achieved.

Would there be any adverse impact on trees?

There are trees on and overhanging the site and therefore the Landscape Development Section (LDS) requested a Tree Survey and an Arboricultural Impact Assessment. The LDS has advised that the information provided does not assess all the affected trees and impact of the development and in particular, pollarded Beech trees (not owned by the applicant) positioned immediately adjacent to the proposed dwelling are not included. If those trees are to be retained, it will need to be demonstrated that special measures can be used to protect them however, importantly, no objection is raised if these damaged trees are to be removed. Subject to conditions therefore, it is not considered that any objection could be sustained to the proposal on the grounds of impact on trees.

What financial contributions are required?

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.

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 a contribution to pooled funding pots intended to fund the provision of general infrastructure in the wider area. The Landscape Development Section has indicated that the contribution in this case would be applied to either Rydal Way or Lilleshall Road play areas so 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.

Rydal Way is approximately 980m walking distance from the site and Lilleshall Road is 970m walking distance and both areas of open space are within a reasonable 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. As such the contribution being sought is 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.

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 NPPF advises that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

In decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date then 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 taken as a whole; or specific policies in the Framework indicate development should be restricted.

As discussed the proposal would provide one dwelling which would contribute to the Councils housing supply, albeit the contribution will be small. In addition there will be the economic benefits arising from the construction and occupation of the development.

Whilst there may be some loss of trees arising from this development, such trees are of poor visual quality and do not make a positive contribution to the street scene and as such little weight can be attributed to this harm. In the absence of any other identified adverse impacts it is concluded that the limited harm that has been identified does not outweigh the benefits identified above and as such planning permission should be granted

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

[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 N12: Development and the Protection of Trees

Other material considerations include:

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

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

[Supplementary Planning Guidance/Documents](#)

[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

[Views of Consultees](#)

The **Environmental Health Division** has no objections subject to a condition regarding hours of construction.

The **Highway Authority** has no objections subject to conditions regarding provision of access and parking, retention of garage for parking of motor vehicles and cycles, and submission of a Construction Method Statement.

The **Landscape Development Section** states that the information provided does not include all the affected trees and impacts. Severely pollarded Beech trees (not owned by the applicant) positioned immediately adjacent to the proposed dwelling are not included. Whilst no objection is raised to the removal of these damaged trees, they need to be considered and specialist foundations would be required should these trees be retained. The Arboriculturalist needs to clarify that these affected trees will be removed and if this can't be achieved he must demonstrate that special measures can be used to protect them. The impact of widening the driveway upon T1 (category A large leaved Lime) has been missed. A full assessment is requested but should the application be approved then conditions are recommended requiring a tree survey, retained trees and RPAs shown on the proposed layout, arboricultural impact assessment and method statement, details of all special engineering within the RPA, dimensioned tree protection plan, details of alignment of utility apparatus and landscaping proposals. A S106 contribution is requested 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. The total contribution of £5,579 would be used for improvements to surfacing at Rydal Way which is 980m walking distance or Lilleshall Road which is 970m walking distance.

Representations

Seven letters of representation have been received from the occupiers of two neighbouring properties. Objection is raised on the following grounds:

- The application is flawed with errors and inconsistencies.
- The garage is too large and will have a cramped appearance that will have an adverse visual impact on the adjacent houses and the neighbourhood.
- The garage will be overbearing and oppressive to No. 60 Abbots Way due to its location very close to the site boundary.
- The garage could affect safety with seepage of car fumes causing respiratory problems and the possibility of objects falling from a higher platform.
- Restriction should be put on preventing alternative uses for the garage.
- The rear window of the garage will overlook the rear garden of No. 60.
- Once the garage is established, a further application to incorporate it into the main dwelling would be easier to justify as would a second storey.
- The proposed level of the garage compared to the level of the parking area in front makes the gradient of the access difficult and dangerous. There is no room for 2 cars to access safely.
- Concerns regarding ground stability due to difference in levels.
- The house introduces potential privacy issues for neighbours.
- It is suggested that there may be a restrictive covenant preventing new dwellings.
- A precedent could be set allowing dwellings to be squeezed in throughout the Westlands which would ruin the character of the area.
- The proposal is at odds with the National Planning Policy Framework provisions.
- Impact on wildlife and trees.
- A bat survey should have been submitted.
- Parking appears insufficient.

Applicant/agent's submission

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/00906/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

12th January 2018