

The application is for the variation of condition 2 to amend drawing 5345-002 of planning permission 15/00308/FUL for demolition of existing domestic garages and the construction of 4No, 2 bedroom semi-detached houses.

Condition 2 lists approved drawings and the variation sought is to substitute amended plans showing an increase in the number of bedrooms at each property from 2 to 3 and amendments to rear facing windows.

The site lies within the Urban Neighbourhood of Newcastle under Lyme as defined on the Local Development Framework Proposals Map.

The application has been called in to the Planning Committee by two Councillors due to public concerns relating to highway safety and loss of amenity.

The 8 week period for the determination of this application expires on 13th February 2018.

RECOMMENDATION

PERMIT subject to conditions relating to:-

- 1. Time Limit.**
- 2. Approved plans.**
- 3. Prior approval of facing materials.**
- 4. Implementation of parking, access, turning and surfacing works prior to occupation**
- 5. Prior approval and implementation of boundary treatments.**
- 6. Prior approval and implementation of landscaping**
- 7. Restriction of construction hours.**
- 8. Contaminated land conditions**

Reason for Recommendation

There is no significant harm arising from the proposed changes applied for either with respect to the appearance or protecting the highway safety interests of the area.

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 a sustainable form of development where no changes have been necessary to negotiate with the applicant.

Key Issues

Development involving the demolition of existing domestic garages and construction of four two bedroom, semi-detached houses, reference 15/00308/FUL was allowed on appeal following the refusal of planning permission on the grounds that the layout and appearance of the proposed dwellings would be harmful to the character of the area contrary to policy. This application seeks to vary condition 2 of that permission to substitute amended plans which revise the internal layout of the permitted dwellings through the introduction of a third bedroom. In addition amendments are proposed to the rear first floor windows. In all other respects the proposal is unaltered from that approved.

In the determination of an application to vary conditions of a planning permission consideration must only be given to the variation sought - a reconsideration of the application

in any other respect cannot be undertaken. As such the main issues for consideration in the determination of this application are:

1. Whether the changes to the elevations of the dwellings would have an adverse impact on the character and appearance of the area?
2. Do the proposed amendments result in issues regarding residential amenity?
3. Is the proposal acceptable in highway safety terms?

1. Would the changes have an adverse impact on the character and appearance of the area?

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres.

As described above, the proposal seeks approval for the amendment of the rear first floor windows of all of the proposed dwellings. In the approved scheme the two windows at first floor are sited very close together, in the proposed scheme they are further apart, with a greater amount of brick work between.

As the windows are at the rear they are not visible within the street scene. The windows do not materially change the appearance of the dwellings from that permitted and overall no harm to the character of the area will arise from the proposed change.

2. Do the proposed amendments result in issues regarding residential amenity?

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

In the approved scheme the first floor windows both serve the second bedroom and given that they are sited close together it could be argued that they form one, large principal window. In the proposed scheme one of the windows serves the second bedroom and as such would be defined as a principal window, the second is to serve a bathroom, a non-principal room.

The proposals therefore do not result in the introduction of a principal window in a position where one hasn't already been approved, and as the proposed dwellings have not been sited any closer to existing properties than the existing scheme the impact on residential amenity will not be materially different to the approved scheme. As the approved scheme was considered acceptable with regard to amenity so is the proposal.

3. Is the proposal acceptable in highway safety terms?

The most up to date planning policy (contained within the Framework) indicates that development should only be prevented or refused on transport grounds where the impact of development is severe. In 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.

Saved policy T16 of the Local Plan 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, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The car parking standards set out in the Appendix to the Local Plan state that 2 or 3 bedroom properties should provide a maximum of 2 off road parking spaces. As such the proposed use generates the same parking requirement as the permitted development and as the maximum parking standards have been achieved the proposal accords with policy.

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 CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1	Residential development: sustainable location and protection of the countryside
Policy H4	Housing Development and Retention of Parking Facilities
Policy T16	Development – General parking requirements
Policy T18	Development servicing requirements

Other Material Considerations

National Planning Policy Framework (March 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 SPD

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

Planning History

Application 15/00308/FUL for demolition of existing domestic garages and construction of 4No, 2 bed semi-detached houses was refused due to concerns that the development would have an adverse impact on the form and character of the area but was subsequently allowed on appeal.

Views of Consultees

Landscape Development Section has no objections subject to conditions requiring:-

1. the construction of the development to follow the tree protection information provided within the submitted Tree Survey and Arboricultural Impact Survey.
2. approval of a landscaping scheme.

The **Highway Authority** has no objections to the development subject to conditions relating to:-

1. Access, parking, serving and turning have been provided in accordance with the submitted plan drawings.

The **Environmental Health Division** has no comments to make on the application.

Representations

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

- The style of architecture, scale of the dwellings and density of the development is not in keeping with the area.
- Bungalows would be more appropriate for the site and would address a need in the area.
- The removal of garages and the introduction of 4, three bedroom houses will exacerbate existing parking problems.
- The access to the site is inadequate and increased traffic from the development will also lead to highway safety problems.
- The proposal will lead to a loss of privacy.
- The increase in number of occupants will result in more noise pollution
- There is no need for the type of housing proposed and low rise bungalows would be better.
- Concerns about noise, pollution and dust problems arising (including asbestos from the garages) from the demolition and construction.
- Emergency vehicles will have access problems.
- Impacts on wildlife such as owls and bats.

Applicant/agent's submission

Application forms and indicative plans have been submitted. The application documents are available for inspection at the Guildhall and via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00982/FUL>

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

8th February 2018.