

**24, GREENOCK CLOSE, NEWCASTLE-UNDER-LYME**  
**MR R TAYLOR**

**17/01015/OUT**

The Application is for outline planning permission for the erection of two detached dwellings.

The application site, which comprises part of the garden of No. 24, Greenock Close, is located within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

**The 8 week determination period expired on the 14<sup>th</sup> February 2018.**

**RECOMMENDATION**

**A) Subject to the applicant entering into a Section 106 obligation by 20<sup>th</sup> April 2018 to secure a public open space contribution of £11,158 towards works to footpaths at Thistleberry Parkway Play Area,**

**PERMIT subject to conditions relating to:-**

- 1. Standard time limits**
- 2. Approval of reserved matters**
- 3. Arboricultural Impact Assessment**
- 4. Layout of site to include disposition of buildings and provision of parking and turning for 24, Greenock Close and the proposed dwellings within the site curtilage**
- 5. Means of surface water drainage for all areas intended to remain in private ownership**
- 6. Surfacing materials for access, parking and turning areas**
- 7. Contaminated land**
- 8. Construction hours**
- 9. Materials**
- 10. Boundary treatments**

**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. It is considered that two dwellings could be accommodated within the site satisfactorily and subject to details, would not have any significant adverse impact upon the character and appearance of the area or on the amenity of the occupiers of the neighbouring dwellings. It is not considered that an objection could be sustained on highway safety grounds.

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**

This application is for outline planning permission for the erection of two detached dwellings. All matters of detail (access, appearance, landscaping, layout and scale) are reserved for subsequent

approval. The application site lies 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?
- Is the proposal acceptable in terms of highway safety?
- What financial contributions are required?
- 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?

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 draft NPPF sets out similar policy at paragraphs 75 and 11.

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 current and draft NPPF places great importance on the requirement for good design, which is a key aspect of sustainable development.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. It states that new development should protect important and longer distance views of historic landmarks and rural vistas and contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate vernacular materials for buildings and surfaces and access. This policy is considered to be consistent with the NPPF.

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered that it is consistent with the NPPF. Section 7 of the SPD provides residential design guidance and R3 of that section states that new housing must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it. R12 states that residential development should be designed to contribute towards improving the character and quality of the area. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists and has definite value.

Although an illustrative layout plan has been submitted to show how two dwellings could be accommodated on the site, all matters, including layout, scale and appearance are reserved for subsequent approval.

There is a mix of dwelling style in the area but the majority of properties are relatively modest in scale and set within limited sized plots. It is considered that two dwellings could be accommodated within the site satisfactorily and subject to details, would not have any significant adverse impact upon the character and appearance of the area.

#### Would there be any adverse impact on residential amenity?

Paragraph 17 of the current NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Whilst such principles are not repeated in the draft NPPF reference is made, at paragraph 126, to the need for decisions to ensure that developments, amongst other things, create places with a high standard of amenity for existing and future users. As such national policy is likely to remain the same in this regard.

Supplementary Planning Guidance (SPG) Space about Dwellings provides advice on environmental considerations such as light, privacy and outlook.

With respect to the interrelationship of the proposed dwellings with the neighbouring properties, the outline nature of the application requires the decision-maker to anticipate the likely form of development. Although objections have been received on the grounds of overlooking and impact on privacy, it is considered that subject to careful control over positioning of windows, sufficient distance can be achieved between dwellings to comply with the Council's Space Around Dwellings SPG.

There is sufficient space within the site for the proposed and existing dwellings to have a reasonable sized garden and therefore, it is considered that an acceptable level of amenity would be achieved.

#### Is the proposal acceptable in terms of highway safety?

Objections have been received on the grounds of impact on highway safety due to inadequate access.

Access would be via the existing access drive off Greenock Close that serves the existing dwelling. Sufficient space would be available for parking for both the existing and proposed dwellings and the Highway Authority has no objections to the proposal subject to conditions.

It is not considered that the proposal would create or materially aggravate a local on-street parking or traffic problem, and therefore an objection could not be sustained on highway safety grounds.

### 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 Thistleberry Parkway Play Area 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.

Thistleberry Parkway Play Area is approximately 450m walking distance from the site and therefore is 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 current 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. The draft NPPF contains similar policy.

The site is in a sustainable location for new housing the provision of two dwellings which would contribute to the Councils housing supply within an appropriate location, albeit that the contribution will be limited. In addition there will be the economic benefits arising from the construction and occupation of the development.

Subject to the imposition of suitable conditions it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted. It is therefore considered that the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF.

## **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

### **Other material considerations include:**

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

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

[Draft revised National Planning Policy Framework](#)

[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](#)

05/00821/FUL Two-storey side extension and single-storey front extension Approved

[Views of Consultees](#)

The **Environmental Health Division** has no objections subject to conditions regarding contaminated land and hours of construction.

The **Highway Authority** has no objections subject to a condition requiring details of access, parking and turning, surface water drainage and surfacing materials.

The **Landscape Development Section** has no objections in principle but states that there are trees adjacent to the site which although avoidable, may cause a constraint to the proposals and therefore, permission should be subject to submission of an Arboricultural Impact Assessment. 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 per dwelling would be used for works to footpaths at Thistleberry Parkway Play Area which is approximately 450m away.

Staffordshire County Council as the **Mineral and Waste Planning Authority** has no comments to make.

[Representations](#)

Seven letters of representation have been received raising objections on the following grounds:

- Impact on privacy and light

- Visually overbearing
- Impact on character of the area
- Unacceptably high density/over-development of the site
- Loss of view
- Breach of restrictive covenant
- Impact on highway safety due to inadequate access
- Not in keeping with the current housing stock

#### Applicant/agent's submission

Application forms and plans have been submitted and are available for inspection at the Guildhall and via the following link:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/01015/OUT>

#### Background Papers

Planning files referred to  
Planning Documents referred to

#### Date report prepared

9<sup>th</sup> March 2018