

The application is for the demolition of existing workshop buildings and the construction of a 5 unit apartment block, achieved through the conversion and extension of number 9 Russell Street.

A mixture of 3, 2 bedroom apartments and 2, 1 bedroom apartments are proposed.

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

The development has been called to the Planning Committee for determination due to resident's concerns relating to the development not being in keeping with the area and insufficient car parking space or vehicle manoeuvring space within Russell Street.

**The 8 week period for the determination of this application expired on the 12<sup>th</sup> March 2019. However the determination period has been extended to the 26<sup>th</sup> April 2019, following agreement by the applicant.**

#### **RECOMMENDATION**

**REFUSE for the following reason:-**

- 1. There is insufficient space within the site to accommodate an appropriate level of off-site car parking for the number of units proposed in addition to providing appropriate pedestrian access bin storage and access for collection. As a result the development would negatively impact upon local on street car parking problems and highway safety levels in the area contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and the aims and objectives of the National Planning Policy Framework (2018).**

#### **Reason for Recommendation**

The site is in a sustainable location where the broad principle of new housing can be accepted. There are also benefits to allowing additional new housing on the site— namely boosting local housing supply as well as the related economic advantages new housing brings to the area. Moreover the scale, design, appearance of the development would not be visually harmful to the immediate locality it would be viewed within and would provide acceptable residential amenity levels, subject to conditions. However there are material highway safety objections to the proposal which cannot be satisfactorily addressed owing to a deficient amount of space available for off-site parking provision within the site boundary if appropriate provision for bin storage and associated access for collection and pedestrian access is achieved. As a result the proposal if permitted would lead to the exacerbation of parking problems in the locality which would be detrimental to highway safety.

#### **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 application follows a withdrawn scheme where problems in securing permission have been subject to ongoing negotiation. The current proposal fails to address all previous concerns and the appropriate course of action is to refuse planning permission.

#### **Key Issues**

Full planning permission is sought for the demolition of existing workshop buildings and the construction of a 5 unit apartment block, achieved through the conversion and extension of

number 9 Russell Street. 3, 2 bedroom apartments and 2, 1 bedroom apartments are proposed. The extension proposed measures approximately 8 metres by 6 metres in footprint by around 8.5 metres in overall roof ridge height. The key issues to consider are:-

1. Is the principle of residential use acceptable in this location?
2. Is the design and appearance of the development acceptable?
3. Is the impact to neighbouring living conditions acceptable?
4. What is the impact to highway safety and is it acceptable?
5. What financial contributions are appropriate (if any) in order to secure planning permission?

1. Is the principle of residential use acceptable in this location?

Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy ASP5 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy (CSS) sets out for the period 2006 – 2026, a minimum of 4,800 net additional dwellings will be provided within the urban area of Newcastle under Lyme. Within the overall urban area figure quoted the neighbourhoods of Newcastle Urban South and East (including Clayton, Westlands, Seabridge, May Bank, Wolstanton, Porthill and Bradwell) a total of 1,000 homes are anticipated by the policy. The site is within the urban centre of Wolstanton which is recognised by the Core Strategy as a highly sustainable location for additional residential development.

Paragraph 117 of the National Planning Policy Framework 2018 (the Framework) states that Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 11 of the Framework states that Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Policies are out of date, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Paragraph 12 also highlights that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

The Borough Council's position is that it is currently able to demonstrate a supply of deliverable housing sites sufficient to provide a minimum of 5 years' worth of housing against its local housing need (also noting its adopted strategic Development Plan policies are more than 5 years old, the Council having previously accepted that the Core Spatial Strategy requires updating for housing location). However, the sufficiency of the supply of housing sites currently identified is of a marginal nature. The 2018 Housing Delivery Test result for the Borough was not below the 75% figure.

The redevelopment of the site would entail the efficient re-use of previously developed land. The site is within a highly sustainable urban location (highlighted as such by the Councils Core Spatial Strategy) within short walking distance of local services along Wolstanton High Street and access to regular public transportation to the Town Centre and beyond. Regard is

also paid to the economic benefits of additional housing. There is therefore a presumption in favour of residential development on this site unless the adverse impact of granting permission outweighs other planning considerations. More detailed matters are now considered.

## 2. Is the design and appearance of the development acceptable?

Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

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. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

The site lies within a residential area, albeit one that is fairly close to the district centre of Wolstanton. Residential properties in the area comprise of a mix of architectural styles. Directly opposite the site (to the north) are traditional two storey brick built terraced properties, some of which have been subsequently rendered over time, and to the west a group of 1950's terraced houses with rendered walls at first floor level. To the east is Wolstanton Workingmen's Club and bowling green. To the south along Wellington Street are more modern detached properties with independent driveways, and traditional terraced housing stock further afield. Number 9 Russell Street is an attractive detached property with several flat roof buildings to the side and rear located at the junction shared with Wellington Street. The existing flat roof buildings serve as a workshop and have a ramshackle appearance. The prevailing character of the immediate area comprises of two storey development, although it is also recognised that number 9 has a steeply pitched roof, more generous floor to ceiling heights and as a result is somewhat higher than neighbouring dwellings along Russell Street and Wellington Street.

The plans show proposals to convert and extend number 9 with a 2 storey extension to be erected in the position where existing workshop buildings are located. The appearance of the extension comprises of a mix of render, fair faced brickwork for the external walls and plain clay tiles for the roof. Although the use of external render is evident in the immediate locality, taking into account the attractive appearance of number 9 the view taken is that the increased use of brick facades would be a more appropriate option, and such a working amendment could be negotiated or potentially agreed by way of planning condition. Subject to such amendments, the agreement of external facing materials inclusive of fenestration and door details, as well as landscaping, the design of the development would integrate successfully with the appearance of other properties and is considered to be acceptable.

## 3. 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. An acceptable level of separation can be achieved between the development and neighbouring properties in accordance with the SPG, bearing in mind the intervening roads on both frontages. Although no outdoor garden space is proposed within the scheme for the residents of the apartments there are publically available open space areas within a short walking distance. It is therefore considered that an acceptable level of amenity would be achieved.

## 4. What is the impact to highway safety and is it acceptable?

The most up to date planning policy (contained within the Framework) indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be 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 Newcastle-under-Lyme Local Plan (NLP) 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. 1 bedroom properties are advised to provide one parking space plus 1 additional visitor space for every three units erected.

A total of 5 off road parking spaces are shown on plan to serve the development along with cycle storage.

The Highway Authority originally had no objections to the scheme. However comments from the Waste Management Team have led to working changes to the parking area layout to be submitted from that originally proposed. As a consequence the Highway Authority has objected to 3 substandard sized parking bays that are now shown on plan. That issue aside Waste Management still have concerns that the current bin storage and collection point are not acceptable due to the need to cross a parking area, and possibly between parked cars, when bin collections are being undertaken.

The site is in a very sustainable urban location and consequently the Highway Authority consider that the provision of 5 adequately sized off road car parking spaces will not result in on street parking problems in the surrounding area.

The revised parking layout drawings have been examined in further detail and it is considered that the layout can only realistically provide 4 appropriately sized parking bays for vehicles (measuring 2.4 metres by 4.8 metres in dimensions), taking into account the need for cycle storage, pedestrian access and also bin storage and appropriate access to such storage. Russell Street is a location where owing to the number of terraced properties, there is heavy reliance upon on-street parking and a shortfall of any less than 5 workable parking spaces would lead to a detrimental impact to highway and road user safety as would, accepting proposals with deficient bin collection access provision to serve the development.

## 5. Other matters

The Landscape Development Section has requested a contribution of £5,579 per additional residential unit created. However following Planning Committee of 26<sup>th</sup> February it has been determined (taking into account appeal decisions) that it should no longer be the practice of the Planning Authority to seek financial contributions for public open space provision for less than 10 dwellings, unless the specific circumstances detailed within Planning Practice Guidance are applicable. As such specific circumstances don't apply in this case financial contributions are therefore not required with respect to this application.

In response to the representations received it should be noted that this is not the type of application or within a location where a bat survey is required. In addition the site is within a low risk development area as identified by the Coal Authority and as such a Coal Mining Risk Assessment is not required either. Foul drainage connection would be addressed through Building Regulations.

## 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
Policy CSP10	Planning Obligations

#### [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 C4	Open Space in New Housing Areas

### **Other Material Considerations**

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

#### [National Planning Policy Framework \(July 2018\)](#)

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

#### [Supplementary Planning Documents/Guidance](#)

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

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

#### [Developer contributions SPD \(September 2007\)](#)

#### [Waste Management and Recycling Planning Practice Guidance Note \(January 2011\)](#)

#### [Planning History](#)

18/00459/FUL	Demolition of an existing residential property and the construction of 7 no of 2 bedroom apartments.	Withdrawn	2008
N8337	Shop extension and formation of storage area	Permitted	1980
NNB10425	Alterations and extensions to form double garage, W.Cs, kitchen, dining room and bathroom	Permitted	1973
NNB03938	Alterations to shop premises, as described in your application dated 26th April, 1958.	Permitted	1973

#### [Views of Consultees](#)

The **Highway Authority** objects to the development on the basis that it fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due vehicles being parked on the public highway.

**Waste Management** comments that the bin store is in an unacceptable location, as it appears to be reached across a parking area. The bin store must have unimpeded access from the highway, and ideally be adjacent to the highway, where it can be reached without collection staff having to walk across the property. Collections across land which may well

have parked vehicles on is unacceptable as it causes a potential for the Council to be the subject of insurance claims. The access path to the bin store is shown to be wider in the new plan. As the plot size remains the same, this widening must have been achieved by simply narrowing the car park spaces. It is unclear how this would translate on the ground into a wider path that would be guaranteed to provide a clear access on collection day. No path width measurement is provided. There would also need to be a drop kerb in order to get bins from pavement height to road height for emptying.

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

1. The construction and demolition phases of the development no machinery shall be operated, no process shall be carried out and no construction traffic shall enter or leave the site 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. Approval of external lighting.
3. Provision of electric vehicle charging points.

**Landscape Development Section** has no objection to the proposal subject to a contribution by the developer for capital development/improvement of offsite open space for the net gain of two 2 bed apartments and one 1 bed apartment. This should be £4,427 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years for the 2 bed apartments, total contribution £5,579 per dwelling, and the full contribution less the play item totalling £3,915, in addition to £1,018 pro rata for 60% of maintenance costs for 10 years for the 1 bed apartment, total contribution £4,933. This will be used for improvements to Lamphouse Way play area which is approximately 550m away. Permission should be subject to submission of detailed landscaping proposals. Planting should reflect that indicated on the submitted plan. The proposed parking does not allow sufficient free movement to access the two new 2 bed apartments, particularly for bicycles, wheelchairs and prams.

#### Representations

6 letters of representation have been received raising the following concerns:-

- Aggravation of existing on street parking problems in the area due to the development not providing sufficient off road parking.
- The proposal is out of keeping with the character of the area.
- The existing property on the site is of an attractive character and could be retained as family housing.
- Insufficient detail to what will be built to replace the existing gable wall to the garage to determine whether privacy is ensured. Possible unacceptable loss of privacy due to overlooking of gardens.
- Position of the building will impede highway visibility at the junction of Russell Street and Wellington Road.
- Possible on site contamination due to the previous use on the site.
- Wolstanton has a mining heritage and the application is not supported by a mining report.
- Foul sewage treatment details are unconfirmed.
- Waste collection details are unconfirmed.
- There are bats in the area which could be affected and the application is not supported by a bat survey.
- No air quality assessment has been provided.
- There are no public open space contributions or landscape details provided.

#### 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/19/00029/FUL>

#### Background Papers

Planning File.  
Planning Documents referred to.

**Date Report Prepared**

8<sup>th</sup> April 2019.