

The Application is for full planning permission for the erection of two 3-bed 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 expires on the 26th April 2019.

RECOMMENDATION

PERMIT subject to conditions relating to:-

- 1. Time limit**
- 2. Approved plans**
- 3. Provision of access, parking and turning**
- 4. Delineation of parking bays**
- 5. Access to remain ungated**
- 6. Submission of a Construction Management Plan**
- 7. Contaminated land**
- 8. Construction hours**
- 9. Electric vehicle charging points**
- 10. Materials**
- 11. Boundary treatments**

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 the two dwellings 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.

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 full planning permission for the erection of two detached dwellings. Outline planning permission was granted last year for 2 detached dwellings on the site (Ref. 17/01015/OUT). All matters of detail were reserved for subsequent approval.

The application site is 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, if any, are required?

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.

Since granting the previous permission for this site, a revised NPPF has been published. There is nothing in the revised NPPF to suggest that there is a basis for the Local Planning Authority to reconsider its position regarding the principle of residential development on this site. The Council's housing supply position has also changed since the previous development was approved. The Council is now able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 5.45 years as at the 1st April 2018. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. 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. Development for residential purposes on this site is supported by policies of the Development Plan and it is considered that the site provides a sustainable location for additional residential development.

Is the design of the proposal and the impact on the character and appearance of the area 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. Furthermore, paragraph 127 of the Framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change. Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

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.

In granting outline planning permission for 2 dwellings on this site, the Council accepted 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. 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. The dwellings would be simple in design comprising facing brickwork and concrete roof tiles.

Overall, it is considered that the layout and design of the proposal would be sympathetic to the character of the surrounding area.

Would there be any adverse impact on residential amenity?

Paragraph 127 of the 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.

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

Although objections have been received on the grounds of overbearing impact and adverse effect on privacy, the dwellings to either side of Plot 2 have a blank gable facing the proposed dwelling on that plot and neither of proposed dwellings would obstruct daylight beyond a 45-degree angle measured from any principal windows in the adjacent properties. Windows have been positioned in such a way that sufficient distance is achieved between dwellings to comply with the Council's Space Around Dwellings SPG.

Both the proposed and existing dwellings would 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?

The NPPF states that safe and suitable access to the site should be achieved for all users. It advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. 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.

Whilst saved Policy T16 of the Newcastle-under-Lyme Local Plan (NLP) is not consistent with the Framework in that it seeks to apply maximum parking standards it 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 parking standards identified in the Local Plan indicate that for dwellings with 2 or 3 bedrooms a maximum of 2 parking spaces shall be provided.

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, if any, are required?

The previous permission for this site was granted subject to a Section 106 obligation to secure a public open space contribution towards Thistleberry Parkway Play Area. At that time, the contribution being sought was considered to meet the statutory tests. However since then, an appeal decision has been received in respect of the decision to refuse to grant planning permission (18/00393/FUL) for the change of current use (communal area) into a 1 bedroom self-contained flat at 1 Wade Court, Market Street, Kidsgrove for the same reason as 18/00649/FUL. The appeal was allowed. The Inspector's letter rehearses the Council's policy basis for seeking contributions for public open space, and explores these in the context of the National Planning Policy Framework and two additional appeals where open space contributions for developments of less than 10 dwellings was an issue. The Inspector found that these contributions are tariff style and thus the seeking of them is inconsistent with Government policy. This inconsistency takes precedence over the fact that our previous approach to these contributions is consistent with our own policy documents, including the Core Strategy and the Open Spaces Strategy. This is the second appeal where a Planning Inspector has found this to be the case

In response to these appeal decisions Planning Committee, at its meeting of 26th February 2019, resolved that the Local Planning Authority should cease to apply the policy of seeking public open space contributions in respect of developments of 10 or less dwellings, other in the circumstances expressly stated as possible in the PPG. Such circumstances don't apply in this case. As such, it is no longer a local policy requirement to secure a financial contribution to public open space for this development.

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 \(NPPF\) \(2019\)](#)

[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](#)

05/00821/FUL	Two-storey side extension and single-storey front extension	Approved
17/01015/OUT	Two detached dwellings	Approved

[Views of Consultees](#)

The **Environmental Health Division** has no objections subject to conditions regarding contaminated land, hours of construction and electric vehicle charging points.

The **Highway Authority** has no objections subject to conditions regarding provision of access, parking and turning, delineation of parking bays, access to remain ungated and submission of a Construction Management Plan.

The **Landscape Development Section** has no objections.

[Representations](#)

Three 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
- Given the former use of the site, there should be testing for contaminants
- Impact on highway safety due to inadequate access
- Unclear who will be responsible for maintenance of boundary fencing

Applicant/agent's submission

All of the application documents can be viewed on the Council's website using the following link:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00149/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

5th April 2019