

87 ST BERNARDS ROAD & LAND ADJACENT 2 VIGGARS PLACE
ASPIRE HOUSING

19/00065/FUL

The demolition of chip shop and first floor flat and the erection of 4 flats for affordable rent.

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

The development has been brought to the Planning Committee for determination taking into account a signed petition objecting to the development with over 1000 signatories.

The 8 week period for the determination of this application expired on the 26th March 2019. Agreement to extend the determination period expired on the 19th April.

RECOMMENDATION

REFUSE for the following reasons:-

- 1. The design of the development is out of keeping with the appearance of the area and fails to improve the street scene. The proposal would therefore be contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policies R3 and R12 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Supplementary Planning Document, and the aims and objectives of the National Planning Policy Framework (2019).**
- 2. There is no evidence to sufficiently conclude an attractive tree of significant amenity value will be unharmed by the layout of the development. The proposal would therefore be contrary to Policy N12 of the Newcastle under Lyme Local Plan 2011 and the aims and objectives of the National Planning Policy Framework (2019).**

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 and social advantages new and affordable housing brings to the area. Moreover it is considered that off road parking provision associated to the scheme and subsequent highway safety impacts are satisfactory. However the design of the development is not considered to integrate successfully with the character of the area or take advantage of the scope available to improve the visual appearance of the area and it has not been demonstrated that the proposal would not result in harm to, or loss of, visually significant trees.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

There are fundamental design concerns to the proposal as well as concerns relating to the successful retention of visually significant trees. The appropriate course of action is therefore to refuse planning permission.

Key Issues

The development entails the construction of 4 No. 1 bedroom flats. The development is two storeys in height. The site measures 773 square metres. The site is within the urban area of Newcastle under Lyme as defined on the Local Development Framework Proposals Map of the Local Plan.

Although the Landscape Development Section has requested a financial contribution of £4,933 per dwelling towards public open space improvements and maintenance, on 26th February 2019 it was 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. It is no longer a local policy requirement to secure a financial contribution to public open space for this development and therefore, the main issues for consideration in this application 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. The impact to trees
5. What is the impact to highway safety and is it acceptable?

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

Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land.

Saved Newcastle Local Plan (NLP) policy H1 supports new housing in the urban area of Newcastle and Kidsgrove with policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - setting a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026. 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 CSS 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.

The NPPF seeks to support the Government's objective of significantly boosting the supply of homes. It also sets out that there is a presumption in favour of sustainable development.

The redevelopment of the site would entail the efficient re-use of previously developed land in a location where the Development Plan supports new housing as well as new affordable housing provision. The site is within a highly sustainable urban location (highlighted as such within the Core Spatial Strategy) within a short walking distance of local services and access to regular public transportation to the Town Centre and beyond. Regard is also paid to the social and economic benefits of additional affordable housing in the Borough. In addition the chip shop business presently on the site is not protected in any specific way to prevent alternative uses from being considered or to prevent its loss. There is a presumption in favour of residential development on this site unless the adverse impact of granting permission outweighs other planning considerations.

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 where two storey semi-detached properties and terraced housing dominates. The site is at the junction of Viggars Place and St Bernard's Road. There are tall mature trees in the street scene as well as hedgerow which have an attractive character that contribute to the appearance of the area.

The development does seek to respond to the road junction it fronts onto by way of a bespoke gable projection with a balcony area set at an angle to the remainder of the building. However it is not considered that the appearance of the development will successfully integrate with the appearance of the neighbouring properties which have a strong uniform appearance even when taking into consideration that there is scope for visual improvement through amendment to the treatment of the façades, landscaping and the form of the building itself. The view taken is that an alternative design should therefore be considered by the applicant for this visually prominent location.

3. Would the impact to trees be acceptable?

Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where appropriate developers will be expected to set out what measures will be taken during the development to protect trees from damage.

There is a large attractive Lime Tree within the application site boundary which is impacted upon by the proposed parking bays serving the development. The Landscape Development Section advises that the tree could be damaged by this provision and as a result objects to the development on the information presently submitted. The view taken is that the applicant has failed to demonstrate that the layout will not lead to the loss of a visually significant tree where layout alteration may be the only realistic way of dealing with this specific concern.

4. Is the impact to neighbouring living conditions acceptable?

Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance matters such as light, privacy and outlook. An acceptable level of separation is achieved between the development and neighbouring properties in accordance with the SPG, bearing in mind the intervening roads on both frontages. Moreover open space areas are within a short walking distance in addition to that provided within the site boundary. 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 set out within the NPPF 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 Local Plan states that development will not be permitted to provide more parking than the maximum levels specified in the Local Plan Table 3.2. The policy goes on to specify that development which provides significantly less parking than the maximum specified standards will not be permitted if this would create or aggravate a local on street parking or traffic problem. Such a policy is however of limited weight as it not in accordance with the NPPF. The car parking standards set out in the Appendix to the Local Plan state that 1 bedroom properties are advised to provide one parking space plus 1 additional visitor space for every three units erected.

The site is in a very sustainable urban location where off road parking can be secured and consequently the Highway Authority do not consider the development will result in on street parking problems or other safety issues in the surrounding area. Subject to the conditions recommended by them the impact to highway safety would be acceptable.

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 T18	Development servicing requirements
Policy N12:	Development and the Protection of Trees
Policy N13:	Felling and Pruning of Trees

Other Material Considerations

[National Planning Policy Framework \(2019\)](#)

[Planning Practice Guidance \(PPG\) \(2019\)](#)

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

None considered relevant.

Views of Consultees

The **Highway Authority** has no objections subject to:-

1. The development not being brought into use until parking and access have been provided and thereafter retained for the life of the development.
2. Prior to the first occupation of the dwellings the access drives being built with surface water drainage provision and thereafter retained.
3. The prior approval and implementation of a Construction Management Plan.

The **Coal Authority** acknowledges the site has been subject to historic coal mining but has no objections.

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

1. Construction activities which are audible beyond the site boundary, including deliveries, ground works and earth movements, being restricted to the following days and times:
 - 08:00 – 18:00 Monday to Friday
 - 08:00 – 13:00 Saturday
 - Construction shall not be undertaken on a Sunday or a public holiday.
2. The provision of an electric vehicle charging point for one parking space.
3. Imposition of contaminated land conditions.

The **Landscape Development Section** objects to the layout in its current form. They are concerned that the existing lime tree T6, categorised as 'A' in the tree survey, will be compromised by the proposed vehicular parking. Changes in level within its BS5837:2012 Root Protection Area would not be permissible and any surfacing, edging or other works must be 'no dig'. New surfacing should not take more than 20% of the unsurfaced areas within the trees RPA. The necessary dropped kerbs and upgrading the surfacing of the existing footpath to facilitate vehicular access would also compromise tree roots.

The sycamore tree T5, categorised as 'B', is a visually prominent and important tree and should be retained. Replacement trees should be planted to mitigate the loss of all other trees.

They also request a contribution by the developer for capital development/improvement of offsite open space. As the development is for four single bedroom units, the play area element (£512) and a proportionate amount of the maintenance contribution (£134) should be deducted from the total. This amounts to £3915 for capital and £1018 for maintenance totalling £4933 pre dwelling. This will be used for keep fit equipment and tree planting at the Wammy Neighbourhood Park which is approximately 100m away. Permission should be subject to submission of a detailed landscaping scheme.

Representations

A signed petition of some 1,306 signatories has been submitted objecting to the development along with 7 letters of representation raising concerns relating to:-

- The closure of the chip shop is a loss to local community service provision which people rely on.
- Exacerbation of parking problems for parked vehicles in the road.
- Access to the site for emergency vehicles will be difficult.
- Flats are not appropriate to the area and family housing would be a better option.
- Anti-social behaviour from tenants.
- Adequacy of access, turning and parking provision and deliveries to the site will be disruptive to highway safety as will deliveries.
- The development will be an eye sore.

Applicant/agent's submission

Application forms and indicative plans have been submitted along with an ecological appraisal; tree schedule and tree constraints plan; and phase 1 desk study. The application documents are available for via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/0065/FUL>

Background Papers

Planning File.
Planning Documents referred to.

Date Report Prepared

5th June 2019.