

The application is for outline planning permission for the erection of an apartment block comprising 8 x 2-bed units and a pair of 2-bed semi-detached houses. Details of layout, scale and appearance are provided for approval as part of this application with the details of access and landscaping reserved for subsequent approval.

The application site is located within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors on the grounds of over intensification, impact on neighbouring properties, inappropriate design and layout and history of subsidence on the plot.

The 8 week determination period expired on the 12th June 2020 but an extension of time to 18th September has been agreed.

RECOMMENDATION

REFUSE for the following reasons:

- 1. The apartment block, due to its siting and scale, would comprise overdevelopment of the site that would appear as an incongruous addition to the streetscene, out of keeping with the prevailing character of the area.**
- 2. Adverse impact on the amenity levels of the neighbouring properties by virtue of disturbance caused by the use of the proposed access and car parking area.**
- 3. In the absence of a secured planning obligation the development fails to make an appropriate contribution towards the improvement of public open space.**

Reason for Recommendation

This site is in a sustainable location within the urban area and therefore the principle of residential development is acceptable. Following the receipt of additional information, it is not considered that an objection could not be sustained on highway safety grounds. However, the proposed apartment block would comprise overdevelopment that would be out of keeping with the character of the area and the proposed access and car parking area would have an adverse impact on the amenity levels of the neighbouring properties.

The development would result in additional pressure on public open space in the area and in the absence of a financial contribution such adverse impacts would not be appropriately mitigated against. Whilst that could be done via a planning obligation, no agreement is currently 'on the table'.

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

Additional information has been sought and received but it is considered that the applicant is unable to overcome the principal concerns in respect of this development.

KEY ISSUES

The application is for outline planning permission for the erection of an apartment block comprising 8 x 2-bed units and a pair of 2-bed semi-detached houses. Details of layout, scale and appearance are provided for approval as part of this application with the details of access and landscaping reserved for subsequent approval.

The application site is located within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

Although reference has been made to a history of subsidence on the plot, the Coal Authority raises no objections to the proposal subject to the imposition of conditions and as such there is no basis upon which it can be concluded that the site should not be developed due to issues of instability.

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, if any, planning obligations are necessary to make the development policy compliant?

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.

Although this is not a previously developed site, it 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.

The Council is currently 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. 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 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.

The site comprises a grassed area between existing residential properties. The development would therefore result in the loss of a piece of informal open space that provides a break in the built form. Whilst the loss is unfortunate, the area is small and it is considered that its loss would not be significant in the context of the character and form of the area.

A pair of semi-detached dwellings is proposed to the front of the site in line with the dwellings to either side. The dwellings would be 2-storey and would be simple in design comprising facing brickwork and render. The design of the dwellings would be in keeping with the existing properties and it is considered that the layout and design of the semi-detached dwellings would be sympathetic to the character of the surrounding area.

A 4-storey apartment block is proposed to the rear of the site. Although the site slopes down from front to rear and therefore the building would be set down approximately 4 metres below the level of the road, at 4 storeys high and extending across the full width of the site, the apartment block would be significant in scale and massing. Orme Road, and in particular its eastern side, is characterised by 2-storey dwellings close to the highway with long rear gardens. It is considered that the proposed apartment block would comprise overdevelopment and would appear as an incongruous addition to the streetscene that would be out of keeping with the prevailing character of the 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.

There would be approximately 30m between the principal windows in the front elevation of the apartments and the rear elevations of No. 238 Orme Road and the proposed 2-storey dwellings. The SPG recommends 21m between principal windows for a one or two-storey building facing a building of the same height. It states that where one or both dwellings are over two storeys high the distance between principal windows should be 21m plus an additional 3 metres for each additional storey. Although in this case the apartments would be 4-storeys high, the ground level of the apartments would be set down by 4m below that of the dwellings so the height is equivalent to 3-storeys. Notwithstanding this, the distance of 30m exceeds 21m plus an additional 3m for each of the two additional storeys.

The proposed access would run adjacent to the dwelling and rear garden of No. 238 and to one of the proposed semis. The access would be likely to be used at several times during the day and evening and it is considered that the disturbance caused by regular car movements, opening and shutting of car doors and revving of engines would have an adverse impact on the occupiers' peaceful enjoyment of their home and garden. It is considered that such a relationship would be unacceptably harmful.

Sufficient space would be provided for the occupiers of both the existing and proposed dwellings to sit out, hang washing out and for children to play and therefore it is considered that an acceptable level of private amenity space would be provided.

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.

Although access is a reserved matter, given that the layout of the site is for consideration at this stage and dictates the location of the access, the acceptability of the access needs to be considered. The application is accompanied by a Technical Note, a Speed Survey and details of visibility splays. The Highway Authority raises no objections to the proposed access subject to the imposition of conditions.

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. The semi-detached houses would each have two parking spaces and the proposed flats would each have one. Although the number of spaces would be below the maximum recommended, the site is in a sustainable location with bus services operating on Orme Road to the town centre and cycle storage is proposed for the flats.

In summary, 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, if any, planning obligations are necessary to make the development policy compliant?

Section 122 of the Community Infrastructure Levy Regulations states that planning obligations should only be sought where they meet all of the following tests:

- 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

The Landscape Development Section (LDS) has requested a contribution towards public open space improvements and maintenance. This development of 2 and 3-bed dwellings would put pressure on nearby areas of public open space given that such needs are not satisfied on site and therefore it is considered that in principle a financial contribution towards such areas could comply with CIL Regulations and the Council's adopted Developer Contribution SPD. The LDS has indicated that any financial contribution that is secured would be used for improvements to nearby playground facilities at Thistleberry Parkway which is a 215m walk from the site. Given the proximity of the application site to the Parkway, this is considered acceptable as it would be directly related to the 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
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 C4: Open Space in new housing areas
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

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 \(2010\)](#)

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

[Newcastle-under-Lyme Open Space Strategy](#) – adopted March 2017

Relevant Planning History

None

Views of Consultees

The **Coal Authority** has no objections subject to a condition requiring further intrusive site investigation works.

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

The **Waste Management Section** states that both the semi-detached properties and the flats would need off-street storage. Swept path work is required to show that a freighter can enter the site and turn without obstacles.

The **Highway Authority** has no objections subject to conditions regarding provision of the access and visibility splays, details of surfacing materials and delineation of the parking bays, details of secure weatherproof parking, details of a bin storage area and submission of a Construction Management Plan.

The **Landscape Development Section** has no objections subject to conditions regarding tree protection and landscaping. A public open space contribution of £5,579 per dwelling is requested for improvements to nearby facilities at Thistleberry Parkway which is a 215m walk from the site.

Representations

One letter of representation has been received objecting to the flats on the following grounds:

- out of keeping with the area
- overlooking and impact on privacy
- parking concerns

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/20/00195/OUT>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

1st September 2020