

Full planning permission is sought for two, three bedroomed detached dwellings to be sited within the rear garden of No. 22 King Street. The curtilage of No. 22 would be subdivided to retain a private rear garden for its occupants whilst the existing access drive would be extended to serve the proposed dwellings. The site lies within the urban area of Newcastle-under-Lyme as defined by the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors on the grounds of massing and the impact of two dormer houses in a back garden setting. There are also concerns raised about the impact on existing trees and lack of detail regarding boundary treatments.

**The 8 week period for the determination of this application expired on 23<sup>rd</sup> March but the applicant has agreed an extension to the statutory period until 1<sup>st</sup> April 2021.**

### **RECOMMENDATION**

**Subject to the receipt of no objections from the Highways Authority by the date of the Committee meeting that cannot be overcome through the imposition of conditions or, if no comments are received by that date, the Head of Planning being given the delegated authority to determine the application after the 30<sup>th</sup> March 2021 upon receipt and consideration of the Highways Authority comments, Permit, subject to conditions relating to the following: -**

- 1. Time Limit Condition**
- 2. Approved plans**
- 3. Approved Materials**
- 4. Boundary treatments**
- 5. Hardstandings**
- 6. Submission of Landscaping Details**
- 7. Submission of Tree Protection Plan**
- 8. Access, parking and turning**
- 9. Provision and retention of Visibility Splays**
- 10. Restriction of gates or obstructions to vehicle access**
- 11. Submission of an Environmental Construction Plan**
- 12. Construction Hours**
- 13. Provision of electrical charging point for vehicles**

### **Reason for Recommendation**

The principle of the use of the site for residential development has been established with the appeal decision referenced APP/P3420/W/193237735 and the design and layout of the proposal is considered to be acceptable and in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD. There would be no material adverse impact upon highway safety or residential amenity subject to the use of appropriate conditions and the proposed landscaping within the site is considered acceptable. There are no other material considerations which would justify a refusal of this application.

### **Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the plan**

Officers of the Authority have requested further information throughout the application process and the applicant has provided amended and additional information, this has resulted in an acceptable form of development now being proposed.

## **Key Issues**

Full planning permission is sought for two, three bedroomed detached dwellings to be sited within the rear garden of No. 22 King Street. The curtilage of No. 22 would be subdivided to retain a private rear garden for its occupants whilst the existing access drive would be extended to serve the proposed dwellings. The site lies within the urban area of Newcastle-under-Lyme as defined by the Local Development Framework Proposals Map.

The application follows a previous planning application for two semi-detached dwellings, which were granted on appeal in April 2020, reference 19/00135/FUL (APP/P3420/W/193237735). This planning permission is extant and capable of being carried out and on this basis the principle of residential development on the land is acceptable but due to the change to the design of the scheme the main issues for consideration are now as follows;

- Is the design and its implications on the character of the area and street scene acceptable?
- Is the impact on neighbouring living conditions acceptable?
- Is there any impact on trees?
- What is the impact to Highway Safety?
- Other Matters

### Is the design and its implications on the character of the area and street scene acceptable?

Section 12 of the NPPF sets out policy which aims to achieve well-designed places. Paragraph 124 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. Paragraph 127 goes on to detail 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.

Policy CSP1 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 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 gives further detailed guidance on design matters in tandem with CSP1.

Policy R3 of the Urban Design Supplementary Planning Document (SPD) states that new housing must relate well to its surroundings, it should not ignore the existing environment but should respond to and enhance it, exploiting site characteristics. Policy R4 states that new housing must create a clear hierarchy of streets and spaces that contributes to the legibility of the area. Policy R5 goes on to state that "buildings must define the street space with a coherent building line that relates to existing building lines where they form a positive characteristic of the area [and] infill development should generally follow the existing building line.

The application site comprises a large section of the private rear garden of No. 22 King Street, a traditional semi-detached dwelling with a spacious plot. Despite the presence of the Workingmen's Club to the east of the application site, the surrounding area is predominantly residential and is made up of modest semi-detached and terraced dwellings, all of which are located along active and established frontages. The pair of semi-detached dwellings proposed would be sited within the existing rear garden of No. 22 and so would represent backland development to which there are no comparable examples within the immediate locality.

Whilst it is recognised that the proposed dwellings would not be located or orientated in a manner consistent with many nearby properties, the inspector for the appeal APP/P3420/W/193237735 noted that the rear gardens of Nos 22 to 28 King Street are uncharacteristically generous and that properties in the surroundings are variously set along streets with a rectilinear pattern, but also around closes or crescents, and in some instances properties fall behind others with a street frontage. The inspector

concluded that the dwellings proposed would not appear incongruous within their setting but would rather reflect the piecemeal nature of development found in the surrounding area. In light of the inspector's assessment and given the above, it is concluded that the siting of the properties would not result in any significant harm to the street scene or wider area and would not constitute as overdevelopment of the site.

The dwellings proposed are considered to be of an appropriate design and scale and whilst the detached dwellings are approximately 300mm higher than the previously proposed semi-detached properties, the application is supported by a site section which demonstrates that the scale of the proposed dwellings would be commensurate with the scale of the dwellings along Derwent Crescent and King Street. Subject to conditions to secure appropriate materials, boundary treatments and soft landscaping it is considered that the proposed development accords with policy CSP1 of the CSS the principles of the urban design guidance SPD and the guidance and requirements of the NPPF.

#### Is the impact on neighbouring living conditions acceptable?

Criterion f) within Paragraph 127 of the National Planning Policy Framework states that development should create places that are safe, with a high standard of amenity for existing and future users.

SPG (Space Around Dwelling) provides guidance on privacy, daylight standards and environmental considerations.

It is recognised that there would be a breach of guidance in relation to the separation distance between the rear facing principal windows of No. 2 The Gardens, which is located to the east of the application site and the blank side elevation of the proposed dwellings. The separation distance is 12.2m, the same as that achieved in the permitted development, where the guidance would recommend 13.5m. However, it is considered that this shortfall would not result in an adverse impact on the residential amenity levels of the occupiers of the property to the extent that it would warrant the refusal of the application. The development would accord with all other recommendations within the SPD as well as providing adequately sized private gardens and it is concluded that the development would not result in an unacceptable harm to the residential amenity levels of neighbouring occupiers when compared to the extant planning permission which was granted at appeal.

Whilst officers raised concerns with regard to the potential of noise nuisance of passing vehicles on the occupants of no.22 King Street in the previous application, the planning inspector for the appeal concluded that any noise and disturbance resulting from a handful of daily vehicular movements associated with two new dwellings would be limited, with noise resulting from vehicular movements only being intermittent and not continuous.

It is considered that the proposal would not result in any additional impact on neighbouring properties than the extant planning permission. Therefore, given the conclusions of the planning inspector on the recent appeal, it is considered that the impacts on residential amenity are acceptable and that the proposal is in accordance with the guidance and requirements of the NPPF.

#### Is there any impact on trees?

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. N12 also states that where, exceptionally, permission can be given and the trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

As with the development permitted on appeal, it is proposed to remove a number of trees from the site in order to accommodate the development, although it is noted that the majority of these are category 'C' or small in stature. The Council's Landscape Development Section (LDS) have raised no objections to the proposal, and it is accepted that subject to the works being completed in accordance with an approved tree protection plan, the development is considered to be in accordance with the requirements of Policy N12 of the Local Plan as well as the provisions of the NPPF.

### What is the impact to Highway Safety?

The NPPF states that safe and sustainable access to the site should be achieved for all users. It advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

As discussed, the application site is to the rear of an existing semi-detached dwelling that fronts onto King Street and the access to the new dwellings is proposed to be via an extended access driveway from the existing driveway to the side of No. 22. There is an existing dropped kerb access to 22 King Street, which currently allows vehicles to access the site from the highway.

The access arrangements for the proposal mirrors the access layout approved under the previous permission, however it should be noted that since the time of the appeal, the applicant has constructed a new 900mm fence along the front boundary of no.22 King Street.

The Highways Authority have objected to this current application on the grounds that the 900mm high fence restricts pedestrian visibility to the west. In response to this concern the agent of the application has submitted an amended plan and confirmed that the fence is due to be reduced to a height of 600mm before the start of any works. The further comments of HA have been sought and their comments are expected prior to the meeting.

### Other Matters

4 objections letters have been submitted by the residents of no. 24 King Street, who raise a number of concerns regarding the impacts of the development on their property and surrounding area, the concerns raised cover impacts on residential amenity, highway safety concerns, tree removal, impacts of local wildlife, waste disposal, flood risk and inaccuracies on the submitted plans.

Matters of impact on visual amenity, residential amenity, highway safety implications and impact on trees have been addressed above, and given the similarities of the proposal with the extant planning permission, the proposals are considered acceptable and in accordance with planning policy.

The application is supported by scale plans and the level of information submitted in support of the application is considered sufficient enough to allow a full assessment of the proposal by the Local Planning Authority.

The proposed development would have no greater harm on the ecology of the site or create additional flooding implications than the extant planning permission.

With regards to the noise implications of any construction works, a condition is recommended to limit construction hours to general daytime hours, to help reduce the impact on nearby properties.

## 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 N12:	Development and Trees
Policy T16:	Development – General Parking Requirements

### **Other Material Considerations include:**

#### National Planning Policy

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

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

#### Supplementary Planning Guidance/Documents

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

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

#### Relevant Planning History

19/00135/FUL - Erection of 2 x 3 bedroom semi-detached dwellinghouses within the existing rear garden of application site, incorporating the provision of 4 parking spaces, cycle spaces and refuse storage, new boundary treatment and landscaping – application was refused, and allowed at appeal (appeal reference APP/P3420/W/193237735)

#### Views of Consultees

The **Highways Authority** raise several objections to the proposal. These objections include the fact that a 900mm high fence has been erected within the curtilage of 22 King Street, which restricts pedestrian visibility to the west. A further concern is that the visibility splays are not shown correctly on the submitted plans in that the pedestrian splay to the east of the access is outside of the redline of the application site.

The Highways Authority also request that a swept path analysis for a car to access and turn within the site curtilage and dimensions of the access drive, parking and turning areas are provided with application, and that additional details for the submitted CMP should be provided, these include

- Details of the routing of construction vehicles to the site.
- Parking of vehicles for site operatives and visitors.
- Measures to prevent the deposition of deleterious materials onto the highway.

In response to these comments the agent of the application has provided a detailed Site layout plan which shows a swept path analysis for the proposed dwellings, as well providing additional details of the Construction Management Plan, which outline how construction vehicles will outlying that the only

two vans will be used during initial construction until the driveway and turning areas are completed, to allow larger vehicles better access to the site. The agent of the application states that the proposed arrangement would provide adequate off road parking to the site and that only a temporary obstruction to the highway will be caused during delivery of materials to site.

These details have been passed onto the Highways Authority for comment.

The **Landscape and Development Section** raise no objections to the proposal

The **Environmental Health** raise no concerns regarding contaminated land.

#### Representations

Objections have been received by the residents of no. 24 King Street, who raise the following concerns:

- Removal of trees
- Noise nuisance
- Impact on residential amenity
- Limited width of access point
- Use of gravel for parking area
- Limited turning area for vehicles
- Inaccuracies in the submitted plans,
- Impact of local ecology and wildlife habitats
- Flooding
- Impact on the character of the Area
- Waste Disposal
- Highway Safety

#### Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Arboricultural Method Statement
- Construction Management Plan

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/21/00067/FUL>

#### Background papers

Planning files referred to

Planning Documents referred to

#### Date report prepared

19th March 2021