

7 VICTORIA STREET, NEWCASTLE UNDER LYME
MR ANTHONY PODMORE

23/00784/FUL

The application seeks full planning permission for the demolition of no. 7 Victoria Street and its replacement with an apartment block comprising 12 residential units.

The application site falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map.

The application was deferred at the previous meeting of the Planning Committee to allow time for the applicant to address concerns relating to external materials and parking provision.

The statutory 13 week determination period for this application expired on the 23rd February and an extension of time has been agreed to the 26th April 2024.

RECOMMENDATIONS

PERMIT the application subject to conditions relating to the following matters:-

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Materials**
- 4. Landscaping details**
- 5. Waste collection and storage arrangements**
- 6. Vehicular access to be completed in accordance with submitted details**
- 7. Car parking area is to be suitable surfaced and sustainably drained**
- 8. Provision of cycle storage areas**
- 9. Construction Environmental Method Plan**
- 10. Electric vehicle charging provision**
- 11. Construction and demolition hours**
- 12. Land contamination investigations and mitigation measures**
- 13. Design measures set out in the noise assessment to be completed prior to first occupation to ensure internal noise levels are met**
- 14. Unexpected land contamination**
- 15. Drainage plans for the disposal of foul and surface water flows**

Reason for recommendations

The redevelopment of this vacant site within a sustainable urban location, accords with local and national planning policy. The scheme represents a good quality design that would enhance the appearance of the area and it has been demonstrated that the proposed development would not cause highway safety concerns or impact residential amenity. Subject to conditions, the development represents a sustainable form of development and should be supported.

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

The LPA has requested further information throughout the application process and the applicant has subsequently provided amended and additional information. The application is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application seeks full planning permission for the demolition of no. 7 Victoria Street and its replacement with an apartment block comprising 12 residential units.

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The application site falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map.

The proposed application raises the following key issues:

1. The acceptability of the principle of the development of this site for residential purposes,
2. The design of the development and its impact on the surrounding area,
3. The impact of the development on highway safety,
4. Acceptable standards of residential amenity,
5. Planning obligations and financial viability, and
6. Conclusions.

The acceptability of the principle of the development of this site for residential purposes

Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located close to the town centre 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.

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.

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.

Footnote 8 of paragraph 11 states that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable).

The Council is currently unable to demonstrate that it has the required supply of housing. Therefore in the absence of a deliverable supply of housing the tilted balance as outlined in Paragraph 11(d) of the Framework is engaged.

The planning history of the site shows that a previous permission was granted in 2007 for the residential development of the site with 8 dwellings. The site is located in the urban area of the Borough in close proximity to the town centre of Newcastle and is therefore considered to represent a sustainable location for housing development by virtue of its close proximity to services, amenities and employment opportunities.

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The proposal is comprised of 7 one bed apartments and 5 two bed open market apartments and would make a contribution to the Council's housing supply. Whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits will be considered later in this report.

The design of the residential development and its impact on the surrounding area

Paragraph 131 of the National Planning Policy 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 135 of the framework lists 6 criteria, 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.

Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. In particular, Policy R3 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 existing site characteristics, such as mature trees, existing buildings or long views and incorporating them into the proposal. In addition, Policy R14 states that developments must provide an appropriate balance of variety and consistency.

Policy CSP1 of the Core Spatial Strategy (CSS) lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the revised NPPF.

The surrounding area is comprised of a variety of different property styles, which include traditional two storey terraced dwellings, a nearby public house and restaurant of attractive design and a large three storey apartment building of more limited architectural quality. The vast majority of buildings do however follow a more traditional appearance and are constructed of red brick and render. The adjacent public house has a flat roof design, although acknowledgment is given to the fact that most nearby properties feature dual pitched roof arrangements.

The proposed development has been presented to a Design Review Panel (DRP) at an early stage in the process, as encouraged by the NPPF, and the advice of the design panel has influenced the final design of the scheme as demonstrated in the submitted Design and Access Statement.

Concerns were raised by members of the planning committee meeting on 26th March regarding the use of zinc cladding on the north eastern front elevation as this was considered to contrast with the more traditional styles of properties found nearby. Amended plans have now been received which have removed the zinc cladding and replaced this with red brick which is considered to be a more suitable substitute given the surrounding built context.

The south-western section of the building would feature a flat roof arrangement and would be entirely constructed of red brick. The plans originally submitted with the application included a parking area to the front of the building facing onto Victoria Street, however this would have caused the building to contrast with the established building line set by other nearby properties and would have created a car dominated frontage to the scheme. Following amendments to the proposal, the parking area is now proposed to the rear of the site and the apartment building would follow the same building line as nearby properties to the north east.

The height of the building at its north eastern point is similar to that of no.9 Victoria Street at 8.7m tall, however the roof would then continue at this same height towards the south west. This roof arrangement is considered acceptable due to the sloping topography of the site, which would allow the building to appear as prominent but not dominating feature within the street scene, particularly when viewed from the A34 which is an important gateway area to the town centre.

Additional concerns were raised by officers regarding the design of the flat roofed section of the proposed apartment block due to the limited fenestration and lack of detailing. The original proposal contained large areas of bare brickwork and a centrally positioned rain water gutter which detracted from the quality of the building. In addition to this the windows were considered to be too small to provide

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an attractive fenestration which was considered important for this part of the proposal given the prominence it would have within the street scene.

Amended plans were also submitted earlier in the determination period which resulted in a number of design alterations. The changes include an increased level of fenestration and the removal of the unsightly rainwater goods. A section of projecting detailed brickwork and a new aluminium coping has also been proposed as well as a section of vertical stack brickwork below the ridge of the building. These alterations are welcomed from a design perspective and will add a strong level of detailing and variety to the proposal which will ensure that the scheme demonstrates a high quality design as required by both national and local policies.

Subject to appropriate planting, the communal garden positioned to close to the highway of the A34 would act as a small visual buffer between the development and the highway and will help the proposal to maintain the building line set by the nearby properties of 'The Cherry Tree' and Lyme Court.

To conclude, subject to a condition regarding the control of external facing materials, the proposal is considered to comprise good quality residential development which will integrate well with surrounding land uses. It is therefore considered that the design of the proposed development is acceptable and subject to conditions, it will comply with design principles and policies of the Council's Urban Design Guidance, Policy CSP1 of the CSS and the guidance and requirements of the NPPF.

The impact of the development on highway safety

The NPPF, at paragraph 115, states 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.

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. Such a policy is, however, of limited weight as it is not fully consistent with the Framework given its reference to maximum parking levels.

Policy T16 of the Local Plan states that the maximum parking standards for residential developments is 1 space per one bedroom dwelling (plus one space per three dwellings for visitors) and two spaces for a two or three bedroom dwelling. Therefore the maximum level of policy compliant parking would be 19 off street car parking spaces.

One objection has been received from a local resident regarding additional traffic and the impact that this would have on the surrounding highways.

Concerns were raised by members of the planning committee meeting on 26th March regarding the level of parking provision within the site, due to concerns that the proposal could lead to an increase in on street parking.

The submitted Transport Statement notes that the trip generation of the proposed development is anticipated to be 2 x two way trips in the Weekday AM and four two-way trips in the PM peak hours and goes on to conclude that this level of traffic is not considered to be significant. The Statement also notes that survey data from the 2021 census shows that car ownership for this area is 38 or 39% and on that basis 19 x 0.39 spaces would be required, which equates to 7 cars being owned by future occupants of the building. A total of 6 parking spaces are currently proposed.

Concerns were initially raised by the Highway Authority on the grounds that the parking spaces provided did not meet the minimum space sizes. In addition, the information provided regarding car ownership for the area was taken from the census data for 2021, and it was recommended that a similar analysis be carried out for the 2011 census due to Covid impacts in the 2021 data. Clarity was also sought on the exact number of cycle spaces.

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Amended details have been submitted in support of the application which clearly sets out the number of cycle spaces within the site (24 spaces), and the plans have also resulted in the car parking spaces being enlarged to meet the minimum space standards. With regards to the census data the agent of the application has noted that as more people now work from home as a result of the Covid Pandemic, a comparison of 2011 census data against that of the 2021 data would not be beneficial. The Highways Authority have acknowledged the response regarding the census data and have raised no further comments on this point. The HA have now confirmed that they now raise no objections to the proposal subject to a number of conditions.

It must be recognised that there is on street parking available on Victoria Street and the previous application for 8 dwellings granted in 2007 offered no off street parking provision. Although new development should avoid on street parking where possible, in this case the Highways Authority have acknowledged that the census data can be used as a framework for an assessment of parking provision. On this basis there is only a lack of 1 offsite parking space, however this does still weigh against the benefits of the development.

There are a number of bus stops within easy walking distance of the site, including bus stops along the A34, the nearest of which is only 34m from the application site. The site is also within walking distance of Newcastle's bus station which is located approximately 400m to the North West which equates to around an 8 minute walk. The site is therefore considered to be in a highly sustainable location.

The plans submitted with the application show that a designated bin storage area would be included within the scheme. The exact details of this bin store area in respect of its boundary treatments still need to be submitted in support of the proposal, but this can be addressed through an appropriately worded condition.

The applicant has noted the concerns raised by the committee members and has provided a covering letter from a Highway Consultant in support of the proposal. The letter notes that on street car parking demands for nearby highways are influenced by staff and visitor parking of the nearby hospital and that this demand will soon be met through the construction of a new 1,700 space multi-storey car park. The letter concludes that the findings of the Transport Assessment meets the requirements of the NPPF and a refusal on parking requirements would be contrary to national policy.

Despite the shortfall in parking spaces below the maximum standards outlined within the development plan, the application site is situated in a highly sustainable location within close proximity to the Bus Station that provides services throughout and beyond the borough. There is also on street parking available on the nearby highways. Therefore in the absence of any objections from the Highway Authority and given the highly sustainable location of the site, subject to conditions, the proposal is considered to comply with the relevant policies of the development plan as well as the aims and objectives of the NPPF.

Acceptable standards of residential amenity

Paragraph 135 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. It further sets out at paragraph 191 that decisions should also ensure that new development reduces potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and quality of life.

The Council's Supplementary Planning Guidance (SPG) - Space Around Dwellings provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

The proposed development demonstrates acceptable separation distances and relationships between the proposed apartments and nearby surrounding properties.

All flats would have a good level of outlook towards either Victoria Street to the south east or the A34 to the south west. While the views towards the car park to the rear are not overly attractive, given the

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urban nature of the site, the overall quality of outlook is considered appropriate. All flats would also receive an acceptable level of daylight.

A communal garden measuring 82m² is proposed which would face onto the A34 to the south of the new apartment building. Although this communal garden could be used by residents of the development, given its proximity to the nearby highway it would not be overly desirable. Notwithstanding the above there are a number of parks and green spaces in close proximity to the site which future occupiers could access; the limited onsite provision in this case is therefore considered to be acceptable.

A detailed Noise Impact Assessment has been submitted in support of the application which recommends that a number of noise mitigation methods are included within the scheme.

Subject to noise mitigation and the conditions suggested by the Council's Environmental Health Division which relate to land contamination, construction management and air quality, the development is considered to be in accordance with the NPPF with regard to residential amenity.

Planning obligations and financial viability

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 have requested a financial contribution of £5,579 per dwelling which will be used for improvements to public open space and public realm. However, your officers do not consider that this level of financial contribution is reasonable for the nature of the development. The scheme includes seven, 1 bedroom units and therefore these units would not be considered to provide family accommodation. Therefore the inclusion of the £512 within the requested sum that would go towards play spaces for children and young people is not considered to be reasonable or necessary. Therefore a total of £4,522 should be deducted from the total sum requested by the LDS which would take the overall contribution to £62,426.

The Education Authority note that there are projected to be a sufficient number of school places at both primary and secondary phases of education to mitigate the impact of this development and therefore no financial contribution is required.

The proposal does not meet the threshold for a contribution towards affordable housing.

The NPPF indicates that where up-to-date policies have set out the contributions expected from the development, planning applications that comply with them should be assumed to be viable, and it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.

The applicant has submitted financial information to substantiate their claim that the Council's Section 106 requirements would render a policy compliant scheme unviable. This information has been sent to an independent valuer who was instructed by the Council to consider the position put forward by the applicant. Their report concludes that the scheme would be unviable if any S106 contribution was secured. On this basis, any requirement for a S106 contribution must be set aside.

Conclusions

The proposal would provide various social and economic benefits, most notably the provision of 12 new residential units in a sustainable location within the urban area, which will increase the housing mix and make a contribution to boosting housing supply in the Borough. It has also been demonstrated that the design and appearance of the scheme would be of an appropriate quality and would not harm the visual amenity of the area.

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Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The **public sector equality duty** requires **public authorities** to consider or think about how their policies or decisions affect people who are **protected** under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions. People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics

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 CSP4: Natural Assets
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 IM1: Provision of essential supporting infrastructure and community facilities
Policy T16: Development - General Parking Requirements

Other material considerations include:

National Planning Policy Framework (December 2023)

Planning Practice Guidance (2019 as updated)

Community Infrastructure Levy Regulations (2010) as amended and related statutory guidance

Supplementary Planning Guidance/Documents

Developer contributions SPD (September 2007)

Open Space and Green Infrastructure Strategy (April 2022)

Space Around Dwellings SPG (SAD) (July 2004)

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

Waste Management and Recycling Planning Practice Guidance Note approved in 2003 and last updated in February 2016

Relevant Planning History

04/00960/FUL - Demolition of existing house and erection of seven 2 storey houses – refused

06/00749/FUL - Demolition of existing buildings and construction of 8 two storey houses – permitted

07/01145/FUL - Demolition of existing building and construction of eight two storey, two bedroom houses (amended scheme) – permitted

Views of Consultees

The **Education Authority** state that there are projected to be a sufficient number of school places at both primary and secondary phases of education to mitigate the impact of this development.

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The **Highway Authority** raises no objections to the proposal subject to conditions relating to the provision of the proposed access, surfacing materials, drainage, cycle storage provision and the submission of a Construction Environmental Management Plan.

The Council's **Environmental Health Division** has no objections subject to conditions relating to land contamination, construction management, noise levels and hours of construction.

The **Crime Prevention Design Advisor** has provided guidance on a number of security matters.

The **Landscape Development Section** raise no objection to this proposal subject to a financial contribution for an offsite open space of £4,427 per dwelling, in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years, making a total contribution of £66,948.

Severn Trent Water raise no objections subject to the submission of drainage plans for the disposal of foul and surface water flows.

The Council's **Housing Strategy Section** have no comments on the proposal.

No comments have been received from **United Utilities**.

Representations

Three (3) letters of representation have been received from nearby residents. One requests that swift boxes are incorporated into the proposal, while the other two letters raise the following concerns:

- The proposal will result in an increase in traffic and congestion
- Local residents were not given the opportunity to discuss the proposed plans with the developer prior to the application being submitted
- Further clarity is needed on the submitted details with regards to the distance of the proposal from the adjacent neighbouring property.

Applicant/agent's submission

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

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/23/00784/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

11th April 2024

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