

Public Document Pack

Date of meeting Tuesday, 13th October, 2015
Time 7.00 pm
Venue Council Chamber, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Julia Cleary

Planning Committee

SUPPLEMENTARY AGENDA

PART 1 – OPEN AGENDA

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|-----|--|-----------------|
| 3a | Application for Major Development - Land at Ashfields New Road, Newcastle. Jessup Brothers Ltd. 15/00699/FUL | (Pages 3 - 8) |
| 12a | Section 106 - Quarterly Report | (Pages 9 - 10) |
| 13a | Quarterly Enforcement Management Report | (Pages 11 - 12) |
| 16 | Item of Urgent business | (Pages 13 - 14) |

Members: Councillors Braithwaite, Cooper, Fear, Hambleton, Heesom, Mancey, Northcott, Owen, Proctor, Reddish (Vice-Chair), Simpson, Snell (Chair), Turner, Welsh, Williams and Williams

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

FIELD_TITLE

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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LAND AT ASHFIELDS NEW ROAD, NEWCASTLE
JESSUP BROTHERS LIMITED

15/00699/FUL

The application is for full planning permission for the erection of 42 residential units made up of five pairs of semi-detached, two bedroom dwellings; a block of 10 one bedroom flats; and a further block of 22 one bedroom flats. The application indicates that all the dwellings are to be social rented affordable units provided by a Registered Provider (of social housing).

The site lies within the urban area as defined on the Local Development Framework Proposals Map and within the Northern Gateway as defined in the Newcastle-under-Lyme Town Centre Supplementary Planning Document (SPD).

The 13-week period for the determination of this application expires on 9th November 2015.

RECOMMENDATIONS

A. Subject to the applicant entering into a Section 106 obligation by agreement by 6th November 2015 to require a financial contribution for the enhancement and maintenance of the open space at a location yet to be identified (the amount of which will be advised to the Committee via a Supplementary report).

Permit, subject to conditions relating to the following: -

- 1. Standard Time limit for commencement of development**
- 2. Approval of materials**
- 3. Implementation of landscaping scheme**
- 4. Trees on northern boundary to be retained and tree protection measures to be agreed and implemented.**
- 5. Contaminated land**
- 6. Construction Method Statement, to address environmental and highway matters, including details of methods to prevent mud and debris on the highway and dust mitigation measures.**
- 7. Implementation of noise mitigation measures to achieve appropriate noise levels.**
- 8. Construction hours.**
- 9. Approval of waste storage and collection arrangements.**
- 10. Surface water drainage system**
- 11. Provision of access, parking and turning areas prior to occupation**
- 12. Prior approval of a scheme for the provision of a scheme with the tenure indicated in the appraisal. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity prospective and successive occupiers of such units and the means by which such occupancy will be enforce.**

B. Failing completion by the date referred to in the above resolution, of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that without such matters being secured the development fails to secure the provision/maintenance of off-site public open space or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendations

This brownfield site is in a highly sustainable location and the principle of residential redevelopment is considered to be acceptable, and in fact has previously been permitted in outline. The scheme is considered acceptable in terms of impact on highway safety, trees and residential amenity. Subject to the imposition of suitable conditions, it is not considered that there are any material considerations which would justify a refusal of outline planning permission. Consideration is being given to the level

of contribution that could reasonably be secured towards for the enhancement and maintenance of the open space at a nearby location bearing in mind to type of accommodation provided.

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 proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

KEY ISSUES

The main issues for consideration in the determination of this application are as follows:-

- Is the principle of development acceptable both in terms of residential development at this location?
- Would the development be acceptable in terms of the impact on the form and character of the area?
- Would the proposed development have any adverse impact upon highway safety?
- Is affordable housing required and if so, how should it be delivered?
- Will appropriate open space provision be made?
- Would the development provide appropriate standards of residential amenity for the occupiers of the proposed dwellings?

Is the principle of development acceptable both in terms of the loss of employment land and the proposed nature of the residential development?

The site is a vacant, brownfield site previously used as a car park. The site is in easy walking distance of the shops and services of Newcastle Town Centre with regular bus services to destinations around the borough, including Keele University, and beyond. It is considered that the site provides a sustainable location for additional residential development that would accord with the Town Centre SPD.

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 Newcastle Town Centre SPD places the application site within the Northern Gateway - an area that was identified as being dominated by the redevelopment of the College site. The application site forms part of the College site and was identified within the outline planning permission for the College redevelopment as a housing site.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that, unless material considerations indicate otherwise, where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole.

The Council is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF) given that it does not have a full objective assessment of its housing needs, and is relying on household projections. The starting point therefore must be one of a presumption in favour of residential development. In this particular context as has already been stated the development is in a location which is close to services and facilities and promotes choice by reason of its proximity to modes of travel other than the private motor car and has previously benefited from outline planning permission for housing development.

On the basis of all of the above, it is considered that the principle of residential development in this location should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

Would the development be acceptable in terms of the impact on the form and character of the area?

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 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 site has a long frontage onto Ashfields New Road with a largely uniform depth which narrows where it adjoins a large turning circle at the northern end. Along its eastern boundary, at a higher level, is the car park to the Sainsbury's store. A ramped footpath adjoins the southern boundary of the site which links Ashfields New Road to the A34 and passes the Sainsbury's store. To the south are residential properties and on the opposite side of Ashfields New Road St John Fisher School and the new College car park.

The proposed properties have been designed in a simple, modern style incorporating brickwork, render and cladding to the walls. Oriel windows have been added to the semi-detached properties and the flats incorporate large areas of glazing with small balconies, all of which add visual interest. The properties are all two storeys in height, other than the larger of the larger block of flats which is predominantly three storeys, and positioned centrally along the site.

In this location it is considered that the design, scale and density of the proposed development is acceptable.

Would the proposed development have any adverse impact upon highway safety?

Two parking spaces and a separate driveway are proposed for each of the houses. The blocks of flats are served by separate car parks which provide a parking space for each of the flats. In this sustainable location it is considered that the level of parking provided is satisfactory even when the on-street parking and congestions issues that arise at the start and end of the school/college days are taken into consideration.

The Waste Management Section has questioned whether a refuse freighter can turn, without reversing movements, within the turning circle on Ashfields New Road which adjoins plots 1 and 2. The applicant has been asked if it is possible to provide a plan showing the turning movements of such a vehicle to demonstrate, or otherwise, whether it is possible to turn fully in a forward gear and if such a plan is provided it will be reported. However, whilst such a plan has been requested it is considered that the development remains acceptable if such a vehicle needs to reverse to turn as the benefits of the proposed development would demonstrably outweigh any harm arising.

Is affordable housing required and if so, how should it be delivered?

Policy CSP6 of the CSS states that for new residential development within the urban area, on sites or parts of sites proposed to, or capable of, accommodating 15 or more dwellings will be required to

contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided.

On the basis of the maximum number of dwellings currently proposed, the affordable housing requirement for this site would be 11 units and whilst the proposal is 100% affordable housing it remains necessary for this number of units to be secured for that purpose in perpetuity to comply with policy. It is considered that this could be achieved through an appropriately worded condition, rather through a S106 planning obligation which would create difficulties in the Registered Provider obtaining funding from the Homes and Communities Agency.

Will appropriate open space provision be made?

LP Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing, where it should be located and what issues should be taken into account in its design. It also indicates that its maintenance must be secured.

Policy CSP5 of the CSS states that the plan area's open space, sports and leisure assets will be enhanced, maintained and protected by a number of measures.

The Landscape Development Section (LDS) have requested a contribution towards the development, improvement and maintenance of off-site public open space all in accordance with policy. They propose to spend the contribution that they seek within a playground (a Locally Equipped Area for Play or LEAP) at Wilson Street. This is only approximately 428m walking distance from the application site and whilst the area is on the opposite side of the A34 there are a number of safe routes available and as such it is likely that occupiers will use it. However given that the majority of the development is for one bedroom units it is arguable whether the contribution sought is "fairly and reasonably related in scale and kind to the development" and further consideration is being given to this, and a supplementary report will be provided to the Committee.

Would the development provide appropriate standards of residential amenity for the occupiers of the proposed dwellings?

One of the core planning principles of the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

A Noise Assessment has been submitted which assesses the potential impact of existing noise sources on the proposed dwellings and recommends mitigation measures to achieve appropriate noise levels.

The layout, and positioning of principal windows within the proposed dwellings, comply with the Council's Space Around Dwellings SPG. In addition sufficient private garden/amenity space is achieved for each of the dwellings and the flats to ensure appropriate living conditions for the occupiers of the dwelling. Existing trees and vegetation along the northern boundary are shown to be retained which is beneficial as they provide an appropriate screen between the site and the rear gardens of adjoining dwellings.

The living conditions of the occupiers of plot 42 will be affected by the footpath that links Ashfields New Road to the A34 as the path will be elevated above the rear garden along part of the side boundary. The footpath is separated from the property by a landscaped area within the application site which is to include two trees and a strip of left over land outside of the site. Overall it is considered that acceptable living conditions are achieved. The applicant is being asked to consider undertaking some further landscaping of the left over strip to improve the appearance of the site and the living conditions of the occupiers of this property.

Subject to appropriate noise assessment and mitigation measures, it is not considered therefore that an objection could be sustained on the grounds of impact on residential amenity.

Policies and Proposals in the approved Development Plan relevant to the decision-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
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 CSP6: Affordable Housing
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

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) (March 2012)

Planning Practice Guidance (March 2014)

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

Space Around Dwellings Supplementary Planning Guidance (SPG) (July 2004)

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

Newcastle-under-Lyme Town Centre SPD (January 2009)

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Relevant Planning History

Outline planning permission for a new college, sports facilities, superstore, petrol filling station, offices, housing, parking, landscaping and associated engineering works was issued in 2007 (06/01180/OUT) including this current application site. The outline permission identified this for residential development with an indication that the site could accommodate up to 56 units, however the time period within which a reserved matters application can be submitted has now lapsed.

Reserved matters approval was granted in 2007 for the new College and Sports Hall and in 2009 for the superstore (08/00865/REM).

Views of Consultees

The County Council as the **Education Authority** indicate that excluding the one bedroom properties and excluding the 10 affordable houses from secondary only, a development of 10 houses could add 2 primary-aged pupils. The combined cluster of schools (Friarswood, Hassell Community Primary Schools and St Giles & St George's CofE Academy) is projected to have sufficient spare capacity to cope with the additional demand. They currently don't request contributions for secondary places from affordable RSL housing and therefore make no request for secondary education provision either.

The **Highway Authority** has no objections subject to conditions requiring the access, surface water drainage, parking, servicing and turning areas being provided in accordance with the submitted plans and a Construction Method Statement.

The **Environmental Health Division** has no objections to the proposal subject to conditions regarding hours of construction; and Construction Management Plan; details to prevent mud and debris on the highway; dust mitigation measures during construction; internal dwelling noise levels; waste storage and collection arrangements and contaminated land.

The **Landscape Development Section** has no objection subject to conditions to secure the retention of trees along the boundary of the site; tree protection measures and landscaping details, and subject to a contribution of £2,943 per dwelling (total £123,606) towards capital development/improvement of the Wilson Street play area.

The County Council as **Lead Local Flood Authority** initially requested further information regarding the drainage strategy for this development and their comments on the latest information provided are awaited.

Representations

No representations have been received.

Applicant's/agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Drainage Strategy
- Ground Gas Monitoring
- Ground Conditions Report
- Arboricultural Report
- Noise Statement
- Environmental Noise Assessment
- Transport Statement

All of these documents are available for inspection at the Guildhall and and searching under the application reference number 15/00699/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

30th September 2015

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
13th October 2015

Agenda item 12

Quarterly report on extensions to time periods within which obligations under section 106 can be entered into

Since the agenda report was prepared on 1st October there have been developments with respect to a number of the 9 cases referred to within the report. These developments are detailed below:-

With respect to case **(1) Application 13/00245/FUL – Old Springs Farm, Stoneyford** confirmation has now been received that the Mortgagee (the Bank) have signed the agreement, having had it for some considerable time, and a rapid conclusion of this matter is now expected with the applicant and then the Council signing and thus completing the agreement. In the light of this your Officer has reluctantly accepted that it would not make sense to 'time out' the application and accordingly a short further period – until the 16th October has now been agreed for this completion. This position is being communicated to the applicant.

With respect to case **(2) Application 14/00027/FUL Land adjacent to 31 Banbury Street** your Officer has noted when the other side received the draft, that the longer this matter continues to be unresolved, the more out of date becomes the Viability appraisal, and that the time period allowed before a reappraisal might be required is perhaps more than the District Valuer would have recommended. It has been decided that whilst a further period of time (for completion of the Section 106 should be allowed, this should be limited in extent and be until the 5th November, subject to the normal proviso. This position is being communicated to the applicant's agent.

With respect to case **(3) Application 14/00767/FUL Former Woodshutts Inn, Lower Ash Road, Kidsgrove** it would appear that a 6 week period (from today's date) is likely to be required to bring this agreement to a conclusion. That the viability appraisal is rather more up to date than in other cases suggests that it is appropriate that such a period be given – i.e. until the 19th November, subject to the normal proviso. This position is being communicated to the applicant's agent

With respect to case **(4) Application 14/00477/FUL Newcastle Baptist Church, London Road, Newcastle**, as indicated in the report the most recent resolution of the Committee did not provide a date by which the agreement should be completed, although the original resolution of the 3rd February did. For the avoidance of any doubt the Committee are asked to confirm that officers have the authority to either refuse the application should the agreement not be completed within a reasonable period, or to extend that period. The applicants continue to press for the urgent completion of the agreement which has been the subject of intensive negotiation over the last couple of weeks.

With respect to case **(5) Application 15/00166/FUL Jubilee Baths, Nelson Place, Newcastle** the applicant has only recently been advised of the Council's position regarding trigger points for payments and in light of this your officer has agreed to extend the period within which the Section 106 agreement can be secured, to the 10th November, subject to the normal proviso. This position is being communicated to the applicant's agent.

With respect to case **(6) Application 15/00368/OUT Land at West Avenue, Kidsgrove** noting that a draft agreement is now to go to the other parties, and that it is of a relatively simple nature, it is considered that that 5 weeks (12th November) would be a reasonable period to expect the agreement to be completed within, subject to the normal proviso. This position is being communicated to the applicant's agent.

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
13th October 2015

Agenda item 13

QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED

A case where enforcement action has been authorised was omitted from the report within the main agenda. The details of the case, the progress made within the last Quarter, and the target for the next Quarter are contained within the attached Appendix

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
15/00518/FUL & 15/00131/207C2	7 Oldcott Crescent, Kidsgrove Amateur radio antenna and 10 metre steel tilting/wind up antenna mast	20.4.15	Planning Committee at its meeting on 18 th August 2015 resolved to refuse planning permission for the retention of the amateur radio antenna and mast as they were considered to unacceptably reduce the living conditions of neighbouring properties due to their oppressive and overbearing effect. Committee also resolve authorised the issuing of enforcement and all other notices to secure the removal of the radio antenna and mast Instructions have been sent to Legal Services.	Issue the Enforcement Notice

Item of Urgent business being reported to Planning Committee 13th October

An apparent error in the (approved) minute of the 3rd March 2015 Planning Committee has recently come to light. The minutes were approved at the meeting of the Committee on 31st March as a correct record, without amendment

The error concerns item No.4 – an application for Major development – land adjacent to 31 Banbury Street, Talke – planning application 14/00027/FUL

The agreed minute reads

“That the application be permitted subject to the applicant entering into a Section 106 obligation by 14th June 2015 to require the review of the financial assessment of the scheme if there is no substantial commencement within a year (emphasis added) of the grant of planning permission.....”

The officer recommended verbally to the Committee that a period of 14 months should be allowed, a copy of that amended recommendation being placed on the file. On the following day the officer wrote to the agent confirming the 14th month period had been agreed by the Committee.

The minute should read

“That the application be permitted subject to the applicant entering into a Section 106 obligation by 14th June 2015 to require the review of the financial assessment of the scheme if there is no substantial commencement within 14 months of the grant of planning permission.....”

The matter is urgent because it is anticipated that the applicant will wish to conclude the Section 106 agreement within the next four weeks, and officers need to confirm immediately that the relevant period is 14 months, rather than one year.

The Committee is asked to formally agree this change to the minute of the meeting

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