

The application is for full planning permission for the erection of 13 dwellings, access road, parking and landscaping. The house type mix as proposed is as follows:-

- 4 two storey dwellings, all with three bedrooms, within a single block.
- 2 two storey semi-detached dwellings with three bedrooms.
- 3 two and a half storey, four bedroom dwellings in one block.
- 4 two and a half storey, four bedroom semi-detached dwellings (two pairs).

The site is within the Kidsgrove Neighbourhood as designated on the Local Development Framework Proposals Map and is within the urban area. The site measures 2,724m<sup>2</sup> and is vacant land to the south of the Co-op supermarket on Cedar Avenue. A tree on the site is the subject of a Tree Preservation Order.

**The 13-week period for the determination of this application expires on 21<sup>st</sup> April 2014.**

## **RECOMMENDATIONS**

**1. Subject to the applicant entering into Section 106 Obligations by no later than 14th April 2014, to secure the following:**

- I. A financial contribution of £38,259 for open space enhancement/ improvements and maintenance.**
- II. A contribution of £8,000 towards the Newcastle (urban) Transport and Development Strategy (NTADS).**
- III. A contribution of £33,093 towards primary school provision.**

**Permit subject to conditions concerning the following matters:-**

- **Standard time limit for commencement**
- **Approved plans.**
- **Prior approval of facing materials and implementation of approved details.**
- **Prior approval and implementation of approved ground levels and finished floor levels.**
- **Prior approval and implementation of a detailed Arboricultural site monitoring schedule, and appropriate Arboricultural works to the sycamore tree.**
- **Prior approval of plans detailing 6m radius kerbs; a pedestrian crossing point including tactile paving; visibility splays of 2.4m by 43m; and an access gradient not exceeding 1:10 for the first 5m rear of the highway boundary. The access shall be completed before occupation of plots 7 to 14 and thereafter the visibility splays kept free of obstruction.**
- **Prior approval and implementation of the widening of the footway to 2m on Banbury Street and the permanent closure of the existing site access and its reinstatement as footway.**
- **No occupation until the access road, parking and turning areas have been provided in accordance with the approved plans.**
- **Submission, approval and implementation of surfacing materials for the access road, parking and turning areas; surface water drainage for such areas; and delineation of parking bays.**
- **Prior to occupation of plot 1 the parking spaces 1 and 2 shall be completed.**
- **Any gates to be a minimum of 5m from the site boundary and open away from the highway.**
- **Prior approval and implementation of a Construction Method Statement to include site compound; routing of construction vehicles; parking of vehicles; loading and unloading of plant and materials; storage of plant and materials; control of noise, vibration and dust; and wheel wash facilities.**
- **Provision of an access strip width of 6m, 3m either side of the centre line of the sewer crossing the site.**
- **The site to be drained on a separate system.**
- **Contaminated land conditions.**

**2. Should the matters referred to in I-III above not be secured by 14th April 2014, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure an appropriate level of provision of adequate public open space; would not achieve sustainable development outcomes; and would not mitigation against the impact of additional pupils arising from a development of this scale in a location that has no capacity within primary schools or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.**

## **Reason for Recommendations**

The development is acceptable in principle, has an acceptable design and layout and achieves adequate amenity levels for the occupiers of the proposed properties and the existing adjoining properties. The development provides adequate parking provision and a refuse vehicle can turn

within the site. Additionally the applicant has demonstrated that the development will not have an adverse impact on the protected tree within the site.

The proposed development of this vacant site introduces additional trips on the highway network and in the absence of a contribution to NTADS appropriate improvements to local accessibility would not be secured nor would sustainable modes of transport be promoted. The development would also result in additional pressure on limited primary school places of the schools whose catchment area it is located and would place pressure on off-site public open space. A planning obligation is required to secure such matters.

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

Provided the development were to make an appropriate contribution towards the improvement of public open space and sustainable transport measures it would be a sustainable form of development compliant with the provisions of the National Planning Policy Framework

**Policies and Proposals in the approved development plan relevant to this decision:-**

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

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 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

**Other material considerations include:**

National Planning Policy and guidance

National Planning Policy Framework (March 2012)

Draft National Planning Practice Guidance (August 2013)

Supplementary Planning Documents

Developer Contributions SPD  
Affordable Housing SPD  
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD

Supplementary Planning Guidance

Space around dwellings

Planning Practice Guidance Note

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

North Staffordshire Green Space Strategy (adopted 2009)

## Newcastle (urban) Transport and Development Strategy (NTADS)

Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated in 2008/09

### **Relevant Planning History**

In 2008 planning permission was granted for the following, under reference 07/00256/OUT:-

- (a) Full planning permission for a food retail store, car parking and servicing.
- (b) Outline planning permission for residential development (12 dwellings).

The permission has been partially implemented as the food retail store has been constructed.

In 2011 the outline planning permission for the residential development was renewed under application reference 07/00256/EXTN. All matters of detail, other than the access from Banbury Street, were reserved for subsequent approval and a financial contribution for open space enhancement/improvements and maintenance and towards the NTADS secured, subject to the implementation of that scheme.

The current application is a resubmission an application, reference 13/00785/FUL, for 15 new dwellings. The application was reported to the Planning Committee meeting on 19<sup>th</sup> November and 10<sup>th</sup> December 2013 but was withdrawn before a decision was made.

### **Views of Consultees**

The **Landscape Development Section** confirms that the Arboricultural Impact Assessment satisfies any concerns regarding the impact of the development to the existing sycamore tree. Permission should be subject to agreement of a detailed arboricultural site monitoring schedule and all recommendations of the report being followed and agreement of appropriate Arboricultural works to the sycamore tree. In addition a contribution for the capital development/improvement of off site green space of £1,791 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years. Total contribution £2,943 per dwelling.

The **Highway Authority** has no objections subject to the following conditions:-

- Submission and approval of plans detailing 6m radius kerbs each side of the site access; a pedestrian crossing point including tactile paving; visibility splays of 2.4m by 43m; and an access gradient not exceeding 1:10 for the first 5m rear of the highway boundary. The access shall be carried out in accordance with the approved details before occupation of plots 7 to 14 and the visibility splays kept free of obstruction over a height of 600mm above the adjacent carriageway level.
- Submission and approval of plans detailing the widening of the footway to a width of 2m on Banbury Street to the frontage of plots 1 and 2 and the permanent closure of the existing site access on Banbury Street and its reinstatement as footway. Such works are to be constructed in accordance with the approved details prior to the first occupation.
- No occupation until the access road, parking and turning areas have been provided in accordance with the approved plans.
- Submission and approval of surfacing materials for the access road, parking and turning areas; surface water drainage for such areas; and delineation of parking bays. The development shall be carried out in accordance with the approved details.
- Prior to occupation of plot 1 the parking spaces 1 and 2 shall be completed.
- Any gates to be a minimum of 5m from the site boundary and open away from the highway.
- Prior approval and implementation of a Construction Method Statement to include site compound; routing of construction vehicles; parking of vehicles; loading and unloading of plant and materials; storage of plant and materials; and wheel wash facilities.

In addition they advise that a contribution of £8000 towards NTADS should be secured through a S106 Agreement.

The **County Education Authority** indicates that the development falls within the catchments of St. Saviour's CE(VC) Primary School and Clough Hall Technology School. The development could add 3 Primary School aged pupils and 2 High School aged pupils. Clough Hall Technology School is projected to have sufficient space to accommodate the likely demand from pupils generated by the development, however the Primary School is projected to be full for the foreseeable future. As such they request a contribution towards Primary School provision only which amounts to £33,093 (3 x £11,031).

**United Utilities** have no objections providing the following conditions are met;

- A public sewer crosses the site and they will not permit building over it. They require an access strip width of 6m, 3m either side of the centre line of the sewer.
- The site must be drained on a separate system, with only foul drainage connected into the foul sewer.
- No surface water shall be discharged either directly or indirectly to the combined sewer network.

The **Police Architectural Liaison Officer** advises that whilst this is not a disproportionately high crime area it is recommended that the units would benefit from minimum standards of security. Appropriate fencing, such as 1.8m close boarded fencing is particularly recommended. Doors and windows should be installed to minimum standards for security and provision to enable a burglar alarm to be retro fitted is also recommended. The parking area is well overlooked but should be illuminated to deter offences. There should be a road surface treatment to offer a transition between public and private space at the entrance to the development, with signage that denotes the development is private for residents only.

The views of the Council's **Housing Strategy Section, Environmental Health Division, Waste Management Section** and **Kidsgrove Town Council** have been sought but they have not responded by the due date. As such it is assumed that they have no comments on the current application. The comments received on the previous application, 13/00785/FUL, are reported below. (No comments were received from the Housing Strategy Section).

The **Environmental Health Division** has no objections to the application subject to the following conditions:-

- Contaminated land conditions.
- Construction hours
- Construction Method Plan
- Noise levels within the dwellings

**Waste Management** raises concerns over the adequacy of the size of the proposed bin stores. They consider that the individual houses should have adequate storage provided within their boundary, and present waste/recycling for collection at the front of the properties from plot number 1 to 7 and from an agreed collection point for the other dwellings. They consider that full and precise details of the recyclable materials and refuse storage should be agreed prior to the development commencing.

**Kidsgrove Town Council** has no objections to the application.

### **Representations**

None received.

### **Applicant/agent's submission**

The application is supported by the following;

- Design and Access Statement
- Noise Assessment
- Geo-environmental Appraisal

- Noise Assessment
- Remediation Strategy
- Tree Survey and Assessment

The application documents are available for inspection at the Guildhall, Kidsgrove Town Hall and at [www.newcastle-staffs.gov.uk/planning/Banburystreet](http://www.newcastle-staffs.gov.uk/planning/Banburystreet)

## **KEY ISSUES**

Outline planning permission for the residential development of this site was initially granted in 2007 and subsequently renewed in 2011. The principle of residential development has previously been accepted and neither policy nor the site circumstances have changed to the extent that residential development is no longer appropriate for this site.

The main issues to address in the determination of this application are as follows;

- Design and layout
- Residential amenity
- Highway safety
- Impact on a protected tree
- Planning obligations necessary to make the development policy compliant

### Design and layout

The Banbury Street frontage, however, comprises a block of 4 two storey brick and tile properties to the west of the access road and a pair of similar dwellings to the east of the access adjoining 31 Banbury Street. The frontage properties are located approximately 1.2 m to the rear of the pavement with a low boundary wall topped with railings. Whilst the proposed semi-detached dwellings are about 1m higher than the adjoining existing property, overall it is considered that the development will be acceptable in the street scene.

The remainder of the development comprises 2 ½ storey properties of a simple brick and tile design with a steeply pitched roof containing a dormer window on the front roof plane and roof lights on the rear. The dwellings are grouped as two pairs of semi-detached properties and one block of three dwellings. These are stepped to address the levels within the site which fall approximately 4m from the highest part of the site fronting onto Banbury Street to the rear of the site.

The parking spaces are primarily located at the front of those properties within the development that do not face onto Banbury Street. The only exceptions are for plots 1 and plot 10 the parking spaces for which are within the plots. The parking provision is therefore a dominant feature however it would not be prominent within the wider area and given the relatively small scale of this development it is considered an acceptable parking solution in design terms, particularly as a reasonable amount of landscaping can be provided to soften its appearance.

The layout shows some provision for bin storage within the garden area of each plot which is considered acceptable as it would have no impact on the appearance of the development.

### Residential Amenity

The relationship between the proposed dwellings and existing houses on Banbury Street, Congleton Road and Cedar Avenue is considered acceptable. The dwelling within the plot adjoining 31 Banbury Street projects marginally beyond the rear elevation of the existing house and would not result in any material loss of light. A separation distance of between 21-23m is achieved between the nearest part of the dwellings on Congleton Road, with a greater separation distance between principal windows as defined in the Space about dwellings SPG. The rear elevation of dwellings in plots 9 and 10 would be approximately 6.5m from the side boundary of the adjoining dwelling on Cedar Avenue and would have an impact on the privacy levels within that property's garden. The impact will be at the end of a 21m long garden and appropriate levels of privacy would still be achieved in a large area of the garden.

The adopted Space Around Dwellings SPG recommends that a garden area of 65m<sup>2</sup> is achieved for dwellings of three or more bedrooms. This is not achieved in the majority of cases and most of those properties where the guidance is achieved are affected to some extent by the existence of a retaining wall that subdivides their gardens. Whilst the standards are not achieved the development does provide useable garden area for every plot and would still provide for family occupation to a greater or lesser extent in every case with the possible exception of plot 4 which has a very limited small garden area. The provision of private garden space could be improved by the provision of some space to the side of that property, although that would be at the expense of a parking space. Such reduction in the number of parking spaces would be acceptable, as discussed in more detail below and therefore subject to such an amendment it is concluded that overall the development is considered acceptable in this regard.

#### Highway safety

The access to the site is as approved under the outline planning permission and remains acceptable from a highway safety viewpoint, adequate visibility and junction spacing being obtainable.

The previous proposal for 15 dwellings and 18 parking spaces was considered to be inadequate and would potentially result in highway safety concerns if on street parking was to take place on Banbury Street which is narrow and already experiences significant levels of on street parking.

The current proposal reduces the number of dwellings by two and increases the total number of spaces to 26 thereby achieving two spaces per dwelling. The revisions that are being sought would result in a reduction in parking provision to 25.

The NPPF (paragraph 32) indicates that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy T16 of the Local Plan indicates 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 these problems cannot be overcome by measures to control parking and waiting in nearby streets. The standard set in the Local Plan is that a maximum of 2 spaces should be provided for the three bedroom properties and 3 spaces for the four bedroom properties. Whilst this is not achieved it is considered that 2 spaces per dwelling in all cases but one would be adequate for all house types. The standard within the Local Plan is a maximum level, not a minimum one.

The Highway Authority previously also expressed concern that a refuse vehicle will not be able to turn within the site. The amended layout has secured appropriate turning space within the site for a refuse vehicle and as such the concerns have been appropriately addressed.

#### Impact on a protected tree.

Since the previous application was submitted a provisional Tree Preservation Order was imposed on a Sycamore tree within the site which is considered to be a visually important tree in the area. The previous application sought the removal of the tree as ring barking had occurred which potentially made the tree unsafe and given that it has a heavy crown and its exposed position the submitted tree survey sought to demonstrate that this should be of concern. The advice of the Landscape Development Section, however, was that the tree should recover from the ring barking and should be retained within the development.

The current application is supported by an Arboricultural Impact Assessment which demonstrates that the tree would not be adversely affected by the proposed retaining wall and can be retained. The development is therefore considered to be acceptable in this regard therefore.

#### Planning obligations to make the development policy-compliant

The proposed development of this vacant site introduces additional trips on the highway network and in the absence of a contribution to NTADS appropriate improvements to local accessibility would not be secured nor would sustainable modes of transport be promoted. Details of how the £8,000 contribution sought by the Highway Authority has been calculated are being sought.

Additionally the development would result in additional pressure on limited primary school places of the school within whose catchment area it is located and in the absence of a financial contribution such adverse impacts would not appear to be appropriately mitigated against.

A planning obligation is also required to secure affordable housing within this development and a contribution towards the development, improvement and maintenance of off-site public open space all in accordance with policy. It is proposed to spend this £38,259 contribution within Clough Hall Park, a neighbourhood park approximately 750m walking distance from the development where improvements have been identified as required.

In all cases it is considered that the contributions that are sought comply with the tests in the CIL Regulations and as such would be lawful.

### **Background Papers**

Planning Policy documents referred to  
Planning files referred to

### **Date report prepared**

20<sup>th</sup> February 2014