

**SITE OF FORMER WOODSHUTTS INN, LOWER ASH ROAD
ASPIRE HOUSING LTD**

14/00767/FUL

The application is for full planning permission for the erection of 22 affordable dwellings comprising a three storey block of 6, one bedroom flats; 10 two storey, two bedroom dwellings and 6 two bedroom bungalows. All the dwellings are to be accessed from Lower Ash Road, the majority via an access adjoining nos 24/2 Lower Ash Road, and three dwellings are to be accessed between 10 and 12 Lower Ash Road.

The site, of approximately 0.5 hectares in extent, is within the Kidsgrove Neighbourhood and Urban Area on the Local Development Framework Proposals Map.

The 13 week period for this application expires on 2nd January 2015.

RECOMMENDATION

a) Subject to the applicant entering into a S106 obligation by agreement by 20th January 2015 to secure the following:

- **A financial contribution of £22,062 towards the provision of education facilities**
- **A financial contribution of £64,746 for open space enhancement/ improvements and maintenance**
- **Any further matters that are considered appropriate following further consideration of the issue of affordable housing and public open space.**

b) subject to the receipt of a further noise assessment, the consideration of the comments of the Environmental Health Division upon that assessment and the inclusion of any reasonable conditions

Permit subject to conditions relating to the following matters:

- **Standard Time limit condition**
- **Approved plans/drawings/documents**
- **Approval of all external facing and roofing materials**
- **Inclusion of windows in side elevation of plots 21 and 22**
- **Landscaping scheme**
- **Details of boundary treatments, including to the rear of the adjoining commercial properties to block the existing gap**
- **Construction Method Statement.**
- **Provision of access drives, parking and turning prior to occupation.**
- **Access to plots 4 to 11 to comply with submitted Cameron Rose Associates plan.**
- **Width of driveway to plots 1 to 3 to be 4.5m for first 6m rear of the highway boundary.**
- **Permanently closure of redundant access.**
- **Driveways to be surfaced in a bound material for 5m from the highway boundary.**
- **Surface water interceptors to be provided where driveways fall towards the public highway.**
- **Contaminated land conditions**
- **Site to be drained on a separate system with no surface water to be discharged into combined sewer network.**
- **Provision of 10m access strip to public sewer crossing site.**
- **Updating of ventilation system of adjoining fish and chip shop**

b) Should the matters referred to in (i) and (iii) above not be secured within the above period, 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 provision for education; and for affordable housing and the provision of adequate public open space as applicable, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The method of securing an appropriate level of affordable housing within the development is being explored with the applicant and further information will be reported.

The principle of the use of the site for residential development is acceptable. The design and layout of the proposal is considered acceptable 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. Subject to the applicant demonstrating that noise from the adjoining business can be suitably addressed in the design of the development through the submission of a further Noise Assessment there are no other material considerations which would justify a refusal of this submission.

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.

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

Amendments have been sought from the applicant and the proposal is considered to be a sustainable form of development in compliance 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 (CSS) 2006-2026

Policy SP1: Spatial principles of Targeted Regeneration
Policy SP3: Spatial principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable Housing
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1: Residential development: Sustainable location and protection of the countryside
Policy H4: Housing Development and Retention of Parking Facilities.
Policy T16: Development – General Parking Requirements
Policy C4: Open Space in New Housing Areas

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)
National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Guidance/Documents (SPGs/SPDs)

Developer Contributions SPD (September 2007)
Affordable Housing SPD (2009)
Space Around Dwellings SPG (July 2004)
Newcastle-under-Lyme and Stoke-on-Trent Urban Design SPD (2010)

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

Relevant Planning History

None

Views of Consultees

The **Highway Authority** has no objections to the proposal subject to conditions regarding:

- The provision of access drives, parking and turning areas before the development is occupied.
- The access to plots 4 to 11 to be provided in accordance with the submitted Cameron Rose Associates plan.
- Driveways to be surfaced in a bound material for a minimum distance of 5m from the highway boundary.
- Surface water interceptors to be provided where driveways fall towards the public highway.
- The private driveway to plots 1 to 3 to be a minimum width of 4.5m for the first 6m rear of the highway boundary.

- No occupation until redundant accesses are permanently closed and the access crossings reinstate as footway.
- Construction Method Statement

The **Police Architectural Liaison Officer** supports the redevelopment of the site for housing and considers that the layout plan indicates that sound crime prevention principles have been adhered to. It is recommended that windows are added at the sides of the properties on plots 21-22 to overlook the parking. Unauthorised access from the front to the back of properties should be prevented by 1.8m high fencing and lockable gating. Use of external hedging is encouraged to provide a subtle defensive barrier. The gap in the existing barrier to the rear of the adjoining shops should be blocked and ideally the existing fence hidden given its unpleasant appearance. The applicant is urged to seek Secured by Design accreditation for this development.

Kidsgrove Town Council fully supports the application indicating that new affordable homes are much needed in Butt Lane, and will allow people to remain in the area in which they grew up, rather than moving elsewhere.

The County Council as the **Education Authority** advises that the development falls within the catchments of St. Saviour's CE Primary School and Clough Hall Technology School. The development is scheduled to provide 16 dwellings. Excluding the six apartments and excluding 10 RSL dwellings from the secondary school calculation only, a development of this size could add 2 Primary School aged pupils and Clough Hall Technology School is projected to have sufficient space to accommodate the likely demand from pupils generated by the development. St. Saviour's CE Primary School is projected to be full for the foreseeable future. They would therefore seek an Education Contribution of 2 Primary School places (2 x £11,031) giving a total request of £22,062.

United Utilities have no objections subject to the following conditions:

- Site to be drained on a separate system, with only foul drainage connected into the foul sewer and restricted surface water flow into the surface water drains.
- No surface water to be discharged either directly or indirectly to the combined sewer network.
- An access strip width of 10m is to be provided, 5m either side of the centre line of the public sewer that crosses the site.

Housing Strategy is supportive of the scheme which stems from the fact that there is a demonstrable need for affordable housing within the Borough. The development will include a mixture of bungalows and 1 and 2 bed properties and will address the acute need for older people accommodation and the provision for smaller affordable housing units within the Borough.

The **Environmental Health Division** objects as the submitted noise assessment has not considered the potential noise impacts from the business, Midway Industrial Doors, which is directly behind the proposed development. They also recommend that if permission is granted it should be subject to contaminated land conditions.

The **Landscape Development Section** has no objections subject to a condition requiring a landscaping scheme and securing a contribution for 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 which amounts to a total contribution of £2,943 per dwelling

Representations

Two representations in support of the application, one from ward **Councillor Kyle Robinson**. It is indicated that this type of development is welcomed in the Butt Lane area as social housing is in very much demand. The local community have been calling for smaller and affordable properties for many years. The development of this site would help to reduce anti-social behaviour in the area. The former Woodshutts pub was marred by criminal activity to a point a Home Office report was required to push for demolition. The community will welcome the clean-up of the site and look forward to a development that will be aesthetically pleasing. This part of the ward offers an array of convenience shops and a park. These properties would be the ideal location for a small family.

Applicant's/Agent's submission

The application is accompanied by the following:

- A Design and Access Statement
- Phase 1 and 2 Ground Investigation
- A Noise Impact Assessment

All of which are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/1400767FUL

Key Issues

The application is for full planning permission for a residential development of 22 dwellings.

The issues for consideration now are:-

- Is the principle of development acceptable?
- Is adequate provision made to provide Affordable housing on the site?
- Is the proposal acceptable in terms of its design and impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Would the proposed layout have any adverse impact upon highway safety?
- Will appropriate open space provision be made?

Is the principle of development acceptable?

CSS Policy ASP5 sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and an indicative target of at least 600 dwellings within Kidsgrove.

CSS Policy SP1 states that new housing in the Borough will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods within General Renewal Areas and Areas of Major Intervention and within the identified 'significant urban centres'. It also 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.

Importantly, the Council is currently unable to demonstrate a five year supply of housing land. Where Local Planning Authorities cannot demonstrate an up-to-date 5 year supply of deliverable housing sites, the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

In terms of sustainability, the site is located close to the A34 and the A500 with its links to the M6 motorway. Butt Lane has a number of shops and services and bus stops are located on Congleton Road less than 750m from the site with a bus service running every 20 minutes connecting Hanley, Newcastle and Kidsgrove with its railway station. It is considered that this site represents a sustainable location therefore.

There are currently four garages on part of the site of which three are leased to local residents. The applicant advises that there is another garage site on Lower Ash Road in very close proximity to the site and the tenants of the garages on site will be given to the opportunity to relocate to a garage on that site, five of which are currently not in use. As such alternative parking of equivalent capacity and accessibility is available and as such it is considered that the loss of the parking facilities would not be contrary to Policy H4 of the Local Plan.

The nature of the site and in the context of the Council's inability to demonstrate a five year supply of housing land is such that the principle of residential development is considered acceptable.

Is adequate provision made to provide Affordable housing on the site?

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. This equates to 6 units, however the proposal is for all of the units being affordable houses for rent.

Whilst the intention is that all of the development will be affordable housing, to comply with policy it would be normal practice that affordable housing to meet policy requirements is secured in perpetuity via an obligation under section 106 of the 1990 Act, to ensure that first of all that it is secured by a legal agreement. However, in respect of other applications for residential development by the same applicant it has been accepted that the affordable housing requirement was not secured directly by a section 106 obligation or by condition in part because this would have prevented the applicant securing a substantial amount of funding from the Homes and Community Agency (HCA).

The applicant has not, in support of this application, put forward such a case and this is being explored in more detail with the applicant to ensure that suitable levels of affordable housing provision is secured in perpetuity within this development in a manner which does not jeopardise the implementation of any planning permission given the importance of this development as highlighted in the comments of Housing Strategy above.

Is the proposal acceptable in terms of its design and impact on the form and character of the area?

The NPPF at paragraph 56 indicates that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 64 it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy CSP1 of the 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 NPPF.

Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

R12 of that document states that residential development should be designed to contribute towards improving the character and quality of the area. Proposals will be required to demonstrate the appropriateness of their approach in each case. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists already and has a definite value. Where there is no established urban or suburban character, new development should demonstrate that it is creating a new urban character that is appropriate to the area.

R13 states that the assessment of an appropriate site density must be design-led and should consider massing, height and bulk as well as density. R14 states that developments must provide an appropriate balance of variety and consistency.

The development is made up of a block of three storey flats, two storey dwellings and bungalows. The flats are located at the junction of Lower Ash Road and Harecastle Avenue. The scale then steps down to the two storey dwellings on both road frontages providing an appropriate transition between the development and the adjoining two storey buildings on Lower Ash Road, and the single storey commercial building (Midway Industrial Doors) on Harecastle Avenue. The bungalows are all located away from the road frontages to the site, to the rear of properties.

The design and appearance of all the buildings proposed incorporates red brickwork and concrete interlocking slates which reflect the materials of the traditional buildings in the surrounding area. Certain of the buildings within the development, where they are located on road frontages, also incorporate quite significant areas of fibre cement board cladding that has the appearance of wood.

Such a material is considered to be an acceptable contrast, and would achieve the applicant's aim to create a mini landmark in place of the demolished pub.

The layout and density of the proposed scheme and the proposed house types reflect and complement the local character, and it is considered that the proposal would be acceptable in terms of its design and impact on the form and character of the area.

Would there be any adverse impact on residential amenity?

This falls into 2 elements – the residential amenity of existing adjacent occupiers and the residential amenity of future residents of the development.

Existing occupiers' amenity

The proposed layout achieves, in respect of most plots, separation distances that accord with the guidance set out in the Council's Supplementary Planning Guidance (SPG) relating to Space about Dwellings. The separation distance between the side elevation of the bungalow on plot 2 and the rear elevation of 12 Lower Ash Road is 8m which does not achieve the guidance set out in the SPG of a separation distance of 10.7m between a principal window and a blank wall. The affected principal window in this property No.12 Lower Ash Road is a first bedroom window which would look out onto the hipped roof of the proposed bungalow adjoining, as such the impact of the development would be limited and it is considered that the relationship between this existing property and the development would be acceptable even with such a shortfall.

Amenity of future occupiers of the development

The proposed dwellings would generally provide amenity areas which comply with the lengths/areas recommended in the SPG and as such it is considered that the level of private amenity space would be sufficient for the family dwellings proposed.

The site is located adjoining a fish and chip shop which currently does not have a suitable extraction system. There are concerns that the odours from this use will adversely affect the living conditions of the residents of the proposed development. The applicant, however, also owns the premises containing the fish and chip shop and have committed to updating the ventilation system to address odours and noise. This could be secured by a negatively worded condition.

Whilst the application is supported by a Noise Assessment, this does not address noise arising from the adjoining commercial use, Midway Industrial Doors. The applicant has commissioned a further assessment to address this matter and it is anticipated that this will be received prior to the Committee meeting. The conclusions of the further assessment and the comments of the Environmental Health Division will be reported.

Would there be any adverse impact upon highway safety?

All houses and bungalows would have at least one off-road parking space and the six flats would share six spaces. In addition within the development are 5 additional visitors' car parking spaces provided.

The Highway Authority has no objections to the detail of the proposal subject to conditions and therefore, the proposal is considered acceptable in terms of impact on highway safety.

During the course of the application, the applicant has providing further information demonstrating, to the satisfaction of the Highway Authority, that a refuse vehicle can enter the site, turn and exit in a forward gear. The proposed development, therefore, would not result in any highway safety concerns as a result of the servicing of the development.

Will appropriate open space provision be made?

NLP Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing. 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.

Whilst the views of the Landscape Development Section have requested a contribution to improve off site open space facilities. It is proposed to spend this £64,746 contribution within Clough Hall Park, a neighbourhood park approximately 200m walking distance from the development where improvements have been identified as required.

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

24th November 2014