

The Application is for full planning permission for the demolition of the existing public house and the erection of 10 dwellings.

The application site, of approximately a third of a hectare in extent, currently contains a former public house and its associated car parking and beer garden. It is within the urban neighbourhood of Kidsgrove, as indicated on the Local Development Framework Proposals Map. The site lies directly adjacent to the boundary of the Talke Conservation Area.

**The 13 week period for the determination of this application expires on 15 July 2015.**

### **RECOMMENDATION**

**A. Subject to the applicant first entering into Section 106 obligation by 10<sup>th</sup> July 2015, to secure a contribution of £1,500 per dwelling to improvements to facilities at Chester Road playground and their maintenance,**

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

- 1. Time limit and plans**
- 2. Materials, hardstandings and boundary treatment details as per submission**
- 3. Construction hours**
- 4. Contaminated land (demolition excluded from commencement)**
- 5. Specified glazing details**
- 6. Submission and approval of a plan showing a continuous 1.8 m footway and visibility splays**
- 7. Restriction of garages to car parking only**
- 8. Removal of existing site access on Jamage Road**
- 9. Access drive being of a porous bound material**
- 10. Full soft landscaping details**
- 11. removal in some cases of permitted development rights for extensions, alterations, outbuildings & hardstandings**

**B. Failing completion of the above planning obligation by the date referred to in the above recommendation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that without the obligation being secured, the development would fail to secure an appropriate contribution for the improvement to off-site public open space which would reflect the infrastructure needs of the development; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.**

### **Reason for Recommendation**

It is considered that the proposed development would meet sustainable development objectives and would have an acceptable design and layout that would meet development plan policies and the guidance and requirements of the National Planning Policy Framework. No significant and adverse harm would be caused to existing and proposed residential amenity levels and highways safety implications would also be limited. There are no other material considerations which would justify a refusal of this application.

### **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**

Discussions have been ongoing throughout the application process and it is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

## **KEY ISSUES**

This application is for full planning permission for the demolition of the existing public house and the erection of 10 detached residential dwellings.

The application follows a previous approval in 2013 (13/00103/FUL) for the demolition of the existing public house and the erection of 14 dwellings, alterations to accesses, associated landscaping and car parking. This planning permission is still extant and is material to the determination of the planning application, both as a fallback position and in terms of the LPAs' consideration of issues that it may have raised. That permission was granted following the completion of an agreement securing the payment of £2943 per dwelling towards public open space improvement and maintenance..

The key issues for consideration in the determination of this new application are:-

- Principle of the development and the loss of community facility
- Design and impact on the character and form of the area
- Impact on residential amenity levels
- Impact on highways safety
- Landscaping matters/ Public Open Space considerations,
- The implications of the November 2014 Ministerial Statement, and
- Other matters

### Principle of the development and the loss of community facility

It was accepted when determining the application 13/00103/FUL, in September 2013, that the principle of residential development on this site would represent a sustainable form of development that would help contribute towards the Council achieving a five year supply of housing land, as required by paragraph 49 of the NPPF. This permission is still extant and capable of being implemented. However, the development now proposed is for 10 dwellings (as opposed to the 14 previously approved).

The Council is still in a position whereby it cannot demonstrate a five-year supply of housing land and it remains that the use of the site as a private community facility is not considered to be viable in this instance.

On the basis of the above, it is considered that the principle of residential development in this location is acceptable and should be supported.

### Design and impact on the character and form of the area

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 64 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 under the heading of 'Design Quality' advises new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape. The Urban Design SPD further expands on this by advising in R14 that "Developments must provide an appropriate balance of variety and consistency, for example by relating groups of buildings to common themes, such as building and/ or eaves lines, rhythms, materials, or any combination of them."

The previously approved scheme for 14 dwellings had a layout that split the dwellings into two blocks of terraces. This was considered acceptable acknowledging that the site has an awkward shape and topography.

The site has a number of challenges, most notably its shape and the split in ground levels. The existing public house is in an advanced stage of disrepair and has an unattractive and harmful

appearance within the street scene. This is also the view of objectors who do not oppose the principle of redevelopment of the site.

The proposal is now for 10 detached dwellings that front and take access from Jamage Road, High Street and Hurst Close. Two house types are proposed which represent an acceptable standard of design and the applicant has made efforts to ensure that certain plots have additional features and design interest within side elevations in order to avoid solid blank gables facing a highway (in particular plots 1 & 6). These fall short of being classed as dual frontage properties but the overall design of the dwellings, the variety in style, use of materials and potential landscaping would ensure that the development as a whole would enhance the site and visual amenity of the area in general.

Amended plans have also been received which provide further design improvements which include orientating plot 9 so that it fronts the incidental open space at the junction of Jamage Road and High Street. This would be a further enhancement with vantage points from Crown Bank now seeing a front elevation rather than a side gable, as was previously proposed. The development now ensures that the important view down the adjacent linear Crown Bank Conservation Area is protected (as required by NLP Policy B10), and indeed it should be enhanced by the development.

Further benefits of the development would be the active frontages of the properties and whilst some high boundary treatments are required at the back of the footway these would be a high standard of design and no significant concerns are raised. Streetscene plans have also been submitted to show cross sections through the site and no significant concerns are raised with relation to ground levels.

#### Impact on residential amenity levels

Paragraph 17 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.

As discussed the proposed dwellings would front Jamage Road, High Street and Hurst Close. The proposed dwellings are unlikely to result in any significant loss of residential amenity to existing neighbouring properties due to their design and the relationship with these properties.

The separation distances between plots within the proposed development will fundamentally comply with the Council's supplementary planning guidance and an appropriate level of private amenity space for each plot would be achieved. Permitted development rights for at least some of the plots should be removed for extensions and outbuildings due to the limited rear garden sizes in some cases and the close interrelationships created. Rights to make roof alterations without consent should also be removed to ensure that control can be exercised and similarly hardstandings should be able to be controlled within the front gardens.

Walls and fencing are proposed and, subject to conditions regarding glazing and ventilation systems, appropriate levels of residential amenity should be achievable. A construction hours condition is also advised and considered appropriate in this instance.

#### Impact on highways safety

NLP Policy T16 details that for a three bedroom dwelling there should be a maximum of two off street car parking spaces per dwelling.

In this instance all the dwellings would have three bedrooms and the application plans show that two off street car parking spaces would be provided for each dwelling in either a garage and a driveway or a driveway. Where one space is to be provided within a garage, namely plots 5, 7, & 8, it is considered appropriate to restrict them to vehicle parking and they should not be converted to internal living areas at any time. This would reduce the potential highway safety problems from vehicles parking on the highway.

The Highways Authority (HA) has raised no objections subject to conditions but the applicant has sought to provide the information on an amended site plan now received because they wish to proceed very promptly with the development, and they do not want any delay associated with having

to obtain approvals of details required by conditions. This amended plan has been forwarded to the HA for further comment and if received in time such comments will be reported and if the details are acceptable then the conditions should be adjusted to reflect this.

All of the representations received raise concerns about potential highway safety implications of the proposed development on Hurst Close in terms of on street car parking, flooding and congestion. The proposed development will increase vehicle movements onto Hurst Close due to 6 plots having their access drives onto it. The HA have raised no concerns in this respect and subject to a number of highways measures which would improve the proposal it is considered that no substantial objection can be raised due to satisfactory off street car parking being proposed, acceptable visibility splays and the use of porous materials to prevent water run off onto the highway.

#### Landscaping matters and Public Open Space considerations

The Landscape Development Section (LDS) requested further information to assess the impact of the development on trees within the site. Trees on the site were not covered by a Tree Preservation Order and have been removed from the site. The applicant says that this was done prior to them taking over the site and the application being submitted. A satisfactory level of soft landscaping is proposed within the front and rear gardens. The incidental open space, which lies beyond the application site (and within the highway verge) appears to be well landscaped and an attractive feature in the locality. The proposed development, as now reorientated, is considered to compliment this area and the street scene in general..

The LDS have requested a financial contribution for off-site open space improvements in the order of £2943 per dwelling, equating to a total of £29,430, this contribution if secured would be proposed to be used for improvements to facilities at Chester Road in line with Newcastle Local Plan Policy C4, Core Spatial Strategy policy CSP5, the Developer Contributions SPD and the Urban North Staffordshire Green Space Strategy. As already indicated such a contribution was previously achieved with respect to the previous scheme in 2010.

#### The implications of the Ministerial Statement of November 2014

Members have been previously made aware of the Ministerial Statement of the 28th November 2014 on Section 106 obligations imposed on small-scale developers, custom and self-builders which details that affordable housing and tariff style contributions should not be sought from developments below the 10 unit/1,000 sq m threshold. However, the Planning Practice Guidance (PPG) indicates "contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000 sq m (gross internal area)". There is therefore an apparent divergence between national policy and national guidance.

The proposed development is for 10 units and has a combined gross floor space of less than 1,000 sq metres (gross internal area). The applicant is of the opinion that public open space contribution is a tariff style contribution and should not be sought from the LPA. However, officers have considered the wording of the Planning Practice Guidance (PPG) and are of the view that the contribution towards the provision, upgrading and maintenance of public open space is not a tariff style contribution because it is not a contribution towards "a funding pot intended to provide common types of infrastructure for the wider area" or a funding pot "intended to fund the provision of general infrastructure in the wider area". In this instance it will be towards a specific project, namely Chester Road playground.

The spirit of the Ministerial Statement is clear (the government considers that contributions are imposing a "disproportionate burden on small-scale developers") as is the policy imperative (for example in para 47 of the NPPF) of the planning system significantly boosting the supply of housing. The POS contribution requirement which already only applies to developments of 10 units or more, is based upon a policy contained within the development plan and in the absence of contrary information, seeking such a contribution would not be contrary to the Government's stated policy as set out in the Ministerial Statement on Section 106 obligations imposed on smallscale developers, custom and self-builders.

Without prejudice to their position that this is a situation where such contributions should not be sought the applicants have indicated that they are prepared to make a contribution of £1500 per unit towards public open space enhancement and maintenance. Given that there is some ambiguity as to the interpretation of the new national policy for sites of 10 units or less, this is considered a reasonable offer.

### **Policies and Proposals in the approved Development Plan relevant to this decision:-**

#### Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (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 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 C12: Loss of Community Facilities  
Policy N12: Development and the Protection of Trees  
Policy B10: The requirement to preserve or enhance the character or appearance of a Conservation Area  
Policy IM1: Provision of essential supporting infrastructure and community facilities.

#### Other material considerations include:

National Planning Policy Framework (March 2012)  
Planning Practice Guidance (2014)

'Support for small scale developers, custom and self-builders' - Written Statement to Parliament by the Minister of State for Housing and Planning (28 November 2014)

#### Supplementary Planning Guidance/Documents

Space Around Dwellings (July 2004)  
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)  
Developer Contributions SPD (September 2007)  
North Staffordshire Green Space Strategy (adopted December 2009)

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

#### Planning History

Planning permission was granted on 21.11.2013 for the demolition of the existing public house and erection of 14 dwellings, alterations to accesses, associated landscaping and car parking.

#### Views of Consultees

The **Highway Authority** raises no objections subject to conditions which seek revised plans which show a widened footpath along Hurst Close and visibility splays, the existing access being made redundant and the access drives being of a bound and porous material.

The **County Council as the Education Authority** advises the development falls within the catchment of Springhead Community Primary School and The King's CE (VA) School (the former

Clough Hall Technology College). Taking account of the 28<sup>th</sup> November Ministerial Statement referred to above they consider that they cannot request any education contribution, and in any case pupils generated by this development should be able to be accommodated at the schools concerned.

The **Landscape Development Section** advise that before they can comment they would require the a Tree Survey (covering trees on and overhanging the site), Arboricultural Implications Assessment and retained trees and RPAs shown on the proposed layout being submitted.

They also seek a developer contribution for off-site Public Open Space improvements equating to £2943 per dwelling, therefore totalling in this instance £29,430, which would be directed towards the Chester Road open space.

The **Environmental Health Division** has no objections subject to conditions regarding contaminated land, noise mitigation measures for internal and external areas, and construction hours.

The **Environment Agency** detail that the comments on the previous application still stand - they raised no objections.

**Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** have detailed that they commend the design of this proposed development, which possesses some positive crime prevention layout features. However, there are a couple of aspects where slight alterations could enhance the security of the respective properties. These relate to the height and location of rear garden boundaries that should be considered further. A telecommunications box is identified as being a potential climbing aid for offenders to gain access to the rear garden. This should be re-sited in the first instance but if this is impractical planting (spikey species) should be explored. Secured by Design accreditation for the scheme should also be explored by the developer.

**Waste Management Section** raises no objections.

The **Coal Authority** have detailed that the application site within the defined Development Low Risk Area. If the proposal is granted planning permission then the Coal Authority's Standing Advice should be included as an informative on the Decision Notice in the interests of public health and safety.

The **Urban Design and Conservation Officer** notes that the southern boundary of the Talke Conservation Area which incorporates the historic stone wall which is characteristic of Crown Bank, runs along the edge of the pavement adjacent to the site. At present there are quite extensive views across the site and into and out of the Conservation Area. Whilst residential development of the site is not opposed by her, she does have some concerns (about the original submission) regarding boundary treatments and the orientation of the houses at the bottom of Crown Bank – wishing to ensure that visually the site has a better relationship to the existing environment.

**United Utilities** recommend a condition securing as separated drainage system

The views of the **Butt Lane LAP** and **Kidsgrove Town Council** have been sought, and as the date by which any comments were sought has passed they must be assumed to have no observations to make upon this application.

### Representations

Five letters of representations have been received raising the following concerns:-

- The road width of Hurst Close is not suitable to serve 6 additional properties,
- Increased noise from additional vehicles,
- The previous plans approved had less traffic impact on Hurst Close,
- Business vehicles use Hurst Close to access premises that front High Street
- The proposal would exacerbate existing on street car parking problems and flooding,
- Ambulance access is required on Hurst Close on a regular basis and this and the proposal will combine to cause congestion,
- There is not enough information to make informed decisions regarding the plans,
- Existing surface water flooding is an issue on Hurst Close,

- The turning head of Hurst Close is currently congested,

The objectors however support the principle of the development of this unsightly site.

#### Applicant/agent's submission

The application is supported by the following documents :-

- Design and Access Statement
- Geo-Environmental Assessment

Where relevant, reference is made to points made within these documents within the key issues section above.

Amended plans have also been received

All of these documents are available for inspection at the Kidsgrove Service Centre and at [www.newcastle-staffs.gov.uk/planning/1500329FUL](http://www.newcastle-staffs.gov.uk/planning/1500329FUL)

#### Background Papers

Planning file  
Planning documents referred to

#### Date report prepared

14 May 2015