

The application is for full planning permission for a residential development comprising 14 houses.

The application site, of approximately 0.33 hectares, is within the village envelope of Bignall End, as indicated on the Local Development Framework Proposals Map.

The site is accessed off New Road which is a B classified Road.

A grade II listed milepost is sited located on New Road opposite and in close proximity to the site.

The 13 week period for the determination of this application expires on 25th August 2015.

RECOMMENDATION

Refuse for the following reasons;

- 1. The number of dwellings proposed for this site results in the proposed development having a cramped and overdeveloped appearance that would be out of character with the immediate locality and harmful to the appearance of the area;**
- 2. The applicant has failed to demonstrate that an acceptable level of off street car parking can be achieved within the application site and that a refuse lorry can manoeuvre within the site safely which would in adverse impact on highway safety,**
- 3. Without a secured and appropriate financial contribution relating to public open space the development would be contrary to policies on the provision of open space for residential development;**
- 4. Without a secured and appropriate financial contribution for education places the development would be contrary to policies on the provision of open space for residential development.**

Reason for Recommendation

There are a number of concerns about the development. These include the adverse impacts of the development stemming from the number of dwellings proposed which would be harmful to the form and character of the area, the highway safety concerns and the absence of an obligation securing a financial contribution towards public open space and education provision. These adverse impacts significantly and demonstrably outweigh the benefits of the development – in particular the provision of housing on a previously developed site involving a disused workingmen's club, in the context of the Council's inability to demonstrate a 5 year supply of deliverable housing sites, in a sustainable rural location.

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

The application in its current form does not meet the objectives of the NPPF and despite a number of amended plans and submissions by the applicant the issues and concerns have not been overcome in order for a positive recommendation to be achieved.

Key Issues

This application is for full planning permission for a residential development comprising 14 dwellings on the former Audley Workingmen's Club site located on New Road in the village envelope of Bignall End.

Access to the proposed development would be off New Road and a grade II listed milepost is located on New Road opposite and in close proximity to the site. The proposal is not considered to adversely affect the setting of this milepost and so no further consideration is deemed necessary.

It is considered that the main issues for consideration in the determination of this application are:

- Is the principle of the development on this site acceptable?
- Would the proposed development have a significant adverse impact on the character and appearance of the area?
- Would there be any adverse impact on residential amenity?
- Would the proposed development have any adverse impact upon highway safety?
- S106 obligation considerations
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

Is the principle of the development on this site acceptable?

The site lies in the rural area within the village envelope of Bignall End.

CSS Policy SP1 states that new housing 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 goes on to say 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.

Policy ASP6 is more specific towards housing in rural areas and states that there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing. This is to allow only enough growth to support the provision of essential services in the Rural Service Centres.

Furthermore, policy H1 of the Local Plan seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

The application site is currently occupied by an existing workingmen's club building and associated car parking and as such meets the definition of previously developed land (PDL) as identified within annex 2 of the NPPF.

The principle of residential development on this site by virtue of it representing development of PDL in a sustainable rural location is considered to comply with policies SP1 and ASP6 of the CSS, policy H1 of the local plan. However in accordance with paragraphs 14 and 49 of the National Planning Policy Framework (NPPF) such policies are out of date as, in the opinion of your officer, the Authority 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 NPPF due to a lack of a full objective assessment of need. The starting point is a strong presumption in favour of development unless any adverse impacts of doing so would outweigh the presumption will be considered in the sections below.

Would the proposed development have a significant adverse impact on the character and appearance 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 submitted layout shows a single point of access which utilises the existing access for the former workingmen’s club with a straight road leading to a turning head at the top. The proposed dwellings would all front this internal road.

The proposed dwellings would be semi-detached and two storey in height with a mix of two and three bedroom dwellings. The housing density of the proposed development is 42 dwellings per hectare. The proposed dwellings would be tightly spaced together and whilst it is acknowledged that the character and form of some parts of Bignall End is of high density terraced streets the context is very different on this side of New Road which has much lower density. In particular a neighbouring residential development permitted in 2002 has an approximate density of 35 dwellings per hectare which is considered a more appropriate density for this rural settlement location. This results in the development having a cramped and overdeveloped appearance that would be out of character with the immediate locality. This would be contrary to the urban design guidance and requirements of the NPPF.

Whilst the individual design of the plots, which are all very similar with identical features within the front elevations, may be acceptable within a development of fewer dwellings in this case such uniformity serves to emphasise that the dwellings are too tightly spaced and appear cramped. A reduction in numbers of dwellings within the development and the introduction of other materials to the palette proposed would improve the scheme in your officer’s opinion.

The two bed properties would have one frontage car parking space in order to provide soft landscaping on the frontages. Parking standards are considered in a later section but the amount of soft landscaping does not soften the appearance of the frontages to a point where it addresses the overdeveloped appearance of the site.

It is therefore considered that the redevelopment benefits of the proposal do not outweigh the harmful impact that the appearance has on the character and form of the area. It is the view of your officers that a lower density development would address the significant concerns raised.

Would there be any adverse impact on residential amenity?

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 layout shows the dwellings in a linear form with plots 1 to 7 having an outlook towards the rear elevations of properties on Pump Court and plots 8 to 14 would have an outlook towards the rear of properties on Watlands Road. A number of objections have been raised by neighbouring occupiers about the two storey scale of the proposed dwellings and the proximity to neighbouring properties and potential overlooking and loss of privacy. However, the separation distances between the proposed plots and the existing plots would comply with the SPG and adequate private amenity space would also be achieved which is considered acceptable.

If planning permission were to be granted it is advised that permitted development rights for all of the plots should be removed for extensions and outbuildings due to the limited rear garden sizes. The ability to undertake alterations to the roof without the need for planning permission should also be removed to ensure that no harm is caused to the amenity of neighbouring occupiers and hardstandings should be prevented within the front gardens.

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

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

The NPPF seeks to promote sustainable development and development in sustainable locations. In this instance it is one of the largest rural centres with public transport opportunities (bus service)

operating on New Road with schools and other amenities within easy walking distance. Audley village centre is also considered to be within easy walking and cycling distance from the application site.

The two bed dwellings are said by the applicant to have one off street car parking space on a front driveway and the three bed dwellings to have two spaces in a tandem arrangement (other than plot 12 where the two spaces are side by side covering the width of the site frontage). The applicant considers that such parking levels are appropriate for this sustainable location and that a reduced level of parking would also be acceptable in such a sustainable location which would allow more landscaping along the frontages to address concerns that have been expressed about the appearance of the development.

It is acknowledged that there is a choice of modes of transport than the private car in this location it is, however, considered that the number of parking spaces that is said to be provided is necessary to address the needs of the development and any reduction could result in vehicles parking on the access or elsewhere. Whilst, as suggested by the applicant, design measures can be incorporated into the development that would discourage vehicles from parking along the access those vehicles that aren't accommodated on plot will park elsewhere on the public highway which may result in highway safety problems.

In any event the applicant has not satisfied your officer or the Highway Authority, through the submission of a plan showing parking spaces of appropriate dimensions, that one space can be provided for the two bed dwellings and two spaces for the three bed. As such as the applicant has failed to demonstrate an acceptable level of parking within the development and that highway safety will not be affected.

Another concern expressed by the Highway Authority is that the applicant has also failed to demonstrate that a refuse lorry can access and manoeuvre the site safely. This also results in highway safety concerns.

A reduction in housing numbers would also reduce the impact that car parking has on the appearance of the development and visual amenity of the area.

S106 obligation considerations

The Landscape and Development Section (LDS) and the Education Authority (EA) have indicated that the proposed development would require a contribution to be secured for Public Open Space (POS) and Education respectively.

The NPPF advises developments should optimise the potential of site accommodate development, create and sustain an appropriate mix of uses, including public open spaces (paragraph 58), it also advises the local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations (paragraph 203).

It necessary to consider whether the contributions sought are in accordance with Section 123 which came into force on 5th April 2015. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it provides funding in respect of a specific infrastructure project or a type of infrastructure and, if five or more obligations providing funding for that project or type of infrastructure have already been entered into since 6 April 2010.

The proposed development would introduce 14 new two and three bed dwellings into the locality and no open space is included within the development proposals. Therefore LDS have requested a contribution of £41,202 for capital development/improvement of greenspace and maintenance Local playground facilities at Bignall End Road which is the only public open space within the locality.

A contribution of £33,093 to primary school provision (3 pupil places) towards Ravensmead Primary School is requested.

A POS contribution has not been previously secured for the above and neither has a contribution towards the above school. It is therefore considered that the obligations requested are consistent with

the provisions of the NPPF and meets the tests of the CIL regulations, as amended, which are that a planning obligation should be

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development.

Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

The proposed scheme by virtue of the number of units and the cramped appearance would represent overdevelopment of the site that would have a harmful impact on the visual amenity of the area, along with highway safety concerns, which would outweigh the benefits of the provision of housing land in the rural area and the redevelopment of the existing derelict site, thus being contrary to the requirements of the NPPF taken as a whole.

Other matters

The County Council Flood Risk Team has commented that a Surface Water Drainage Strategy has not been submitted and that detailed drainage plans are required for the proposed development, to show the proposed topography and how it will drain are required before the application is determined. United Utilities, have, however requested drainage details through a condition of permission.

Further clarity will be sought from the flood risk team of their request and whether the matters can be addressed via conditions. An update will be provided prior to the meeting.

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 ASP6: Rural 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 (NLP) 2011

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 C22: Protection of Community Facilities
Policy IM1: Provision of Essential supporting Infrastructure

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

Planning Practice Guidance (PPG) (2014)

Community Infrastructure Levy Regulations 2010, as amended

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (July 2004)

Developer Contributions Supplementary Planning Document (SPD) (September 2007)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

Relevant Planning History

None relevant

Views of Consultees

Audley Parish Council has indicated that the design of the site layout is of a poor quality with no soft landscaping and a uniform appearance which is not in keeping with the adjacent modern development. In particular it is overcrowded and overdeveloped. A reduction in property numbers to 10, providing a mix of housing offers and designs with larger gardens and more off road parking would be considered a better quality and more sustainable development. Consideration should be given to the lack of ability for the visitors and resident's additional cars being able to park in the nearby area if there is no room to park on the road of the development.

The **Environmental Health Division** has no objections to the proposal subject to conditions regarding construction hours, contaminated land and design measures to mitigate future occupiers from noise.

The **Highway Authority** has recommended that the application should be refused due to the application failing to provide adequate information to assess the application from a highway safety perspective.

The **Housing Strategy Section** states that the 14 dwellings do not meet the threshold set out in the Affordable Housing SPD and therefore no affordable housing is required.

The **Education Authority** states that the development falls within the catchments development falls within the catchments of Sir Thomas Boughy High School and Ravensmead Primary School. The development is scheduled to provide 14 dwellings. A development of this size could add 3 primary aged pupils and 2 secondary aged pupils. Sir Thomas Boughy High School is projected to have sufficient space to accommodate the likely demand. Ravensmead Primary School is projected to be full for the foreseeable future and an education contribution for 3 Primary School places (3 x £11,031) = £33,093 is therefore required.

Staffordshire County Council Flood Risk Team have indicated that they are unable to comment as there is no Surface Water Drainage Strategy submitted with the application.

The **Landscape Development Section** raises no objection subject to tree protection measures and submission and approval of a landscaping scheme. A contribution of £ 2,943 per dwelling towards the improvement and maintenance of local playground facilities at Bignall End Road should be secured which is a 644 metre walk or radial distance of 528 metre away.

The **Waste Management Section** raises concerns regarding the access to the proposed properties, for waste collection vehicles. A 26 tonne, 12 meter long refuse truck would have to either reverse in or out of the access road. Reversing vehicles of this type is a high risk operation and HSE guidance for the waste industry states that such manoeuvres should be designed out where opportunities arise. Notwithstanding the concerns a conditions regarding waste recycling details and storage is advised by condition.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** support the redevelopment of the site for housing but wonders whether the proposed layout could be improved by changing the location of the access road so that it follows the east boundary instead to improve natural surveillance and enable unsightly boundary treatments to be removed.

United Utilities raise no objections subject to foul water and surface water conditions along with advisory notes regarding water supply.

Representations

Eight letters of representation have been received, seven objecting to the application and one letter in support. The objections received are on the following grounds;

- Houses would overlook neighbouring bungalows,
- The development would cause noise from traffic,
- The design of the houses is poor and the development is out of keeping with the area,
- It would result in the loss of privacy to neighbouring windows from the houses and traffic,
- Concerns regarding criminals having easy access to existing properties due to the access road,
- Construction noise would have a detrimental impact on neighbours,
- The site would be overdeveloped and two storey properties are not appropriate,
- Bungalows would be more appropriate in this location,
- Potential drainage issues,
- Loss of privacy to rear gardens,
- Car parking provision is insufficient,
- The developer is seeking to maximise profit,

The letter of support indicates that the application for housing would be suitable for the area and remove an unused derelict eyesore.

Applicant's/Agent's submission

The application is accompanied by a Design & Access Statement and a Site Investigation Desk Study report. These documents are available for inspection at the Guildhall and on

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

3rd July 2015