

The application is for full planning permission for two detached dwellings within the Kidsgrove Urban Neighbourhood as indicated on the Local Development Framework Proposals Map and is within the Major Urban Area.

The proposed dwellings are additional to the 12 dwellings that have been constructed on the former Squires Copper site.

**The 8 week period for the determination of this application expires on the 5<sup>th</sup> February 2016.**

**RECOMMENDATION**

**A. Subject to the applicant first entering into a section 106 obligation securing a contribution towards public open space, by way of access improvements to the Bellway Homes playground number 2 near Silvermine Close by the 12th March 2016, permit the application subject to conditions relating to the following matters:**

**Permit, subject to conditions relating to the following: -**

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. Materials**
- 4. Boundary treatments**
- 5. Landscaping proposals**
- 6. Provision of access, parking and turning areas prior to occupation**
- 7. Surface Water Drainage Interceptor**
- 8. Surfacing being of a bound material**
- 9. Garages to be retained for parking**
- 10. Design measures to ensure noise levels**
- 11. Construction Hours**
- 12. Contaminated land**
- 13. Tree Protection Measures**

**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 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**

Whilst the site does not represent previously developed land it is located in a highly sustainable residential area in close proximity to existing local services and in the context of your Council's position that a robust 5 year supply of deliverable housing sites cannot be demonstrated there is a presumption in favour of the development. The design of the scheme is acceptable and there would be no significant harm caused to the area in terms of highway safety matters, residential amenity levels and loss to protected or visually significant trees, subject to conditions. In addition the proposal would secure a contribution to off-site public open space.

**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 with the applicant have been ongoing during the application and further supporting information has been provided. This is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

## **KEY ISSUES**

Outline planning permission was granted for a residential development of 12 dwellings on the site, which lies within the Urban Area of Kidsgrove as indicated on the Local Development Framework Proposals Map. A Reserved Matters application has also been permitted and the 12 dwellings have now been constructed.

This application is for two additional detached dwellings adjacent to the single point of access off Mount Road.

The key issues in the determination of the application are;

- The principle of residential development
- The design and the impact on the character of the area
- Impact on residential amenity
- The impact on trees on or adjacent to the site
- Highway and transportation matters
- Coal Mining issues, and
- What planning obligations are considered necessary and lawful?

### The principle of residential development

The site is located within the urban area of Kidsgrove and formed part of the former Squires Copper industrial site that has seen 12 dwellings now been constructed on the land which were permitted under 10/00278/EXTN and 14/00235/REM. This site was within the curtilage of the industrial premises but has not been developed. The site has been cleared of vegetation and structures and would therefore not meet the definition of previously developed land as defined in Annex 2 of the NPPF.

The Local Planning Authority (the LPA), by reason of the National Planning Policy Framework (NPPF), is however required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements (in the Borough's case as set out within the CSS) with an additional buffer of 5% to ensure choice and competition in the market for land. Where, as in the Borough, there has been a record of persistent under delivery of housing, the LPA is required to increase the buffer to 20%. The Local Planning 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 Planning Policy Framework (NPPF), because that it does not have a full objective assessment of housing need, and its 5 year housing land supply statement is only based on household projections.

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 LPA cannot demonstrate a five-year supply of deliverable housing sites (as defined in paragraph 47). Paragraph 14 of the NPPF details that at the heart of the Framework is a presumption in favour of sustainable development and that this means, 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, or specific policies in the Framework indicate development should be restricted. The examples given of 'specific policies' in the footnote to paragraph 14 indicate that this is a reference to area specific designations such as Green Belts, Areas of Outstanding Natural Beauty and similar. The application site is not subject to such a designation.

Given that the Borough is currently unable to robustly demonstrate a five year supply of deliverable housing sites in accordance with paragraph 14, there is a presumption in favour of this development

unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The merits of the scheme are now considered.

#### The design and the impact on the character of the area

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. The Urban Design SPD provides further specific detailed design guidance.

Paragraph 56 of the Framework 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.

As discussed, the application is for two additional dwellings on the former Squires Copper site. The two dwellings would be a natural addition to the scheme.

Plot 13 would be a large two storey detached dwelling which would have a similar appearance to the 12 dwellings that have already been constructed, albeit larger. Plot 14 on the other hand would be a large bungalow which would not match the existing two storey properties already constructed. However, there are other large bungalows further down Mount Road.

An amendment to the design of plot 14 has been submitted which introduces a bay window in the side gable that faces Mount Road. This falls short of being classed a dual frontage property but the bay window does add interest to the gable and is considered acceptable.

Conditions which secure appropriate materials and a hard and soft landscaping scheme are considered necessary to ensure that the design of the dwellings would be in keeping with the existing development and the character of the wider area which would be acceptable.

#### Impact on residential amenity

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on residential development including the need for privacy, daylight standards, and environmental considerations.

The site is adjacent to an area of public open space to the rear and the existing 12 dwellings that have now been constructed. The proposals would adhere to the separation distances indicated in the Councils SPG and an acceptable level of private amenity space would be achieved for each plot. Therefore the proposal would accord with the SPG and the requirements of the NPPF which is considered acceptable.

#### The impact on trees on or adjacent to the site

The application site has existing trees on it and there are also a number of trees on the adjacent open space.

The Landscape Section has requested an Arboricultural Impact Assessment, Tree Retention/Removal Plan and Tree Protection Plan are provided for the scheme. A landscaping scheme is also requested.

A tree survey has been submitted in support of this application but this relates to the previous application. In addition, in response to the Landscape Sections comments the applicant has submitted further information demonstrating that there has been no change in circumstances. The previously submitted arboricultural information indicated that the trees on this site were Category C and were to be removed, and it has been confirmed that the removal of the trees has now taken place. The applicant has also submitted information which demonstrates that there should be minimal harm to existing trees adjoining the site, over and above the details providing within the original reports.

Overall it is considered that the applicant has provided sufficient information to demonstrate that the proposed two dwellings should not result in the loss of visually significant trees on or adjacent to the

site. However, tree protection and details of landscaping are considered necessary and suitable conditions should be imposed to secure.

#### Parking and the impact on highways safety

The two proposed dwellings would take their access drives off the internal access drive that serve the existing 12 dwellings and would each have a driveway and garage. The Highway Authority has raised no objections subject to standard conditions. However, they have also requested a condition restricting the garages to be retained for the parking of motor vehicles and cycles and should not be converted to living accommodation. In this instance this condition is considered justified.

Subject to the conditions advised the proposed scheme is unlikely to cause significant parking and highway safety concerns, which would meet the guidance and requirements of the NPPF.

#### Coal Mining Issues

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Paragraph 120 of the NPPF details that "To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."

The developer has submitted a report which considers coal mining impact and states that "Prior to any construction or remediation the ground will need to be proof drilled using the drill and grout method progressing in a southerly direction in order to determine the presence of coal mine workings."

The Coal Authority has been consulted and they concur with the recommendations of the submitted report. Therefore they raise no objections subject to conditions which secure the submission of a scheme of remedial works for approval; and Implementation of those remedial works.

#### What planning obligations are considered necessary and lawful?

The previous application for 12 dwellings secured financial contributions towards public open space and the Newcastle Urban Transport and Development Strategy (NTADS). It did not secure any affordable housing because whilst the site was deemed to be capable of accommodation 15 or more dwellings the scheme at the time was for only 12 dwellings.

The scheme is now for two additional dwellings and as such when added to the already approved and implemented development the policy trigger for the requirement to provide affordable housing has still not been met. The scheme has been designed to have a spacious design adjacent to the open space and Mount Road and whilst it remains the case that at least one more dwelling, giving a total of 15, could be proposed if the plots were smaller this would be to the detriment of the area. Therefore on balance it is considered that an affordable unit should not be sought.

The POS contribution that was previously secured for the 12 dwellings has been paid by the developer and a further contribution for the additional two dwellings is required at a rate of £2,943 per dwelling. This would be in accordance with Policy CSP5 of the CSS and the Developer Contributions SPD. It is considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

The Landscape Section has indicated that the secured contribution would be spent on access improvements at the Bellway Homes playground number 2 near Silvermine Close. This would comply with Regulation 123 of the CIL Regulations, 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 is in respect of a specific infrastructure project or a type of infrastructure and five or more obligations providing for the funding for that project or type of infrastructure have already been entered into since 6 April 2010. No POS contributions have been secured for the specified open space previously and so would comply with Regulation 123.

The Council no longer secures contributions towards NTAD's.

## **Appendix**

### **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 (adopted 2009)

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 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 N12: Development and Protection of Trees  
Policy T16: Development - General Parking Requirements  
Policy C4: Open Space in New Housing Areas

### **Other Material Considerations**

#### National Planning Policy

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

The site was a former industrial unit which was used for industrial purposes until outline planning permission was granted under 10/00278/OUT and subsequently extended under 10/00278.EXTN for 12 dwellings and internal access road. A reserved matters application was approved in 2014 under application no. 14/00735/FUL and these dwellings have now been constructed.

#### Views of Consultees

The **Environmental Health Division** raises no objections subject to conditions regarding contaminated land, design measures to minimise noise on future occupiers and limitation on construction hours.

The **Highways Authority** raises no objections subject to conditions regarding access and parking; driveway surfacing; the garages being maintained for the parking of vehicles and a surface water drainage interceptor being provided.

The **Landscape Section** has raised concerns about tree information relating to the previous application. They have requested that an Arboricultural Impact Assessment, Tree Retention/Removal Plan and Tree Protection Plan are provided for the scheme is submitted for approval. A landscaping scheme should also be submitted.

A contribution by the developer for capital development/improvement of off site green space of for the additional two properties to be included with the original agreement. £1,791 per dwelling for the improvement and enhancement of public open space in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years. Total contribution £2,943 per dwelling. This should be allocated to access improvements to Bellway Homes playground number 2 near Silvermine Close.

**Kidsgrove Town Council** has expressed concerns about mine shaft issues

**The Coal Authority** raise no objections subject to conditions which secure the submission of a scheme of remedial works for approval; and Implementation of those remedial works.

**United Utilities** raises no objections but provide recommendations to meet sustainable development objectives. No conditions are advised.

#### Representations

Two letters of representation have been received not raising objections to the principle of the two proposed dwellings but raising concerns about constructions hours and burning of material.

#### Applicant/agent's submission

A tree survey and Geo-Environmental Assessment Report along with the requisite plans have been submitted to support the application. These documents are available for inspection at the Guildhall and searching under the application reference number 15/01116/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

18<sup>th</sup> January 2016