

The application seeks full planning permission for the construction of 7 new houses on land to the rear of the Sheet Anchor Public House and its car park comprising 2 detached bungalows and 4 detached two storey properties. Access to the site is obtained off Newcastle Road.

The application site lies within the village envelope of Baldwins Gate as indicated on the Local Development Framework Proposals Map. The site area is approximately 0.493 hectares.

**The statutory 8 week determination period for the application expired on 20<sup>th</sup> September 2016 and the applicant has agreed to an extension of time until the 25<sup>th</sup> November 2016.**

### **RECOMMENDATION**

**That the Committee receive a supplementary report on the application (to be issued prior to the meeting) which, upon consideration of the independent appraisal of the viability of the proposed development undertaken by the District Valuer, sets out a recommendation as to whether the application should be permitted subject to a S106 securing a commuted sum payment for off-site affordable housing provision (the sum to be provided upon receipt of advice from the District Valuer) and a financial contribution of £20,601 towards public open space provision and subject to conditions relating to the following matters:**

- 1. Standard Time limit for commencement of development.**
- 2. Approved plans.**
- 3. Materials.**
- 4. Detailed landscaping scheme.**
- 5. Provision of access, parking and turning areas prior to occupation.**
- 6. Submission and approval of Surfacing, drainage and visibility details**
- 7. Garages to be retained for parking.**
- 8. External noise mitigation.**
- 9. Protection of the highway from mud and debris.**
- 9. Unexpected land contamination.**
- 10. Construction hours.**
- 11. Drainage provision.**
- 12. Details of appropriate vehicle safety protection measures along the boundary shared with the railway.**

### **Reason for Recommendation**

The principle of residential development on this site has already been accepted as there is an extant permission for the construction of 4 new detached dwellings. The visual appearance of proposed higher density development is considered to be acceptable subject to landscaping to be secured by planning condition. Appropriate levels of residential amenity can be achieved subject to planning conditions.

The advice of the District Valuer is, however, being sought as to the level of the commuted sum necessary to secure off-site affordable housing provision broadly equivalent to the provision of 2 units on this development. In addition advice is to be received from the District Valuer with regard to whether the affordable housing and public open space requirements would render the development unviable if secured in full or in part. A further advance supplementary report will therefore be necessary to report the advice received from the District Valuer and, dependent upon that advice, reach a recommendation as to whether the application should be permitted without part or all of the policy compliant contributions.

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

Discussions have been ongoing with the applicant with regard to the public open space and affordable housing requirements and subject to conditions and legal agreement this is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

### **Key Issues**

The application is for the construction of 7 new houses with an access road and associated landscaping. Access to the site is obtained off Newcastle Road. The scheme comprises of 2 detached bungalows and 4 detached two storey properties. The dwellings proposed have a footprint ranging from approximately 120 metres squared to 316 square metres.

The site is within the Baldwin's Gate village envelope as indicated on the Local Development Framework Proposals Map. The key issues in the determination of this application are:

1. Is the principle of residential development acceptable?
2. Is the impact to the character of the area acceptable?
3. Is the impact on highway safety acceptable?
4. Will the residential amenity of the occupiers of the dwellings be acceptable? and;
5. What developer contributions, if any, are required in order to make the development acceptable in planning terms?

#### 1. Is the principle of residential development acceptable?

Residential development has already been accepted on the site and a development of 4 dwellings is still capable of being implemented. There are no relevant policies which suggest that the density of the development now proposed is of concern so as to justify the reconsideration of the issue principle. However other more detailed considerations to the proposal still need to be assessed.

#### 2. Is the impact to the character of the area acceptable?

The site can be viewed from Newcastle Road which is the main road running through the centre of the village. The increase in the number of units proposed to a total of 7 is not considered inappropriate in the context of surrounding development within the village and against the size of the area land in question. The style of the dwellings proposed are in keeping with a semi-rural location and subject to the approval of external facing materials would have an acceptable visual impact. However the amount of landscaping provision as shown on the submitted plans is considered to be unacceptable in its present format where tree planting could be pursued. There is considerable scope to improve the appearance of the scheme with meaningful landscaping provision which can be secured by planning condition.

#### 3. Is the impact to Highway Safety acceptable?

The proposal includes the same access that has already been considered acceptable and permitted on this site within the four dwelling development. The introduction of an additional three dwellings to be served off the same access, as currently proposed, would not result in highway safety concerns.

It is proposed that the two bungalows have parking provision, on plot, for two vehicles with provision for three or four vehicles on the plots of the larger detached houses. This level of parking is considered to be in accordance with Local Plan policy, and, it is noted, is similar to the level of parking provided within the already permitted development.

It is noted that the Highway Authority has no objections to the proposal subject to conditions relating to a range of matters including parking and turning area provision and access and taking this into consideration, in addition to the above, it is considered that the proposed development is acceptable in respect of its impact on highway safety.

#### 4. Is residential amenity adequate?

It is necessary to consider whether appropriate standards of residential amenity would be provided for the occupiers of the dwellings as well as surrounding local residents. The site is located close to the railway line; however as with the already permitted development it is considered that acceptable living conditions can be achieved for the occupiers of the development subject to the inclusion of measures to address the noise and vibration that will arise.

The layout of the development is such that adequate separation distances are achieved between the proposed dwelling and nearby existing dwellings. In addition the proposed garden areas are of a sufficient size for the dwelling.

In accordance with the advice of the Environmental Health Division, there are no objections on residential amenity grounds to the proposal subject to the imposition of conditions relating to dealing with a range of matters from securing acceptable noise levels for internal and external areas, protection of the highway from mud and debris, construction hours and dealing with land contamination.

5. What developer contributions, if any, are required in order to make the development acceptable in planning terms?

*Affordable Housing requirements*

Policy CSP6 of the Core Spatial Strategy states that for new residential development within rural areas, on sites or parts of sites proposed to, or capable of, accommodating 5 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.

Notwithstanding adopted policy, there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account in planning decisions.

Based on current position, as set out in the Ministerial Statement, contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000sqm. As the development applied for is for less than 10 units, but exceeds a combined floor space of more than 1000 square metres affordable housing requirements, as set out in policy, are therefore triggered.

The scheme would therefore need to make provision for two affordable housing units in order for the scheme to comply with national planning policy. The applicant was not anticipating that requirement and has yet to indicate if they are in full agreement with securing such provision.

Paragraph 50 of the NPPF states that where they have identified that affordable housing is needed, local planning authorities should set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. The Council's Developer Contributions SPD states that affordable housing should be provided on the application site in the first instance and only in very particular, agreed circumstances will either another site, or payment in lieu of on-site provision be considered as an acceptable alternative. It goes on to advise that the provision of units on an alternative site may apply where the Council considers that the provision of completed units elsewhere would enable it to apply the contribution more effectively to meeting the Borough's housing need. It also states that it is important that off-site provision does not compromise the aim of creating mixed, balanced communities.

The starting point is for affordable housing provision to be met on-site. However the applicant is seeking agreement to instead provide a commuted sum payment for such provision to be made off-site.

On a small scale development such as this it is difficult to achieve a truly inclusive and mix of housing as indicated in the SPD, because a limited number of dwellings in turn limit the mix that can be

achieved. In addition it would be difficult to argue that a development of this scale would compromise the aim of creating a mixed, balanced community within Baldwins Gate village as a whole, particularly in light of the existence of affordable properties within the village already and those that have been secured in the Gateway Avenue development and will be provided in the near future. The affordable housing provision within the village already provided/secured and the lack of any identified need for affordable housing in this locality suggests that offsite provision could assist in a more effective distribution of affordable housing to meet the Borough's need.

It would be more appropriate to provide affordable housing on the site if the proposed development involved a denser development of more dwellings including those for smaller households, and recent indications are that this would be more attractive to Registered Social Landlords also. However, whilst it could not be argued that such a form of development would be harmful for reasons such as it being inappropriate and harmful to the character of the area, it must be acknowledged that this is a site with a valid planning permission for four large detached dwellings. A refusal on the basis that the development is unacceptable due to the inability to secure on-site affordable housing to meet policy requirements would be difficult to sustain at appeal due to this fall-back position.

Overall it is considered that there is a case, in respect of this development, to support a financial contribution to off-site affordable housing provision. As such it is necessary to calculate that financial contribution so that what is secured is of broadly equivalent value to the provision of two affordable housing units on site as required by policy. The views of the District Valuer have been sought as to the calculation of the commuted sum required and also if such a sum, in addition to the public open space contribution referred to below, would render the scheme unviable in financial terms. A further update will be given following receipt of advice from the District Valuer.

#### *Public open space provision*

Saved Local Plan Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing, and its maintenance must be secured. Core Strategy Policy CSP5 identifies that developer contributions will be sought to provide a key funding source to meet the needs of new residents and for the delivery of Newcastle's Leisure Needs and Playing Pitch Strategy and the Urban North Staffordshire Green Space Strategy.

Local Authorities are justified in seeking planning obligations where the quality of provision is inadequate or under threat, or where new development increases local needs. The normal contribution expected is £2943 per dwelling (consisting of £1791 for improvements to capital development and maintenance in addition to £1152 per dwelling for 60% maintenance costs for 10 years). The money would be used for improvements to play equipment for the play facilities to the rear of the village hall and is a reasonable requirement in accordance with planning policy.

## 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

SP1 Spatial principles of Targeted Regeneration  
SP3 Spatial principles of Movement and Access  
ASP6 Rural Area Spatial Policy  
CSP1 Design Quality  
CSP3 Sustainability and Climate Change  
CSP5 Open Space/Sport/Recreation  
CSP10 Planning Obligations

#### Newcastle-under-Lyme Local Plan (NLP) 2011

H1 Residential development: sustainable location and protection of the countryside  
T16 Development – General Parking Requirements  
T18 Development servicing requirements  
N12 Development and the Protection of Trees  
C4 Open Space in new housing areas  
IM1 Provision of Essential Infrastructure and Community Facilities  
IM2 Compliance with Policy Concerns

### **Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Community Infrastructure Levy Regulations (2010) as amended

Written Ministerial Statement Section 106 obligations imposed on small-scale developers, custom and self-builders March 28th November 2014.

#### Supplementary Planning Guidance/Documents (SPG/SPD)

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

#### Relevant Planning History

16/00539/REM	Application for approval of the details of appearance, landscaping, layout and scale including internal access within the site of the development relating to 13/00145/OUT - Outline planning permission for the demolition of existing warehouse/playbarn and the erection of 4 dwellings	Permitted 2016
14/00608/REM	Application for approval of appearance, landscaping, layout and scale details of plots 2 and 3 relating to 13/00145/OUT for outline planning permission for the demolition of existing warehouse/playbarn and the erection of 4 dwellings	Permitted 2014
13/00145/OUT	(i) Full planning permission for change of use of first floor of public house to provide Bed and Breakfast accommodation, ground floor extension to the public	Permitted 2013

house, retention and enhancement of existing area of

### Views of Consultees

**Whitmore Parish Council** has no objections but requests that the Authority consults HS2 prior to reaching a decision, in order to ensure that the proposed development is not affected by the 'safeguard zone' or any changes to this which might ensue from the on-going deliberations as to the precise route to be adopted for the track.

**United Utilities** have no objections to the development subject to a number of conditions:-

- 1 Foul and surface water drainage systems shall be kept separate.
- The prior approval and implementation of a surface water drainage scheme.
- Approval of a management and maintenance regime for Sustainable Drainage Systems

**Network Rail** set out a number matters that the developer/applicant must do to ensure that their proposal, both during construction, after completion of works on site and as a permanent arrangement, does not affect the safety, operation or integrity of the operational railway and infrastructure. In addition they recommend the following conditions:-

- Prior approval of details of the disposal of both surface water and foul water drainage directed away from the railway.
- Prior approval of ground levels, earthworks and excavations to be carried out near the railway boundary.. Details of appropriate vehicle safety protection measures along the boundary of the railway.

They also advise that it is a matter for the development and the Local Planning Authority to ensure adequate mitigation measures are secured to address and the noise and vibration that arises from an existing operational railway.

The **Education Authority** has not requested an education contribution given the scale of the development being less than 10 dwellings.

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

- Access drive, parking, and turning areas provision in accordance with submitted plans prior to occupation.
- The garages indicated on the approved plans shall be retained for the parking of motor vehicles and cycles.
- The submission, agreement and implementation of Construction Management Plan.

The **Landscape Development Section** comments that the current application for 7 dwellings leaves very little opportunity for meaningful tree planting to mitigate the loss of substantial number of trees that have been removed from the site since the original outline permission. They request that strategic landscaping proposals are submitted to show how it is proposed to integrate the scheme into its setting before it can comment. This should show trees to be retained and removed as well as proposed tree and shrub planting.

They also comment that the site is in excess of 0.4ha and request a contribution by the developer 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. Total contribution £2,943 per dwelling. This would be used for improvements to play equipment for the play facilities to the rear of the village hall.

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

- Remediation and report of land contamination.
- Protection of the highway from mud and debris.
- Restriction of construction hours. between 07.00 and 18.00 hours Monday to Friday, and not at any time on Sundays, Bank Holidays or after 13.00 hours on any Saturday.
- Internal and external noise levels for dwellings.

The **Housing Strategy Section** considers the scheme triggers the requirement for 2 affordable housing units. Given the development is for very large spacious units that could be described as 'aspirational houses' they are of the view that based on previous discussions with Registered Providers that such type of houses are usually not suitable for affordable housing. Therefore it would be appropriate to seek an equivalent off site contribution to develop appropriate units within the Borough.

#### Representations

None received.

#### Applicant's/Agent's submission

The application documents are available for inspection at the Guildhall and as associated documents to the application via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00609/FUL>

#### **Background Papers**

Planning files referred to.  
Planning Documents referred to.

#### **Date report prepared**

22nd October 2016.