

The Application is for full planning permission for the erection of 10 dwellings on the now cleared site of the former Galley Public House.

On the Local Development Framework Proposals Map the site lies within the Urban Area, and within the Kidsgrove Urban neighbourhood sub-area and Kidsgrove areas as referred to in Spatial Principle 1 and Area Spatial Policy 5 of the Core Spatial Strategy.

The 13-week period for the determination of this application expires on 23 December 2011.

RECOMMENDATIONS

(a) That subject to obligations being completed by 14 December 2011 to secure the following:-

- (i) A financial contribution of £6,000 towards the Newcastle (Urban) Transport and Development Strategy (NTADS).**
- (ii) A financial contribution of £2,943 per each dwelling for open space enhancement/ improvements and maintenance (£29,430 in total)**

permit subject to the following conditions:-

- (i) Time limit**
- (ii) Approved plans**
- (iii) Prior approval of external facing materials.**
- (iv) No development to commence until off-site landscaping agreed and implemented adjoining the site boundary within the open space.**
- (v) Prior approval and implementation of landscaping. Such landscaping to include the removal of the retaining feature to the front of the dwellings and its replacement with landscaping.**
- (vi) Prior approval of boundary treatments such details to include means of preventing access down the side of the properties along the retaining feature.**
- (vii) Rear alley to be secured by gates.**
- (viii) The drives to be a minimum length of 5m.**
- (ix) Provision of surface water drainage interceptors and soakaway,**
- (x) Surfacing and maintenance of the driveways in a porous bound material,**
- (xi) Existing site access to be permanently closed and reinstated as verge/ footway**
- (xii) Surfacing of access in a bound and porous material for minimum of 5m**
- (xiii) Parking areas provided prior to occupation**
- (xiv) Gates to plot 1 to be a minimum distance of 5m rear of the highway boundary.**
- (xv) All other plots to remain ungated**
- (xvi) Contaminated land conditions.**
- (xvii) Removal of permitted development rights for hardsurfacing within residential curtilages.**

(b) That should the obligations not be secured within the above period, the Head of Planning and Development be given delegated authority to refuse the application on the grounds that without the obligation being secured, the development would:

- (i) fail to make an appropriate contribution to NTADS thus improving local accessibility and the promotion of the most sustainable modes of travel and thus not accord with policies within both the Structure Plan and the Core Spatial Strategy.**
- (ii) not include on-site open space provision to meet the demands of the development and would fail to secure offsite provision required by Local Plan Policy C4 and Core Spatial Strategy Policies CSP5;**

unless he considers appropriate to extend the period for securing these obligations.

Reason for Recommendations

The development of the site, which is previously developed land, would accord with policy and is considered to be sustainable in terms of its proximity and accessibility to services, facilities and public transport links that are available in Kidsgrove Town Centre which is within 400 metres of the site. The development is acceptable in terms of its design and layout and subject to appropriate conditions would be acceptable in respect of issues relating to highway safety. It is not considered that there would be material harm caused to the living conditions of existing nearby occupiers and adequate levels of private amenity space would serve the dwellings proposed. A planning obligation securing a range of contributions is however required.

Policies and Proposals in the Approved Development Plan Relevant to This Decision:-

West Midlands Regional Spatial Strategy 2008 (WMRSS)

Policy CF1	Housing in Major Urban Areas
Policy CF3	Levels and distribution of housing development
Policy CF4	The reuse of land and buildings for housing

Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 (SSSP)

Policy D1	Sustainable Forms of development
Policy D2	The design and environmental quality of development
Policy D3	Urban regeneration
Policy D8	Providing infrastructure services, facilities and/or mitigating measures associated with development.
Policy T1A	Sustainable locations
Policy T2	Urban Areas
Policy T4	Walking
Policy T5	Cycling
Policy T6	Motorcycling
Policy T18 A	Transport and Development

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 CSP6:	Affordable Housing
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

Other Material Considerations include:

National Planning Policy

PPS1:	Delivering Sustainable Development (2005)
PPS3:	Housing (as amended 2010)
PPG13:	Transport (as amended 2011)

The Planning System: General Principles (2005)
Circular 05/2005 Planning Obligations

CIL Regulations, particularly Section 122
Circular 11/95 The use of conditions in planning permissions
Manual for Streets (2006)

The Secretary of State's announcement of his intention to abolish RSS

Supplementary Planning Guidance/Documents

Developer Contributions SPD (September 2007)
Space Around Dwellings SPG (SAD) (July 2004)
Affordable housing (2009)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Newcastle Urban Transport and Development Strategy (NTADS) – adopted December 2008

North Staffordshire Green Space Strategy – adopted December 2009

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

Draft National Planning Policy Framework

Whilst it (the draft NPPF) is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the Government's "direction of travel" in planning policy. Therefore the draft NPPF is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker's planning judgement in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.

Relevant Planning History

A number of previous planning applications have been submitted for various residential developments in the past with the most recent being permitted in January 2007 for the erection of 20 apartments, (06/00951/FUL). This permission expired without implementation in January 2011 with an application in 2009 (09/00514/FUL) for 14 dwelling houses on this site and adjoining land being withdrawn before a decision was made.

Views of Consultees

Waste Management Section are satisfied that the properties have sufficient space for storage of bins and containers, and are able to present materials for collection on the kerbside in front of the houses.

The **Highways Authority** raises no objections subject to conditions relating to the following:

- Amended accesses to provide minimum width of 3.2m for first 5m and minimum drive length of 5m to each plot, and provision of such amended accesses prior to occupation.
- Existing site access to be permanently closed and reinstated as verge/ footway.
- Surfacing of access in a bound and porous material for minimum of 5m.
- Parking areas provided prior to occupation.
- Gates to plot 1 to be a minimum distance of 5m rear of the highway boundary. All other plots to remain ungated.

A developer contribution of £6,000 towards the Newcastle (urban) Transport and Development Strategy (NTADS) is required to mitigate the effect of the proposed development on the highway network. The proposed NTADS figure is based on the trip rate for Use Class Order C3 dwellinghouses with no netting off as the site is now cleared with no extant planning permission

The **Police Architectural Liaison Officer** indicates that certain elements of the proposed layout of the development give rise to substantive concerns, notably the potential for access to the rear of properties and anti-social behaviour. These concerns are summarised below;

- The unattractive, slabbed and angled retaining feature between the site and the boundary has been ignored. It will provide a means of access down the side of the development for criminal or anti social purposes.
- The rear access path runs adjacent to the boundary of plot 6. It is unclear whether the boundary will be fenced or gated and therefore has the potential to seriously undermine security and encourage anti-social behaviour. Even an enclosed and gated access path adjacent to the grassed area could be problematic.
- Fencing adjoining the grassed area could be problematic giving rise to nuisance from ball games.
- The concerns could be addressed by relocating the rear access path away from the boundary with the grassed area to the side of plot 10.
- To prevent unauthorised access to the rear garden of plot 10 a side gate should be provided at the front of the building line.
- The retaining feature should be fenced off to prevent access and removed and replaced with a more visually appropriate retaining structure where it is in front of the building line.
- The ability to gain access along the slabbed angled retaining feature should be denied by fencing it off.
- Robust planting could be proposed near to fencing to prevent graffiti.
- The creation of a number of carefully placed mounds within the grassed area could also be considered to further discourage ball games.

The County Council as the **Education Authority** states that the development falls within the catchments of Dove Bank Primary School and Maryhill Primary School and Maryhill High School. The boundary for the catchment areas of the two primary schools divides the site and whilst these two primary schools have limited vacancies and will put additional pressure on school places it is considered that the schools should be able to accommodate the anticipated 2 primary school pupils and 2 high school pupils.

The **Environmental Health Division**, and **Kidsgrove Town Council** - having been consulted and having not responded by the due date must be assumed to have no observations to make upon the application

The views of the **Landscape Development Section** are due by 10 November. Any comments received will be reported.

Representations

No letters of representation have been received.

Applicant/Agent's Submission

The application is supported by a desk top study and a Design and Access Statement. The Statement outlines the following:-

- The site was formally The Galley Public House (now demolished and the site cleared).
- The surrounding area is predominantly residential properties constructed of brick and rendered walls and tile roofs.
- The area is classified Residential on the Borough's development framework map and this has been recognised in writing by the Planning Authority.
- The position and orientation of the original Public House has been considered when positioning the properties fronting William Road and the building line of the adjoining semis has been projected and the frontages curved to follow William Road.
- It is felt the Supplementary Planning Document 'Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance', R5 has been followed and the layout would not be harmful to the streetscene.
- The proposals will consist of traditional domestic accommodation in the form of town houses comprising entrance hall and WC, kitchen, dining area and lounge at ground floor level and 2 bedrooms at first floor level with bathroom.
- Rear access to the properties will be afforded by footpaths to the side of units 1 & 6 to give access to the private gardens and thus enabling refuse storage to be contained therein.
- The size and scale of the proposed houses shall be such that they will not be imposing on the existing surrounding properties and are within the planning guidelines for space about dwellings.

- The applicant wishes the development to have the appearance of traditional houses that will blend in with their surroundings using traditional materials attracting minimum maintenance.
- Landscape proposals will be based on a traditional domestic garden.
- It is recognised that future proposals to develop the land adjoining the site for residential purposes will require affordable housing policies of the Development Plan to be taken into consideration and it is likely to be a requirement to provide affordable housing,

These documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk

Key Issues

The application site lies within the urban area of Kidsgrove as designated on the Proposals Map of the Local Plan, and within the North Staffordshire Major Urban Area as referred to in the Core Spatial Strategy (CSS) and the Regional Spatial Strategy (RSS). The key issues to consider are: -

- The principle of the development;
- The design of the development and its impact on the form and character of the area;
- The impact on residential amenity;
- The impact on highway safety; and
- The promotion of the most sustainable modes of travel.

The principle of the development

Policy SP1 of the CSS 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. The CSS goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

The site is previously developed land within the urban area in close proximity to the town centre of Kidsgrove. As indicated above planning permission for residential development was permitted in January 2007 on the site. In granting permission for that development it was accepted that the residential redevelopment of that part of the site would not harm the aims of the then RENEW project in this locality.

Taking all of the above into account it is considered that the principle of residential development remains acceptable.

Design/layout

The development consists of two blocks of five dwellings, with one block fronting onto Warwick Close and the other fronting onto William Road. Whilst the predominant character of the wider area is that of semi-detached dwellings it is not considered that the introduction of this type of residential development would be harmful to the wider area.

The existing dwellings on Warwick Close have a well defined building line and the proposed dwellings are sited to reflect this. There is not a strong building line on the side of William Road where the application site is located, primarily due to the limited number of dwellings on this road frontage and the site levels. It is therefore considered that the staggered positioning of the dwellings within the site on this frontage, which does not reflect the curvature of the road, would not be harmful to the appearance of the area.

The design of the existing dwellings in the area is very uniform with the facing material being predominantly red brick. The simple design of the dwellings within this application does not mimic those dwellings surrounding the site but would, in your Officer's opinion, be acceptable.

Concern has been raised by the Police Architectural Liaison Officer (PALO) about the position of the rear footpath access to the block of properties fronting onto William Road adjacent to the adjoining incidental open space and that this has the potential to undermine security and encourage anti-social behaviour. It has been suggested that this problem could be resolved by relocating the footpath to the other side of the block of

dwellings to the side of the retaining feature. The PALO has also raised a concern that there could be nuisance from ball games within the adjoining open space. The relocation of the footpath could be achieved but where it is located it does provide a buffer between the boundary of plot 6 and the open space and as such it is considered that it is preferable to leave the footpath in the proposed position. Suitable defensive planting could be carried out in the open space, with the owner's consent, that would discourage activities in very close proximity with this boundary. This could be secured through a condition.

The concerns raised the PALO with regard to the appearance of the slabbed retaining feature is shared by your Officer. It is considered that this area could be suitably fenced to prevent access down the site of the boundary. In addition, where the slabbed area is in front of the dwellings it could be replaced and the area planted. This would improve the appearance of the area and would compensate for the hard surfacing at the front of the properties required to achieve "in curtilage" parking. Again this could be secured by condition.

The site does not incorporate any open space provision and, as indicated above, would result in pressure on open space within the locality and as such it is appropriate to secure a contribution towards the improvement and future maintenance of such facilities. This would be in accordance with the Developer Contribution SPD, the figure has been calculated on the basis of the approved method within the Green Space Strategy and could be secured through a S106 obligation.

Residential amenity

Supplementary Planning Guidance (SPG) Space about Dwellings provides advice on environmental considerations such as light, privacy and outlook.

When measured against the advice of the SPG adequate separation distances are apparent between the proposed dwellings and between the proposed dwellings and existing adjoining properties.

Supplementary Planning Guidance provides guidance on mean garden length and garden area for houses that have three or more bedrooms. The proposed dwellings are two bedroom properties and there is no such guidance for that size of property. Notwithstanding the absence of guidance it is considered that the development does include adequate private amenity space.

Highways safety

The development includes two off street parking spaces for the dwellings at the end of the blocks, and one space for all of the other dwellings. This is considered adequate.

The Highway Authority has requested that the driveways are a minimum of 3.2m wide (they are shown to be about 2.4m) for the first 5m. This could be achieved but it would increase the amount of hard surfacing in front of the dwellings, and reduce the amount of area available for landscaping. It is not considered that the 2.4m wide driveways provided would render them inadequate for parking and on balance it is considered that the need for frontage landscaping is more important.

The Highway Authority has also requested that the driveways are at least 5m long. This could be secured by condition

The promotion of the most sustainable modes of travel

The Highway Authority has recommended that a financial contribution of £6,000 towards NTADS is sought. The seeking of such a financial contribution would ensure that the proposed development improves local accessibility and the promotion of the most sustainable modes of travel and would accord with the provisions of NTADS and as such the request is supported by your Officer.

Affordable housing

As the proposal is for 10 dwellings it does not meet the threshold for affordable housing of 15 or more dwellings and as such it is not considered reasonable to seek any affordable housing within this development.

At this point in time the applicant does not own or have any interest in the open space that adjoins the site and as such there is no reason to consider that this is the first phase of a development which will eventually

incorporate the adjoining land. However, if a further application is submitted for the remainder of the site and this is within a reasonable period of time a suitable level of affordable housing will be sought at that stage on the remainder of the site taking into account the whole development.

Background Papers

Planning Policy documents referred to
Planning files referred to

Date Report Prepared

31 October 2011