LAND AT WEST AVENUE, KIDSGROVE
WESTLEIGH PARTNERSHIPS LTD, REVELAN LIMITED & REVELAN PROPERTIES LTD
18/00239/FUL

The application is for full planning permission for 63 dwellings, associated landscaping and access works.

The site lies within the Kidsgrove Neighbourhood and Urban Area as specified on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expires on 16th July.

RECOMMENDATIONS

A. Subject to the receipt and consideration of further highway, environmental and tree information; and

Subject to the applicant first entering into a Section 106 agreement by 14th September 2018 to secure a contribution towards Public Open Space of £235,493, or a reduced amount/no contribution dependent upon the conclusion reached on the issue of viability in which case the agreement would secure a review mechanism of the scheme's ability to make a policy compliant contributions to public open space, if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such a contribution if found financially viable, PERMIT the application subject to conditions relating to the following matters:-

1. **Development to be carried out in accordance with the approved plans (to be listed within the condition) unless otherwise required by condition of the permission.**
2. **Prior approval of precise details of the following, and implementation of the approved details:**
    - **Existing and proposed levels, and finished floor levels of the dwellings.**
    - **All external facing materials and hard surfacing materials.**
    - **Boundary treatments.**
3. **Tree Protection Plan**
4. **Approval and implementation of a scheme of hard and soft landscaping**
5. **Surface water drainage scheme**
6. **Contaminated land**
7. **Appropriate mitigation measures to address issues of noise and lighting from the adjoining employment site.**
8. **Provision of a footway link from the site onto Knowle View or into the Woodland at the rear of the site.**
9. **Access and parking to be provided prior to occupation**
10. **Submission and approval of a scheme of coal mining remedial works, and the implementation of such works.**
11. **Prior approval of a scheme for the provision, in perpetuity, of 16 affordable housing units within the development. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity prospective and successive occupiers of such units and the means by which such occupancy will be enforced**.

B. Failing completion of the above planning obligation by the date referred to in the above recommendation, that the Head of Planning 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 and (should there be a viability case for non-policy compliant contributions) there would be no provision made to take into account a change in financial circumstances in the event of the development not proceeding promptly; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The principle of the use of the site for residential development has been established with the granting of the outline planning permission. The design and layout of the proposal is considered to be generally acceptable in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document. There are, however, a number of outstanding issues that require further consideration.

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

Amendments and additional supporting information have been sought from the applicant

Key Issues

1.1 The application is for the construction of 63 dwellings, 43 of which are homes for affordable rent and 23 will be shared ownership properties, as such all the dwellings will be affordable homes as defined in the NPPF. The application follows the granting of outline planning permission in 2016 for 44 dwellings on this site. That permission remains extant and capable of implementation (subject to the obtaining of reserved matters approval). As such the principle of residential development on this site has been established and it is not, therefore, necessary to consider whether in principle the proposal is acceptable.

1.2 Certain planning obligations were secured in connection with the outline planning permission for this site, including an primary education places contribution of £99,279 (index linked) based upon advice received from the Education Authority in June 2015 based upon their capacity assessment at that time. In this case, however, the Education Authority have advised that the primary and secondary catchment schools now have sufficient capacity to accommodate the likely demand from pupils generated by this development (assuming that 43 of the properties are RSL rented properties) and as such they have not requested a contribution. In such circumstances it would not be reasonable to secure a financial contribution towards education notwithstanding that such a contribution was required in connection with the development referred to in the extant permission.

1.3 The issues for consideration, taking into account the above, are:-

- Is a development which comprises affordable housing only acceptable?
- Would the development be acceptable in terms of the impact on the form and character of the area?
- Is the internal road layout and parking provision acceptable in highway safety terms?
- Would the development provide appropriate standards of residential amenity for the occupiers of the proposed dwellings?
- What financial contributions, if any, are required?

2.0 Is a development which comprises affordable housing only acceptable?

2.1 Policy CSP6 of the Core Spatial Strategy (CSS) indicates that all development involving housing above 15 or more dwellings must make provision for an element of affordable housing to meeting identified need. The target set within the policy is 25% of the total dwellings to be provided.

2.2 The provision of more affordable housing than the target set within policy could not be said to be contrary to that policy. In addition it should be recognised that in many residential developments where the policy requirement is to provide affordable housing it has not been possibly to secure a policy compliant level of affordable housing. This development, which provides more affordable housing that is necessary to satisfy policy, will go some, limited, way towards addressing the shortfall on other sites including the residential development on the adjoining site. It should also be noted that affordable rented rather than social rented properties are proposed, the former falling within the government's definition of affordable housing in the NPPF but not that within the Council's Affordable Housing SPD which predated the NPPF.

2.3 A development fully comprising of affordable housing is therefore acceptable and should be supported if in all other regards it is also acceptable. It would be appropriate to require, by either condition or obligation, at least 25% affordable housing, in line with CSS policy CSP6 and the Affordable Housing SPD.

3.0 Would the development be acceptable in terms of the impact on the form and character of the area?

3.1 The current NPPF at paragraph 56 indicates that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 64 it 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.

3.2 Policy CSP1 of the Core Spatial Strategy (CSS) lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the NPPF.

33 Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

3.4 The proposed layout comprises 37 two bedroom dwellings, and 26 three bedroom dwellings grouped in pairs of semi-detached dwellings and rows of 3. There are a number of dwellings that face onto West Avenue to the rear of private drives that run adjacent to West Avenue off the single access point to the development, which is approximately central along the West Avenue frontage. In addition a number of dwellings front onto Knowles View that serves the adjoining residential development.

3.5 At the corner of West Avenue and Knowles View a pair of semi-detached houses are proposed which have front elevations on two planes which, to some extent, reflect the curve of the road and provide a visual focal point whilst travelling around the roundabout at the junction of West Avenue and Knowles View in a westerly direction. The same house types are proposed to either side of a spur off the main internal access road.

3.6 The houses are all of a simple and traditional design, to be constructed in brick with a tiled roof, with either flat or pitched roofed canopies above the front doors.

3.7 Overall it is considered that the house types and designs as proposed are acceptable.

3.8 The Landscape Development Section (LDS) has indicated that existing trees at the back of the site are likely to be significantly affected by the proposals. Such trees form part of the woodland that has been retained and enhanced as part of the adjoining residential development. Loss or damage to trees that would result in an adverse visual impact to that wooded area would not be acceptable. Further information has therefore been requested and is still awaited. It does, however, have to be acknowledged that the principle of residential development of this site has already been approved. Whilst a layout of the site was not approved and the development involved fewer houses the indicative layout showed dwellings with a similar relationship to the trees without objections being raised by LDS, it is anticipated that this concern can be resolved upon consideration of the additional information that has been requested.

4.0 <u>Is the internal road layout and parking provision acceptable in highway safety terms?</u>

4.1 The access to the site is off West Avenue in a position that is fairly central along the West Avenue site frontage. The Highway Authority has, however, raised concerns that the visibility splays that are proposed are not appropriate for the vehicle speeds on West Avenue that were stated in the Transport Statement (which were somewhat above the speed limit applicable to this section of road). They suggest a further speed survey, but also indicate that if the visibility slays were increased to reflect the speeds in the outline application Transport Statement, this would have an effect on private drives – i.e. visibility would be obstructed by parking.

4.2 In addition the Highway Authority have requested a Stage 1 Road Safety Audit to consider the vehicle movements from the private drives within the proposed development that are sited close to the junction with West Avenue.

4.3 Further information is therefore being prepared by the applicant and it is anticipated that it will be submitted prior to the meeting.

4.4 All the dwellings have two parking spaces and this is considered to be acceptable.

4.5 The Highway Authority has requested a footway link from the site onto Knowles View to improve pedestrian connectivity. Such a route would reduce the distance to St Saviour's CE Primary School and it is considered that it would be appropriate and reasonable to secure such a footway. This would, however, involve land that is owned by the developer of the adjoining housing site and the provision of such a footway would need to be negotiated and agreed with that developer, or an alternative route secured, possibly through the woodland to the rear of the site, if levels suit. This could be addressed by condition.

5.0 Would the development provide appropriate standards of residential amenity for the occupiers of the proposed dwellings?

5.1 Paragraph 17 of the current 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. Similar policy is set out at paragraph 126 of the draft revised NPPF.

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

5.3 The site is not directly next to existing dwellings and as such no material harm will arise to the living conditions of the occupiers of the nearest houses. In addition it is considered that the separation distances between the proposed properties would not give rise to unacceptable levels of privacy, and that the garden sizes are appropriate albeit that in respect of some of the plots they are below the garden size set out in the SPG (which is at least 65m^2 where houses have three or more bedrooms).

5.4 The Environmental Health Division (EHD) have requested additional supporting information in the form of an air quality assessment, lighting assessment and noise assessment. The applicant has queried the need for an air quality impact assessment and the response of the EHD is awaited. The applicant has, however, indicated that further information will be provided in response to the request for a lighting and noise assessment.

5.5 Again it has to be noted that there is an extant planning permission for 44 dwellings on this site and it does not appear likely that it would be reasonable to refuse planning permission in the absence of an air quality assessment and it is anticipated that mitigation measures to address any noise and lighting issued could be secured by condition.

6.0 What financial contributions, if any, are required?

6.1 Section 122 of the Community Infrastructure Levy Regulations states that planning obligations should only be sought where they meet all of the following tests:

- 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

6.2 The Landscape Development Section (LDS) has requested a contribution of £5,579 per dwelling, which would equate to £351,477, towards Public Open Space improvements at Townfield Close play area approximately 470m away. In this case, there is an extant outline planning permission for up to 44 dwellings (Ref. 15/00368/OUT) in which a Public Open Space contribution of £2,943 per dwelling was secured (based upon the then current North Staffordshire Green Space Strategy). It is considered reasonable therefore and is consistent with the approach of Officers in other similar situations, to seek the lower figure of £2,943 per dwelling for 44 of the dwellings and then the higher figure of £5,579 per dwelling for the additional 19 dwellings. This gives a total figure of £235,493.

6.3 Given that in relation to the previous scheme for this site (Ref. 15/00368/OUT) the Council accepted the appropriateness of a financial contribution to the play area at Townfield Close, it is not

considered that an objection could be sustained now to such an arrangement even though permission has been given for play areas within the adjoining Taylor Wimpey development which are closer to this site.

6.4 The financial contributions sought are therefore considered to meet the tests identified in paragraph 204 of the NPPF and are compliant with Section 122 of the CIL Regulations.

6.5 As indicated above unlike in the case of the extant outline planning permission, an education contribution is not required in connection with this development.

6.6 It is acknowledged by the Council's Supplementary Planning Document on Developer Contributions highlights that in some circumstances an applicant may believe what is being asked for by the Council will render a scheme unviable. Paragraph 173 of the current Framework also states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

6.16 In such circumstances, for the Council to be persuaded to reduce its requirements, the onus is on the applicant to justify how and why special circumstances apply. The applicant has submitted some financial information to make a case that the development will not be viable with such an obligation. The information received is also subject to an independent viability appraisal to further to examine the financial impact of seeking the contribution specified, the final outcome of which are awaited. A further report will therefore be provided following receipt and assessment of the independent appraisal information anticipated.

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

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP2:	Spatial Principles of Economic Development
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 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 E11:	Development of Employment Land for Other Uses
Policy T16:	Development - General Parking Requirements
Policy C4:	Open Space in New Housing Areas
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (March 2012)

Planning Practice Guidance (March 2014)

Draft revised National Planning Policy Framework

Supplementary Planning Guidance/Documents

Affordable Housing SPD (2009)

Space Around Dwellings SPG (SAD) (July 2004)

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

Relevant Planning History

2005	05/00551/OUT	Refuse - mixed employment and housing development
2006	06/00777/OUT	Refused and allowed at appeal - mixed employment and housing development
2008	08/00691/REM	Refused and dismissed at appeal - erection of 87 dwellings
2010	10/00244/REM	Approve – 81 dwellings
2011	11/00237/OUT	Approve - full planning permission for residential development comprising 87 dwellings and outline planning permission for the principle of mixed employment use
2015	15/00368/OUT	Approve - outline planning application for residential development for 44 dwellings at West Avenue, Kidsgrove (Phase 4)

Views of Consultees

The **Lead Local Flood Authority** has no objections subject to conditions requiring the submission of a detailed surface water drainage scheme, development to be carried out in accordance with the

Flood Risk Assessment and development to be carried out in accordance with the recommendations of the Site Investigation report.

The **Highway Authority** advises that the application should be refused until the following information is provided:

- Speed survey to demonstrate that it is a 30mph road and that the proposed visibility splays are appropriate.
- Width of carriageway, footways and private drives.
- Stage 1 Road Safety Audit for the two private drives, serving 24 dwelling in close proximity to the junction with West Avenue.
- Provision of a footway link onto Knowles View to improve pedestrian connectivity.

United Utilities recommend conditions regarding drainage.

The **Environmental Health Division** objects due to the absence of the following:

- An Air Quality Impact Assessment
- A Lighting Impact Assessment of the adjacent industrial warehouse
- A Noise Assessment for all noise making activities associated with the adjacent industrial warehouse.

The **Education Authority** states that the development falls within the catchments of St Saviour's Academy and the King's CE (VA) School. The development is scheduled to provide 66 dwellings. Excluding the 43 RSL (i.e. rented as opposed to shared ownership) dwellings from the secondary calculation only, a development of 66 houses including 43 RSLs could add 14 primary school aged children, 3 secondary school aged children and one sixth form aged child. Both schools are projected to have sufficient space to accommodate the likely demand from pupils generated by the development.

The **Environment Agency** has no objections in principle and recommend that contaminated land conditions are included.

The **Crime Prevention Design Advisor** is generally supportive of the layout design of the development says that there are many positives to be drawn in terms of the layout but there are a couple of aspects that undermine this:

- The layout does not show the positioning of lockable gates.
- Parking for plots 12 and 13 will not be viewable from those properties.
- Where rear boundaries will abut public open space and will be potentially more vulnerable, consideration should be given to reinforcing them with appropriate landscaping

The **Landscape Development Section** comments that the existing trees at the back of the site are likely to be significantly affected by the proposals and insufficient information has been provided. An Arboricultural Impact Assessment, Tree Removal/Retention Plan and Tree Protection Plan are required.

There are no objections in principle to the soft landscape proposals but the plan does not cover the whole site and proposals for the whole scheme should be submitted.

A contribution, is requested, by the developer for capital development/improvement of offsite open space of £4,427 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years. Total contribution £5,579 per dwelling. This will be used for improvements to Townfield Close play area which is approximately 470m away.

The **Coal Authority** has no objections subject to the imposition of conditions to secure the submission and approval of a scheme of remedial works, and the implementation of such works.

Staffordshire County Council as **Minerals and Waste Planning Authority** has no objections.

Natural England has no comments

The views of the **Housing Strategy Section** and **Kidsgrove Town Council** have been sought, but as they have not been received by the due date it is assumed that they have no comments to make on the proposed development.

Representations

None

Applicant's/Agent's submission

The application is accompanied by a Design and Access Statement

All of the application documents are available for inspection at the Guildhall and on http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00239/FUL

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

4th July 2018