

LAND NORTH OF WEST AVENUE
PERSIMMON HOMES

19/00760/FUL

The application seeks full planning permission for a residential development of 71 dwellings which is comprised of 53 dwelling houses and 18 apartments together with associated public open space and landscaping.

The application site lies within the urban area of Kidsgrove, as indicated on the Local Development Framework Proposals Map. The site area is approximately 2.05 hectares.

The statutory 13 week determination period for this application expired on the 23rd December 2019 but the applicant has agreed an extension of time to the statutory determination period to the 1st May 2020.

RECOMMENDATIONS

REFUSE for the following reasons:

1. The proposed development, by virtue of its layout, form and scale, with a particular focus on housing density and inappropriate design along the site frontage to West Avenue and excessive frontage parking, would have a significant adverse impact on the character and appearance of the area. The development is therefore contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, the guidance set out in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) and the requirements and policies of the National Planning Policy Framework 2019.
2. The proposed development would have a harmful impact on the residential amenity of the future occupiers of plots 22-40 on the southern boundary of the site by virtue of unacceptable noise impacts and the applicant has failed to propose acceptable mitigation measures. The development would therefore result in unacceptable living conditions and a quality of life which is contrary to the requirements of the National Planning Policy Framework (2019).
3. The applicant has failed to demonstrate that an acceptable drainage strategy is proposed for the development site to suitably address any flood risk arising from the development and so the proposed development is contrary to Policy CSP3 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 together with the requirements the National Planning Policy Framework (2019), in particular the criteria set out in Paragraph 163.
4. In the absence of a secured planning obligation, the development fails to make an appropriate contribution towards the provision of affordable housing which is required to provide a balanced and well-functioning housing market, as referred to in the Newcastle-under-Lyme Borough Council Affordable Housing Supplementary Planning Document (2009) and the Supplementary Planning Document on Developer Contributions (2007). The proposal would thus be contrary to Policies CSP6 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policy IM1 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework (2019).
5. In the absence of a secured planning obligation the development fails to make an appropriate contribution towards the monitoring of a Travel Plan to promote the most sustainable modes of travel as referred to in the Newcastle-under-Lyme Borough Council Supplementary Planning Document on Development Contributions (2007). For this reason also the proposal would fail to provide a sustainable form of development and would be contrary to Policies SP3 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policy IM1 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework (2019).

Reason for recommendations

Overall it is considered that the adverse impacts arising from granting planning permission (i.e. the inappropriate design, potential poor living conditions for future occupants and failure to provide a suitable drainage plan) would outweigh the benefits of the provision of housing land and the benefits to the local economy and as such on this occasion there is no presumption in favour of this development. Furthermore, without a completed planning obligation to secure appropriate S106 obligations the development would also be unacceptable and contrary to local and national planning policy guidance.

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

The applicant has been given adequate opportunity to overcome the concerns of the scheme but has failed to do so. Therefore, it is considered that the proposals are unsustainable and do not conform to the core planning principles of the National Planning Policy Framework and a positive outcome cannot be achieved in this instance.

KEY ISSUES

The application seeks full planning permission for a residential development of 71 dwellings which is broken down into 53 dwelling houses and 18 apartments.

The application site comprises a vacant area of land on the western side of West Avenue, within the defined urban area of Kidsgrove. The site is also bounded to the west by Green Belt but does not lie within it as indicated on the Local Development Framework Proposals Map. The site area is approximately 2.05 hectares.

Public footpath number 227 Kidsgrove Parish runs around the northern and western edges of the application site.

The key issues for consideration in the determination of the application are:-

- Is the principle of residential development on the site acceptable?
- Is the proposal acceptable in terms of its design and impact on the form and character of the area, including impact on protected trees within and adjoining the site?
- Would there be any material adverse impact on residential amenity?
- Would the proposed development have any material adverse impact upon highway safety?
- What, if any, planning obligations are necessary to make the development policy compliant?
- Do the adverse impacts of the development outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

1. Is the principle of residential development on the site acceptable?

1.1 The application site comprises a vacant area of land historically associated with the adjacent commercial/industrial use to the south west. The land was purchased by the owners of the adjacent industrial unit in 2005, but has remained undeveloped since.

1.2 An Employment Land Report has been submitted with the application. This demonstrates that since the site was acquired in 2005, it has been subject to a sustained marketing exercise which received a very negative response with regards to the development of the land on a commercial basis. As such the site has remained vacant for 15 years. The applicant highlights that any interest during this time period was largely from house builders and land developers with a focus being on residential development of the site.

1.3 The Joint Employment Land Review (JELR) prepared by the Council in 2015 identified the application site as being of 'average quality' with regards to land that would form part of meaningful and deliverable employment land portfolio. Since then the land has been promoted twice for housing at preferred options and the current plan making stage. It has also been considered in the SHLAA as land that is suitable and available for housing.

1.4 An objection has been received from the Council's Economic Regeneration Department which notes that the application should be refused on the basis that the site is a designated employment land site and its development for other uses would lead to a limited supply of land within the Borough.

1.5 Paragraph 117 of the Framework states that planning decisions should promote an effective use of land in meeting the needs for homes and other uses. Criterion c) of Paragraph 118 details that substantial weight should be given to the use of brownfield land within settlements for homes and other identified needs.

1.6 The applicant has provided suitable evidence that the land has been actively marketed from 2005-2017, when it was acquired by the current owners. There has been extremely limited interest in the development of the site on a commercial basis and this has led to the land sitting vacant for just over 17 years. As part of the development of the Joint Local Plan the land has been promoted as suitable and available for housing, and together with the presence of similar residential development on former industrial land within close proximity to the application site, it would not be considered reasonable to refuse the application on the basis that the land would no longer be available as employment land.

1.7 Therefore in light of the above it is not considered that the use of the land for residential development would be considered unacceptable in principle and the proposed development accords with local and national planning policy which seeks to provide new housing development within existing urban development boundaries on previously developed land. This site is located in the urban area and it is considered to represent a sustainable location for housing development by virtue of its close proximity to services, amenities and employment opportunities.

1.8 The principle of the proposed development complies with local and national planning policy guidance.

2.0 Is the proposal acceptable in terms of its design and impact on the form and character of the area, including impact on protected trees within and adjoining the site?

2.1 Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 127 of the Framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

2.2 Policy R3 of the Urban Design Supplementary Planning Document (SPD) states that new housing must relate well to its surroundings, it should not ignore the existing environment but should respond to and enhance it, exploiting site characteristics. R12 states that residential development should be designed to contribute towards improving the character and quality of the area.

2.3 The north-east of the site is bounded by a Public Right of Way (PROW), dense mature trees and a small group of houses that back onto the site and open landscape. To the west lies a dense belt of mature landscape to the west, with a dense area of mature trees which includes a significant drop in site levels and the continuation of the PROW. The surrounding land is host to a variety of development and uses, with AAH large industrial/warehouse units located to the south and east and a new residential estate to the north of the site.

2.4 The application proposes a variety of 2, 3 and 4 bedroom semi-detached and detached dwellings together with 1 and 2 bedroom apartments within the two, 3 storey apartment blocks proposed. The dwellings are predominantly 2 storeys, with 18 of the dwellings having accommodation in the roof space (2.5 storeys). All of the dwellings are of traditional design with pitched roofs and appear to be of brick and tile construction, however specific details of facing materials can be secured via condition. Design features include projecting porches, door canopies, integral garages and projecting gables. The 2.5 storey dwellings also include dormer windows on the front facing roof slope.

2.5 Overall it is considered that the house types and design, as proposed, are acceptable.

2.6 The provision of public open space within the site is considered to be appropriate. The development includes properties that would face onto the public open space and would look to protect the surrounding woodland, features that are welcomed by the Landscape Development Section (LDS). Whilst raising no objections to the principles of the proposed layout, the LDS have requested that further information is secured via a condition in relation to the landscaping scheme, tree protection measures, the location of services and the submission of a woodland and open space management plan.

2.7 Objections have been received from residents voicing concerns over the implications that the development would have on the adjacent woodland and trees within the site. It is considered that the development would suitably preserve these existing landscape features, and the attachment of appropriately worded conditions to any permission granted would secure the additional information necessary to ensure these features are suitably protected during the development. Enhancements via a landscaping condition could also be achieved.

2.8 However notwithstanding the above comments, there are a number of concerns with the site layout and the implications this has on the character and appearance of the area.

2.9 The site frontage onto West Avenue is visually dominated by the two proposed apartment blocks. The scale and form of these buildings on such a prominent elevation is not considered to represent an appropriate design solution as they fail to respond positively to the character and form of the immediate locality. The development also fails to provide an active frontage onto West Avenue as the layout sees this boundary dominated by the two apartment blocks, a bin collection area and fencing to enclose residential gardens with only one dwelling actively fronting onto West Avenue.

2.10 Also, whilst the site layout demonstrates that the 53 dwelling houses and the two apartment blocks can be accommodated on the land, the resulting density is considered to be to the detriment of the sites appearance. Areas of the site would appear cramped and overdeveloped, particularly along the primary access road where there appears to be a focus on numbers rather than attractive place making. Density along the secondary roads to the north/north west of the site however appears more appropriate. This cramped and high density layout has also resulted in areas being dominated by frontage parking, particularly along the southern side of the primary access road which would be dominated by the parking courts serving the apartment blocks and frontage parking on plots 22 through 39.

2.11 The comments of the Urban Vision Design Review Panel identify that the setting of the site offers a significant opportunity to achieve a distinctive and attractive place to live, and you Officer agrees with this view. For the reasons outlined above the development fails to take this opportunity to enhance the appearance of the area.

2.12 Therefore the design, layout and appearance of the development would have a harmful and unacceptable impact on the visual amenities of the area and so would be contrary to Policy CSP1 of the Core Spatial Strategy as well as the provisions of the NPPF.

3.0 Would there be any material adverse impact on residential amenity?

3.1 Paragraph 127 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.

3.2 The Council's Supplementary Planning Guidance (SPG) - Space Around Dwelling provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

3.3 The layout and orientation of the proposed development is sufficiently distant from existing properties to avoid any adverse impact on living conditions. In addition the layout achieves appropriate separation distances between the proposed properties and sufficient private amenity space, in accordance with the Councils SPG.

3.4 The application is supported by a Noise Impact Assessment given the presence of a large commercial unit directly south of the application site. This report demonstrates that there is a requirement for the development to incorporate a bund and acoustic fence together with specific glazing specifications. It also identifies that in order to meet the recommended noise levels, windows on certain properties will have to be closed.

3.5 The Environmental Health Division has noted that where the Local Planning Authority accept a scheme to be assessed with windows closed, but the scheme is reliant on open windows to mitigate overheating, it is necessary to consider the potential noise impact during the overheating condition.

3.6 The EHD have objected to the development on the basis that the application provides no details of any alternative methods of ventilation or mitigation measures to prevent overheating and in the absence of such an assessment they recommend the refusal of the application. The applicant was afforded the opportunity to submit this additional information, however no further reports have been received.

3.7 Paragraph 180 of the Framework identifies that new development should be appropriate for its location and take into account the likely effect of pollution on health and living conditions. Paragraph 127 also goes on to state that development should, amongst other things, create places that promote health and well-being with a high standard of amenity for existing and future users.

3.8 The Noise Impact Assessment has suitably identified the adjacent commercial enterprise as a constraint that could expose occupiers of the proposed dwellings to unsuitable level of noise. However, as the EHO has identified that suitable noise levels can only be achieved with some windows to be closed, the proposal offers no further information as to the mitigation measures that will be implemented to ensure that principal rooms and living spaces will not be subject to overheating. Ultimately this would not offer appropriate living conditions or amenity for the future users of the development.

3.9 Therefore your officer considers that the applicant has failed to demonstrate that the development would provide suitable levels of residential amenity to future occupants and so is contrary to the provisions of the NPPF.

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

4.1 Paragraph 108 of the NPPF states that safe and suitable access to a site shall be achieved for all users and paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

4.2 Vehicular access to the proposed development would be via Old Butt Lane/ West Avenue where there is an existing stub road to the site measuring circa 6m. It is from this stub road where access to the site will be introduced.

4.3 The initial comments of the Highway Authority recommended the refusal of the application and raises a number of concerns including the suitability of the site access, the contents of the TA and the layout of the site.

4.4 In response to these concerns the applicant has provided additional information in the form of Technical Note (TN1) to accompany the Transport assessment. The Highway Authority (HA) have considered the contents of this additional information and identified that the applicant has now suitably assessed the potential impacts of the proposed development on the highway network in relation to access, capacity, safety and the suitability the site including access by non-car modes. The applicant has demonstrated that the impact of the proposed development traffic is low, and the existing signalised junction of Linley Road/Congleton Road/ Coalpit Hill/ Newcastle Road will operate within practical capacity during peak hours.

4.5 In their previous comments the HA had queried the suitability of the site access proposed. Access would be from an existing gates access off Old Butt Lane which has a sharp, curved alignment onto West Avenue. However the Stage 1 Road Safety Audit provided by the applicant details that consideration of visibility splays and a swept path analysis for the existing access did not raise any highway safety issues and there have been no recorded accidents on West Avenue or Old Butt Lane within the last 5 years.

4.6 The development is for a mix of one, two, three and four bedroom properties and the proposed layout demonstrates that 152 spaces can be provided within the site. This includes both detached and

integral garages which are sufficient to house one vehicle per dwelling. This is considered to represent an acceptable level of car parking for the number of units proposed in this location and so the proposal complies with the requirements of Policy T16 of the Local Plan. The Highway Authority raises no objections to the development in relation to parking provision.

4.7 The Councils Waste Management Section have raised no objections with regards to the layout of the site and its ability to provide sufficient space for the manoeuvring of refuse vehicles. Whilst they have raised concerns that the use of unadopted roads may lead to refuse receptacles being left on the highway, this is not considered to raise any severe highway safety implications. Furthermore, your officers have raised concerns with the design of the scheme and the density and a reduction in the density could assist in improving the layout for waste collections.

4.8 Objections have been received from local residents that raise concerns on the lack of capacity along West Avenue and the surrounding road network to accommodate a further residential development of this scale. However, as outlined above the applicant has now suitably demonstrated that the proposed access to the site is safe and that the surrounding road network will not be overwhelmed from the addition vehicle movements that would be generated by the development. In addition the Highway Authority no longer have any objections to the proposal and so the refusal on highway safety grounds would not be reasonable.

4.9 Based on this information the Highway Authority no longer poses any objections to the scheme and it is considered that the applicant has suitably demonstrated that the proposed development would not raise any severe highway safety and/or parking issues. As a result the proposal would comply with the requirements of Policy T16 of the Local Plan as well as the provisions of the NPPF.

5.0 Would there be any issues of floor risk or sewage capacity

5.1 The application has been accompanied by a Flood Risk Assessment and Drainage Strategy (FRA) and a sustainable urban drainage strategy scheme (SuDS). This identifies that the development site is located within Flood Zone 1 and that the risk of flooding to the site is considered to be low. Development within Flood Zone 1 is the preferable option when considered in the context of the sequential test found in the NPPF.

5.2 The development will however introduce impermeable drainage areas in the form of buildings, surfacing and landscaping which will result in an increase in surface water run-off.

5.3 Severn Trent Water has raised no objections to the proposal subject to conditions to secure plans for the disposal of foul and surface water flows. United Utilities have similarly offered no objections to the proposal subject to conditions to secure an appropriate surface water drainage scheme and the securement of foul and surface water being drained on separate systems.

5.4 However, in their initial consultation response the Lead Local Flood Authority (LLFA) identified a number of concerns that had not been adequately addressed within the submitted Flood Risk Assessment (FRA). In particular they noted that there were inconsistencies in the calculations of drainage and run-off rates from impermeable areas; the lack of consideration for further SUDS features and no evidence of overland flood plan routing in the case of system exceedance or failure.

5.5 In response to the consultee comments, the applicant provided an updated FRA dated December 2019. Whilst the LLFA have accepted that the provision of SUDS features within the site is now acceptable, they have maintained their objections on the basis that there are still inconsistencies within the report in relation to drainage calculations for impermeable areas and the exceedance/failure plan.

5.6 The applicant has therefore failed to demonstrate that an acceptable drainage strategy is proposed for the development site and so the proposal is contrary Policy CSP3 of the Core Spatial Strategy as well as the requirements of the NPPF.

6.0 What planning obligations are considered necessary and lawful?

6.1 Any developer contribution to be sought must be both lawful, having regard to the statutory tests set out in Regulation 122 and 123 of the CIL Regulations, and take into account guidance. It must be:-

- 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 Staffordshire County Council states that the development would not result in an education contribution as there are projected to be a sufficient number of school places to mitigate the impact of the development at both primary and secondary phases of education.

6.3 The County Highway Authority has requested a contribution towards travel plan monitoring. Given the increase in car use as a result of the development, this request is considered to be appropriate, reasonable and in compliance with the tests outlined above.

6.4 The contributions identified above are 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.

6.5 A further contribution was requested from the Councils Landscape Development Section (LDS). The development does trigger the requirement for a contribution towards a Multi-Use Games Area (MUGA) as identified within the adopted Open Space Strategy. The LDS have requested that such a contribution should be towards surfacing and line marking improvement at the former skate park MUGA within Clough Hall Park. Clough Hall Park is located just over a mile from the application which would equate to approximately a 30 minute walk. Whilst accessible via public footpaths, Clough Hall Park is located a considerable distance from the application site and so the request for a financial contribution is not considered to be directly related or fairly and reasonable related in scale to the development and so would not meet the requirements listed in Paragraph 56 of the Framework. Your officers will discuss whether there are other more suitable sites in close proximity to the site and whether a financial contribution is required and justified for that open space. A further update will be given prior to the meeting if one is available.

6.6 Policy CSP6 of the CSS states that residential development within the urban areas will be required to contribute towards affordable housing at a rate equivalent to target of 25% of the total dwellings to be provided. This application proposes 71 dwellings and at 25% provision for affordable housing, 18 affordable dwellings would be required. The scheme proposed does not include any affordable housing provision.

6.7 The application is accompanied by a Viability Assessment which details that the scheme would be rendered financially unviable should it be required to provide policy compliant affordable housing at 25% even without considering other S106 contributions identified above. They do however identify within Figure 8 of the report that the scheme would be marginally viable with a provision of 10% affordable housing, and no other S106 contributions which does lend to consideration that the development may, on consideration and negotiation, be capable of offering some level of contribution.

6.8 As the application is supported by a case for viability, your officer sought to obtain independent examination of the viability appraisal submitted. However the applicant has not agreed for the appraisal to be subject to an independent assessment.

6.9 Paragraph 57 of the NPPF highlights that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date and the transparency of assumptions behind evidence submitted as part of the viability assessment.

6.10 To ascertain that the assumptions being made by the applicant within their appraisal are reasonable, an independent assessment of the information is considered to be necessary and in line with recommendations within the NPPF and PPG. Without such an assessment your officer is unable to conclude that the development has sufficiently justified a failure to provide policy compliant financial contributions and affordable housing.

6.11 Therefore in the absence of such an independent appraisal, and no policy complaint S106 contributions on the table, the development fails to comply with the provisions of the NPPF as well as Policies SP3, CSP6 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and Policy IM1 of the Newcastle-under-Lyme Local Plan 2011.

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

7.1 The layout and form of the proposed development fails to make a positive contribution to the character and appearance of the area. The layout sees pockets of high density within the development site that are considered to be excessive and are at the expense of a more place-making led approach to development. The presence of a large, three storey apartment block on the site frontage with West Avenue introduces a further incongruous feature to the locality which would have a harmful impact on the visual amenities of the area. In line with Paragraph 130 of the Framework, development should be refused where it fails to take the opportunities available to improve the character and quality of an area.

7.2 The noise report submitted with the application has demonstrated that suitable internal noise levels can only be achieved in some dwelling when the windows are shut. The applicant has not offered any further information in relation to additional mitigation and ventilation requirements to remove the risk of overheating occurring in those dwelling where windows are to remain shut. This therefore demonstrates that future occupants may be subject to unacceptable living standards within the proposed dwelling, and is a matter of considerable weight.

7.3 The development has also not appropriately considered the implications of surface water flooding and drainage within the submitted Flood Risk Assessment and Drainage Strategy. In both reports the LLFA has identified inconsistencies in the calculations of drainage flow rates and the lack of a sufficient plan to accommodate potential exceedance and/or failures of the system.

7.4 When looking at these issues cumulatively, together with the lack of any appropriate financial contributions, it is concluded that the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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 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 CSP4:	Natural Assets
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 T16	Development – General Parking Requirements
Policy N12:	Development and the Protection of Trees
Policy N17:	Landscape Character – General Considerations
Policy C4	Open Space in New Housing Areas
Policy IM1:	Provision of Essential supporting Infrastructure

Other material considerations include:

[National Planning Policy Framework \(2019\)](#)

[Planning Practice Guidance \(March 2014, as updated\)](#)

[Community Infrastructure Levy Regulations \(2010\) as amended and related statutory guidance](#)

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD \(September 2007\)](#)

[Affordable Housing SPD \(2009\)](#)

[Newcastle-under-Lyme Open Space Strategy](#) – adopted March 2017

[Space Around Dwellings SPG \(SAD\) \(July 2004\)](#)

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

[Waste Management and Recycling Planning Practice Guidance Note](#) approved in 2003 and last updated in February 2016

[Relevant Planning History](#)

None relevant

[Views of Consultees](#)

The **Education Authority** considered the impact of the development on St Saviour's Academy and The King's CE(VA) School. The development it was calculated that 53 dwellings would require 11 primary school places and that 53 dwellings would require 8 secondary places and 2 Post 16 places. These are based on a pupil product ratio (PPR) 0.03 per dwelling per year group. Using 7 year groups for Primary, 5 for secondary and 1 for Post 16 places. Where appropriate all 1 bedroom dwellings

have been deducted from the dwellings numbers and at secondary level only, all RSL dwellings have also been deducted in line with our Education Planning Obligations Policy. Based on this calculation there are projected to be a sufficient number of school places to mitigate the impact on this development at both primary and secondary phases of education. And so the development would not result in an education contribution.

Economic Regeneration have recommended that the application is refused as it would result in the loss of designated employment land, something that is of very limited supply. They also queried as to whether the site had been actively marketed for sale or development.

The Council's **Waste Management Section** has highlighted that the unadopted nature of the surfacing leading from the adopted highway means that some plots will not be served by collections directly outside the properties, creating collection points at the end of the adopted highway. This would be likely to cause containers to be left out at these points, designing nuisance complaints and obstructions to highway visibility. Further details are provided in relation to the storage capacity required for the proposed apartment blocks.

The **County Highway Authority**, in their response received on the 31st October recommended the refusal of the application as insufficient information had been provided to determine the proposal from a transport and highway safety perspective. Additional information was requested with regards to the transport assessment and suitability of the proposed site access as well as the road layout, parking and travel plan. Following the submission of additional information, further comments were received from the Authority on the 18th February whereby the previous refusal was withdrawn and the officer no longer raised any objections to the proposal subject to conditions to secure a Construction Management Plan prior to development commencing along with the securing of the appropriate visibility splays, parking and road layout and travel plan prior to the first use of the scheme. A S106 contribution of £6,895 is also requested for the monitoring of a residential travel plan.

Kidsgrove Town Council objected to the proposal. They noted concerns relating to the loss of employment land, lack of appropriate infrastructure including school places and healthcare, parking and highway safety. There were further concerns relating to potential flooding risks and implications on wildlife and the use of the adjacent public footpath. The Town Council sought reassurances that the trees and woodland would be protected and preserved and that any S106 contributions go towards the improvement of public footpath 216.

In their initial comments received 15th October 2019, the **Lead Local Flood Authority** detailed that the submitted information is not sufficient to fully demonstrate that the proposed development will meet the technical standards for SuDS. Clarification was sought in relation to drainage calculations for impermeable areas, water quality and exceedance flows.

Following the submission of additional information, further comments received on the 10th January still draw attention to outstanding issues in relation to drainage calculations and the exceedance/failure plan. As such they recommend that planning permission is not granted until the outstanding issues are resolved.

United Utilities raised no objections to the proposal subject to conditions to secure a surface water drainage scheme and the draining of foul and surface water from separate systems.

Severn Trent Water raise no objections to the proposal subject to conditions to secure a drainage plan for the disposal of foul and surface water flows and that the approved details are implemented prior to first use of the development.

The Coal Authority identifies that the site is underlain by recorded shallow coal workings to the far north and to the south west. However, it does lie outside of the defined High Risk Area and so a Coal Mining Risk Assessment was not necessary to support the application. Notwithstanding this, coal mining legacy potentially poses a risk to the proposed development and so intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. They raise no objections subject to conditions to secure these investigations and mitigation measures where appropriate.

The **Minerals and Waste Authority** identify that the site falls within the Minerals Safeguarding Area for shallow coal and fireclay. They state that whilst the development does not fall within the exemptions criteria listed in the Minerals Local Plan, the constraints imposed by existing residential and industrial development adjacent to the site it is unlikely to be practicable or environmentally acceptable to extract any underlying mineral in the foreseeable future. As such the Authority raises no objections to the application.

The **Environment Agency** raises no objections to the proposal subject to the inclusion of a planning conditions to ensure that any unacceptable risks from contamination are adequately addressed and mitigated during the re-development of the site.

In respect of Land Contamination the Councils **Environmental Health Officer** raises no objections to the development having reviewed the submitted information. Numerous conditions are requested to secure further site investigation works and remediation's measures as appropriate.

The **County Rights of Way Officer** identifies that the development does not recognise the existing of Public Footpath No. 227 which runs around the proposed application site. But it appears that the development proposal will not directly impact the public right of way. They go on to draw the applicants attention to the appropriate legislation in respect of the protection of public footpaths including maintenance, closure or diversion.

The **Crime Prevention Design Advisor** notes that the proposal appears to be very well conceived in the main with regard to addressing crime prevention and community safety. They go on to detail that the siting of the dwellings and apartment blocks along West Avenue provide a good visual and psychological screen to the bulk of the development. Suggestions are made to improve the scheme which relate to the fitting of lockable access gates to paths and additional planting, CCTV installation for the apartment blocks and high standard window and door fittings.

Representations

Eight letters of representation, including one from Councillor Robinson, have been received from seven addresses raising objections on the following grounds;

- Increased likelihood of flooding
- Insufficient road capacity for additional traffic that will be generated from the development
- Negative impact on the surrounding woodland
- The development should incorporate increased planting and open recreational space
- High housing density
- Impact on local services (schools, health services)
- Inadequate levels of parking within the development site
- Concerns with pedestrian and highway safety in relation to the proposed access and sites proximity to AAH Pharmaceuticals
- Poor quality of life to future residents that have outlook across to AAH Pharmaceuticals
- S106 contributions should be towards public footpath improvements
- Levels on the site have increased to the detriment of neighbouring properties
- Loss of employment land
- Temporary restrictions to use of adjacent public footpaths during construction
- Long term damage to the environment including vegetation and wildlife

Applicant/agent's submission

All of the application documents can be viewed on the Council's website using the following link.

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00760/FUL>

Background Papers

Planning File
Development Plan

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