

**LAND NORTH OF WEST AVENUE**  
**PERSIMMON HOMES**

**20/00501/FUL**

The application seeks full planning permission for a residential development of 66 dwellings.

Vehicle access to the site is off Old Butt Lane/ West Avenue.

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

This application was reported to Committee on the 5<sup>th</sup> January but a decision was deferred to allow the applicant appropriate time to address the concerns of the Lead Local Flood Authority and for their further views to then be obtained.

**The statutory 13 week determination period for this application expired on the 29<sup>th</sup> September but the applicant has agreed an extension of time to the statutory determination period to the 12th March 2021.**

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## **RECOMMENDATIONS**

**A. Subject to the receipt of no objections from the Lead Local Flood Authority by the date of the Committee meeting that cannot be overcome through the imposition of conditions or, if no comments are received by that date, the Head of Planning being given the delegated authority to determine the application after the 2nd February 2021 upon receipt and consideration of the Lead Local Flood Authority comments, and**

**B. Subject to the applicant first entering into a Section 106 obligation by the March 2021 to secure a residential travel plan monitoring fee of £7,000, a management agreement for the long term maintenance for the open space on-site, the provision of affordable housing, and a review mechanism of the scheme's ability to make a more or fully policy compliant provision of affordable housing, if the development is not substantially commenced within 12 months from the date of the decision, and the provision of such affordable housing if then found financially viable,**

**PERMIT the application subject to conditions relating to the following matters:-**

- 1. Standard time limit for commencement of development;**
- 2. Approved plans;**
- 3. Facing and roofing materials**
- 4. Boundary treatments**
- 5. Hardstandings**
- 6. Full landscaping scheme to include provision of play facilities, treatment of public right of way, treatment of retaining structures and semi-mature evergreen specimens within the rear gardens of plots 9-26**
- 7. Off-site improvements to public right of way**
- 8. Woodland and open space management plan**
- 9. Arboricultural Method Statement**
- 10. Dimensioned Tree Protection Plan**
- 11. Utilities and services connection plans**
- 12. Waste collection and storage arrangements**
- 13. Provision of access, internal roads, private drives and parking courts**
- 14. Provision of appropriate visibility splays**
- 15. Surfacing materials, surface water drainage and delineation of the parking bays for the parking courts**
- 16. Secure weatherproof parking for the 24 cycles for plots 27 to 44**
- 17. Garages/ car ports retained for vehicle parking**
- 18. Electric vehicle charging provision**
- 19. Residential Travel Plan Framework**
- 20. Highway & Environmental Construction Management Plan (CMP)**
- 21. Implementation of Noise Mitigation Measures**
- 22. Construction and demolition hours**
- 23. Prior approval of noise assessment for the Pumping Station and Substation**
- 24. Surface water drainage scheme**
- 25. Flood risk mitigation measures and Sustainable Drainage Strategy**
- 26. Land contamination investigations and mitigation measures**
- 27. Unexpected land contamination**
- 28. Coal mining/ land stability intrusive site investigations and remediation (if necessary)**
- 29. Ecology mitigation and enhancements**

**C. Should the matters referred to in (B) above not be secured within the above period, then the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure sustainable development objectives, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.**

## **Reason for recommendations**

The redevelopment and regeneration of this vacant site, with an acceptable residential development scheme within a sustainable urban location, accords with local and national planning policy. The scheme represents a good quality design that would enhance the appearance of the area and it has been demonstrated that the proposed development would not cause highway safety implications and issues arising from the neighbouring uses can be mitigated against to avoid impacts to future occupiers of the dwellings. Subject to a number of conditions, the development represents a sustainable form of development and should be supported. It is also accepted that, following the obtaining of independent financial advice, the scheme is not viable if policy compliant affordable housing is required but that the scheme can support some affordable housing which will be secured by a Section 106 agreement, which will also include a review mechanism should substantial commencement not be achieved promptly.

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

Officers of the Authority have requested further information throughout the application process and the applicant has provided amended and additional information, including independent financial viability appraisal information. This has resulted in an acceptable form of development now being proposed.

## **KEY ISSUES**

The application seeks full planning permission for a residential development of 66 dwellings.

Vehicle access to the site is off Old Butt Lane/ West Avenue.

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 extends to approximately 2.05 hectares.

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

The application follows a previous planning application for 71 dwellings that was withdrawn prior to the 28<sup>th</sup> April planning committee. Since that application the number of dwellings has been reduced to 66. A series of amended plans have been received during the consideration of the application to address concerns of consultees.

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

1. Is the principle of residential development on the site acceptable?
2. 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?
3. Would there be any material adverse impact on residential amenity?
4. Would the proposed development have any material adverse impact upon highway safety?
5. What, if any, planning obligations are necessary to make the development policy compliant? and
6. Planning balance

### **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 The application is for a residential development comprising of 66 dwellings in the urban area of Kidsgrove.

1.3 NLP Policy H1 supports new housing in the urban area of Newcastle and Kidsgrove with Policy ASP5 of the Core Spatial Strategy (CSS) setting a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026.

1.4 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.

1.5 Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The NPPF also seeks to support the Government's objective of significantly boosting the supply of homes. It also sets out that there is a presumption in favour of sustainable development.

1.6 The Council is currently in a position whereby it is able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 7.3 years as at the 1st April 2019. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan. However, that position remains dependent on a number of factors and housing developments on previously developed land, in sustainable urban areas should still be supported.

1.7 An objection to the application 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 employment land within the Borough. The objection also identifies that the site owners have not marketed the site for employment uses to an acceptable level and that the Kidsgrove Town Deal Board has brought forward proposals to redevelop the site for small industrial units (approximately 8500 sqm) for rent, to meet an identified and demonstrated demand. Therefore, housing development on the land would not be suitable at this time.

1.8 The application has been supported by an Employment Land Report which sets out 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.

1.9 Saved NLP policy E11 sets out that development that would lead to the loss of good quality business and general industrial land and buildings will be resisted where this would limit the range and quality of sites and premises available.

1.10 Policy ASP 5 of the CSS identifies that a minimum of 104ha of employment land will be brought forward over the plan period.

1.11 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.

1.12 The National Planning Policy Framework (NPPF) has at its core a presumption in favour of sustainable development, in particular it sets out at paragraph 11 that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

(Para 11(d))

1.13 Paragraph 117 of the NPPF also 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.

1.14 The applicant has provided evidence that the land has been actively marketed from 2005-2017 but there has been limited interest in the land for development. There is a clear conflict between the comments of the Councils Economic Regeneration Department, who consider that the land should be retained for employment purposes only, and the applicant who considers that housing on the land is an effective use of the land.

1.15 The land has been left vacant for a number of years, as has the site directly opposite. Another site on West Avenue has been redeveloped recently and a new purpose built industrial warehouse building has been erected. This has also been left vacant since its construction a year ago.

1.16 It is acknowledged by your officers that the Kidsgrove Town Deal (KTD) is a material consideration but to refuse the scheme for housing on the land on the basis that it is contrary to the aims of the KTD to develop the site for small units would be premature at this time because a Government announcement on the KTD has not been made and there is no guarantee that the funding for the scheme set out in the KTD can be delivered. If the KTD does not progress then the application site could be left vacant for future years. In contrast the applicant, a national housebuilder, has committed to the development of the site and indicates that housing will be delivered on the site in the next 12 months should the planning application be approved.

1.17 Objections have been received which raise concerns about the stability of the land and whilst there is no evidence that a residential scheme cannot be safely developed on the land, it is suggested by the Coal Authority that further intrusive site investigation works should be undertaken prior to development commencing in order to establish the exact situation regarding coal mining legacy issues on the site. This condition is considered reasonable and necessary in the circumstances.

1.18 Your officers do not consider that the development of this site for housing would be contrary to policy E11 of the NLP as the proposal does not result in the loss of good quality employment land, and it is considered that the NPPF is clear that the principle of housing on the land is in accordance with specific policies of the NPPF. The principle of housing on the site is also supported by development plan policies and the proposed development would provide 66 new homes on previously developed land in a sustainable urban area on a piece of land that has been left vacant for a number of years, thus resulting in the positive regeneration of the land. On this basis the proposed development is accepted and the tilted balance is not engaged.

## 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 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, 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 large industrial/warehouse units located to the south and east and a new residential estate to the north of the site.

2.4 As discussed, the application is a resubmission and your officers have secured a number of design improvements to the scheme following a reduction to the density of the development now proposed. In particular, your officers have negotiated improvements to the appearance and layout of the scheme, which has reduced the level of frontage car parking, improvements to bin storage arrangements, the removal of existing industrial fencing which open up the public footpath and a greater range of dwelling design types, including an improved palette of materials.

2.5 The application now proposes a variety of 2, 3 and 4 bedroom semi-detached and detached dwellings together with 1 and 2 bedroom maisonettes. All of the dwellings are of traditional design with pitched roofs. Overall it is considered that the house types, their design and use of materials is acceptable. It is also considered that the proposed design would utilise existing natural features and enhance the visual amenity of the area.

2.6 The proposed layout includes on site public open space (POS) which is considered to be appropriate and would benefit from natural surveillance from proposed dwellings that would face towards the POS. The proposed development also seeks to protect the surrounding woodland and the Landscape Development Section (LDS) has raised no objections subject to conditions which secure a full landscaping scheme, including play facilities, retaining structures and the treatment of the PROW to ensure that improvements are made following construction works and the removal of existing fencing. Conditions to secure tree protection measures, the location of services and the submission of a woodland and open space management plan, are also recommended. A condition to secure ecology mitigation measures and enhancement, as specified in the submitted ecology report are also considered necessary

2.7 It is accepted that the proposed development represents an acceptable design that would enhance the appearance of the area and provide a number of visual benefits. Subject to conditions it is also considered that the proposed development would provide an attractive place for the future occupiers to live. The proposed development accords with policy CSP1 of the CSS the principles of the urban design guidance SPD and the guidance and requirements 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 reduction to the density of the proposed development helps to achieve appropriate separation distances between the proposed properties and provide sufficient private amenity space for each plot, in accordance with the Councils SPG.

3.4 The application site does share its south-eastern (SE) boundary with an existing employment use, AAH Pharmaceuticals, which has its existing access within close proximity to a number of the proposed dwellings. This existing access is primarily used by HGV's that operate 24 hours a day. However, the number of HGV movements to and from the site between 23:00 and 07:00 hours the following day is restricted by planning permission reference 13/00531/FUL.

3.5 The proposed development includes a number of dwellings (plots 9-26) that would have rear elevations and rear gardens on the SE boundary but the internal layout of the dwellings have been designed so that principle rooms (main living areas and bedrooms) do not have windows in the rear elevations. The application is also supported by a Noise Impact Assessment which has been considered by the Environmental Health Division (EHD) who are satisfied that, subject to conditions which secure appropriate glazing specification and ventilation, there would be no significant adverse harm caused to future occupiers of the dwellings. This is on the basis that the existing access has a ground level which is 3 metres lower than the application site and the SE boundary would have a proposed retaining wall with acoustic barrier of 2.4 metres in height on top. The applicant is also proposing semi-mature evergreen planting on the rear boundary of each property which would soften the outlook and impact of the neighbouring employment use.

3.6 On the basis of the submitted noise report, the comments of EHD and the proposed mitigation measures and recommended conditions, it is accepted that the living conditions of future occupiers would be protected to an acceptable level, in accordance with the guidance and requirements 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 an existing access off Old Butt Lane/ West Avenue.

4.3 The application is supported by a Transport Assessment (TA), which includes a Travel Plan (TP) and Road Safety Audit, and sets out that the impact of the proposed development traffic is low and the surrounding highway network, including West Avenue and the signalised junction on Linley Road/Congleton Road/ Coalpit Hill/ Newcastle Road will operate within practical capacity during peak hours. The TP also demonstrates that the proposed development would encourage sustainable modes of travel by future occupiers of the dwellings.

4.4 The Highways Authority (HA) has agreed the layout of the internal access roads and are satisfied that the applicant has suitably assessed the potential impacts of the proposed development on the highway network in relation to access, capacity, safety and the suitability of 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 The Councils Waste Management Section (WMS) has broadly accepted the layout and all dwellings would have their waste bins collected from their property. Therefore, waste collection arrangements are now acceptable subject to a condition which secures detailed storage and collection arrangements.

4.6 The development is for a mix of one, two, three and four bedroom properties and the proposed layout demonstrates that 146 spaces can be provided within the site. 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. Furthermore, a condition to secure electric vehicle parking provision for each dwelling is necessary to meet sustainable development objectives.

4.7 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.

4.8 HA have advised that they have no objections subject to conditions, which will make the development acceptable and includes the provision and implementation of a TP and an associated monitoring fee to be secured via a S106 obligation. 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 and hardstandings 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 The application was deferred at its meeting of the 5<sup>th</sup> January due to the Lead Local Flood Authority (LLFA) requesting further reassurances that the flood risk associated with the existing surface water sewer is sufficiently low and that the proposed drainage layout plan is sufficient. It is anticipated that following the submission of additional information the level of information now provided is appropriate for the LLFA to remove their concerns. However, their further views are awaited.

5.5 Conditions which secure acceptable details flood mitigation and the provision of SUDs can be secured to make the development acceptable and in accordance with local and national planning policy.

#### 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 justify 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 Whilst the proposed development seeks to provide policy compliant on site public open space the Councils Landscape Development Section (LDS) has also requested a financial contribution towards the enhancement of the nearest Neighbourhood Equipped Area for Play (NEAP) at Clough Hall Park. However, Clough Hall Park is located just over a mile from the application site 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 reasonably related in scale to the development and so would not meet the requirements listed in Paragraph 56 of the Framework.

6.4 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 66 dwellings and 17 affordable dwellings is required to make the development accord with policy. However, the applicant has submitted 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% (17 dwellings).

6.5 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.

6.6 The NPPF sets out the approach to be adopted to viability in planning decisions. It indicates that where up-to-date policies have set out the contributions expected from the development, planning applications that comply with them should be assumed to be viable, and it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policies about contributions and the level of affordable housing need however to be realistic and not undermine the deliverability of the Plan. In the Borough it is not presently the case that up-to-date development plan policies, which have been subject of a viability appraisal at plan-making stage, have set out the contributions expected from development, so the presumption against viability appraisals at application stage does not apply. That will not be the case until a Local Plan is finalised.

6.7 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. On this basis the applicant has agreed to bear the Council's costs of obtaining independent advice from the District Valuer (DVS) who have produced a detailed financial viability report. The DVS report concludes that the scheme can support the provision of 9 affordable units and the applicant and your officers have agreed the split of social rented and shared ownership, along with the specific plots to be affordable.

6.8 A Section 106 obligation will be required to secure a financial viability reappraisal mechanism, should a substantial commencement of the development not occur within 12 months of the date of any decision on the application, and then a reassessment of the level of affordable housing the scheme can support if the development were to be found capable of financially supporting these features.

## 7. Planning balance

7.1 The proposed development would provide 66 new dwellings on previously developed land in a sustainable urban area. The development would also regenerate a piece of land that has lay vacant for over 15 years and it has been demonstrated that the design and appearance of the scheme would enhance the visual amenity of the area and increase the housing mix in the Borough.

7.2 It is accepted that there would be some harm caused by the development of residential on the site as opposed to employment development, however, this minor impact, would not significantly and demonstrably outweigh the benefits of the proposal. Accordingly the proposal complies with the requirements of paragraph 11 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted provided the required affordable housing are obtained to address infrastructure requirements and appropriate conditions are used, as recommended.

## **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

Planning permission was granted under reference 05/00313/FUL for the retention of an industrial warehouse and distribution centre, which included the land that is the subject of this planning application.

Since that planning permission the land has been left vacant and a recent planning application for a residential development for 71 dwellings, reference 19/00760/FUL was withdrawn.

## Views of Consultees

The **Education Authority** considered the impact of the development on St Saviour's Academy and The King's CE(VA) School. They advise that there are projected to be a sufficient number of school places to mitigate the impact of this development at both primary and secondary phases of education.

The **Council's Economic Regeneration Section** objects to the application on the grounds that the proposed development would result in the loss of designated employment land and there is currently a lack of suitable sites in the Borough. It is also considered that the application has failed to demonstrate that an acceptable marketing exercise has been carried out to secure employment development on the land. They also identify that the site forms part of the Kidsgrove Town Deal bid which seeks to provide small industrial units on the land, subject to appropriate funding.

The Councils **Waste Management Section** highlighted a number of issues with the layout of the scheme and how this would affect waste collection and storage arrangements. However, following an amended layout and further details for waste storage arrangements for the maisonettes, they are less concerned, subject to details being secured by condition.

The **County Highway Authority** has raised no objections subject to conditions which secure the following;

- Provision of access, internal roads, private drives and parking courts,
- Provision of appropriate visibility splays,
- Surfacing materials, surface water drainage and delineation of the parking bays for the parking courts,
- Secure weatherproof parking for the 24 cycles for plots 27 to 44,
- Garages/ car ports retained for vehicle parking,
- Residential Travel Plan Framework,
- Construction Management Plan (CMP).

A travel plan monitoring fee of £7,000 is requested and secured via a S106 Agreement.

The **Lead Local Flood Authority** has requested further reassurances that the flood risk associated with the existing surface water sewer is sufficiently low and that the proposed drainage layout plan is sufficient. Their further comments are now awaited on the additional information submitted.

**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.

**Cadent Gas (National Grid)** advises that they have apparatus in the vicinity of the site which may be affected by the activities specified.

**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 make it 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 unidentified risks from contamination are adequately addressed and mitigated during the re-development of the site.

The **Environmental Health Division** raises no objections subject to conditions related to the following matters;

- Prior approval of a Construction Environmental Management Plan,
- Electric vehicle charging provision,
- Noise impact assessment for the pumping station and substation,
- Implementation of noise mitigation measures, and
- Full contaminated land

The **Crime Prevention Design Advisor** advises that the proposals appear to be well conceived with regard to addressing crime prevention and community safety. They advise that the properties along the West Avenue frontage should provide a good visual and psychological screen for the bulk of the development, the hedging along this site boundary helping to nicely define the site. The properties are outward facing with a proportion arranged in blocks addressing the road network or public open space, their rear gardens backing onto one another to provide mutual security. The arrangement for the north-west element of the housing is perhaps the least satisfactory. The maisonettes will look out over the looping footpath and countryside beyond from the habitable room (combined lounge/kitchen). A number of other crime prevention design measures are also advised, including lighting, contained within the Secured by Design Homes 2019 design guide document.

Comments were also invited from the **Councils Housing Strategy Section, Cheshire East Council, Staffordshire County Rights of Way Officer** and **Kidsgrove Town Council** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

#### Representations

**Seven** letters of representation have been received raising objections on the following grounds;

- There are enough houses on West Avenue already
- Increased likelihood of flooding, including the public footpath
- Insufficient road capacity for additional traffic that will be generated from the development
- Negative impact on the surrounding woodland
- Adverse impact on the public footpath
- Impact on local services (schools, health services)
- Land ownership complaints
- Land stability concerns
- 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/20/00501/FUL>

#### Background Papers

Planning File

Development Plan

#### Date report prepared

20<sup>th</sup> January 2021