

THE CLUB AT NEWCHAPEL, PENNYFIELDS ROAD, NEWCHAPEL  
MR. K. HUMPHRIES. 12/00271/FUL

**The Application** is for full planning permission for the demolition of the existing club building and the erection of 9 dwellings and the construction of two new single plot drives.

The existing access to the site is taken from Pennyfields Road a 'C' Class road, some 30 metres to the west of that road's junction with Newchapel Road. This access would be utilised for the majority of the new residential development and improvements to it are proposed.

The site lies within the Urban Area of Kidsgrove as identified on the Local Development Framework Proposal Map.

**The 8 week determination period expires on 24 September.**

**RECOMMENDATION**

**Permit subject to conditions relating to the following matters:-**

- (i) Standard Time limit.
- (ii) Approved plans/drawings/documents.
- (iii) Approval of all external facing and roofing materials.
- (iv) Approval of tree survey and tree protection measures.
- (v) Landscaping scheme.
- (vi) Details of boundary treatments.
- (vii) Construction management plan and method statement including construction hours and dust mitigation measures.
- (viii) Contaminated land.
- (ix) Approval of recyclable materials and refuse storage.
- (x) Details of design measures to achieve acceptable internal noise levels in dwellings.
- (xi) Road specification details.
- (xii) Surfacing details of proposed access drives.
- (xiii) Restriction of the use of proposed garages.
- (xiv) Submission of scheme to prevent surface water run-off.
- (xv) Highway dropped crossing specification.
- (xvi) Removal of properties' permitted development rights on identified plots.

**Reason for Recommendation**

It is considered the redevelopment of this site for residential purposes is acceptable given it is a brownfield site in a sustainable urban location. The use of the private community facility is not considered to be a viable use of the site. The proposal provides an acceptable layout and design of dwellings provides an appropriate level of residential amenity. The proposal would be acceptable in terms of highway safety. There are no other material considerations which would justify a refusal of this application.

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

West Midlands Regional Spatial Strategy 2008 (WMRSS)

- Policy QE1: Conserving and Enhancing the Environment
- Policy QE3: Creating a High Quality Built Environment for all
- Policy CF1: Housing Within the Major Urban Areas
- Policy CF3: Levels and Distribution of Housing Development
- Policy CF4: The Reuse of Land and Buildings for Housing
- Policy CF6: Managing Housing Land Provision

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

- Policy D1: Sustainable Forms of Development
- Policy D2: The Design and Environmental Quality of Development

Policy T1A: Sustainable Location  
Policy T13: Local Roads

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1: Residential Development – Sustainable Location & Protection of the Countryside  
Policy T16: Development – General Parking Requirements  
Policy N12: Development and the Protection of Trees  
Policy C4: Open Space in new housing areas  
Policy C22: Protection of Community Facility

**Other Material Considerations include:**

National Planning Policy Framework (NPPF) (March 2012)

**Supplementary Planning Guidance/Documents**

Space Around Dwellings SPG (SAD) (July 2004)

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

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

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

North Staffordshire Green Space Strategy (September 2007)

**The Secretary of State's Announcement of His Intention to Abolish RSS**

The Secretary of State has made it clear that it is the Government's intention to revoke RSSs and the Localism Act 2011, which includes powers to give effect to that intention, received Royal Assent on 15 November 2011. However, pending the making of a revocation order in accordance with the new Act, the RSS remains part of the statutory development plan. Nevertheless, the intention to revoke the RSS and the enactment are material considerations.

**Relevant Planning History**

2008 08/00091/OUT Permit - residential development on part of site only, relocation of parking spaces and improved site access

**Views of Consultees**

The **Police Architectural Liaison Officer** raises no adverse comments.

The **Landscape Development Section** is requesting a tree survey, arboricultural Impact Assessment and landscaping scheme be submitted.

The **Education Authority** are not seeking a financial contribution for additional school spaces.

The **Environmental Health Division** has no objections subject to conditions controlling construction condition, dust mitigation measures, internal noise mitigation measures, contaminated land condition and importation of soil/material.

The **Highway Authority** has no objections subject to the completion of accesses, bound and porous surface to accesses, provision of turning and parking areas, parking during the construction period, surface water drainage and road construction, lighting and drainage specification.

**Waste Management** has no objections subject to the private road specification and approval of recyclable materials and refuse storage.

**United Utilities** has no objections subject to no surface water entering the combined sewer network, the site drained on a separate system, a no building 3 metres buffer strip either side of the public sewer crossing the site, and no deep rooted shrubs or trees to be planted in the vicinity of the sewer and a separate metered supply to each unit.

**Kidsgrove Town Council** and **Staffordshire Wildlife Trust** have been consulted and no responses have been received.

### **Representations**

Seven letters of objections have been received, raising the following concerns:-

- Loss of light
- Drainage issues
- Highway safety at the access
- Demolition of club is welcomed
- Loss of amenity to adjacent properties
- Adverse visual impact
- Plot 7 fails the space around dwellings guidance
- Ownership of boundary hedge
- Loss of privacy
- Proposed slab heights
- Site better suited to fewer dwellings and bungalows

### **Applicant/Agent's Submission**

- **Design and Access statement** which includes the background to the site and its surroundings and the design concepts behind the proposal.
- **Bat survey.**
- **Noise report** which advises of the use of construction techniques to mitigate against noise nuisance.
- **Contaminated ground report/ assessment.**

These documents are available for inspection at the Guildhall and on [www.newcastle-staffs.gov.uk](http://www.newcastle-staffs.gov.uk)

### **Key Issues**

Full planning permission is sought from the demolition of the existing club building on site and the erection of 9 dwellings. The original submission sought the construction of 10 dwellings which was later reduced to 9 following concerns raised by the Highway Authority.

The existing building was most recently used as a workingmen's club but is currently vacant and boarded up. The submitted Design and Access Statement advises that the club went into receivership and the site has been marketed for a considerable time.

The site is surrounded by residential properties, two storey properties on the northern, western and part of the eastern boundaries, with a single storey property to the south east.

The site levels and surrounding area levels fall from a high point in the south east corner (adjacent to the site access) to a lower level on the northern boundary.

In 2008 outline planning permission was granted on the site for the retention of the club, relocation of the parking areas and residential development to the rear of the site. The indicative layout showed six residential

plots all (the club and new residential development) served off the existing improved vehicular access. This permission has now lapsed.

The main issues for consideration of the application are:

- Is the principle of residential development on the site acceptable?
- Is the loss of a community facility acceptable?
- Is the proposal acceptable in terms of its design and impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Is the proposal acceptable in terms of highway safety and does it make an appropriate contribution towards achieving a sustainable form of development?
- Is the proposal acceptable in terms of its impact on trees, landscaping and open space provision?

#### Is the principle of residential development on the site acceptable?

Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within the Urban Area of Kidsgrove.

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 600 dwellings within Kidsgrove.

Policy SP1 of the Core Spatial Strategy (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 Core Strategy 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. (Para 5.21) 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.

This is a previously developed site in a sustainable location within the urban area. The site is in easy walking distance of the shops, schools and services of Newchapel and Harriseahead with a regular bus services to Kidsgrove Town Centre and to wider destinations beyond. It is considered that the site provides a sustainable location for additional residential development.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites.

The Council is currently unable to demonstrate a five-year supply of housing land and the starting point therefore must be one of a presumption in favour of residential development. In this particular context as has already been stated the development is in a location which is close to services and facilities, promotes choice by reason of its proximity to modes of travel other than the private motor car, and in terms of environmental sustainability.

On the basis of all of the above, it is considered that the principle of residential development in this location should be supported.

#### Is the loss of a community facilities acceptable?

Policy C22 of the NLP relates to the Protection of Community Facilities and advises that when considering applications for development that would involve the loss of an important community facility, the need for the facility and the likelihood of its being able to be replaced will be a material consideration. Where the community facility is a commercial enterprise, planning permission for alternative use may not be given unless the applicant can demonstrate that the business is not commercially viable.

As stated previously in the report the club is vacant and boarded up, the accompanying Design and Access Statement advises that the club went into receivership and has been on the market for considerable amount of time. It is understood the Club went into receivership late 2008.

Further clarification as been sought on this matter and it is understood the site has been marketed since April 2011 and only received interest from developers and none from persons wishing to run it as a club. During this period receivers which had been appointed were allowing the premises to trade rather than sit empty. The Club finally closed at the end of 2011. The current state of the building and the grounds in which it sits would support the site not being in use for this period. Given the club was a commercial enterprise it considered that it has been demonstrated by the above events the business is not commercially viable in the current economic climate, and weight can also be given to the point that other similar facilities are still available in the wider area.

Is the proposal acceptable in terms of its design and impact on the form and character of the area?

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 64 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.

Policy D2 of the SSSP under the heading of 'The Design and Environmental Quality of Development' advises development should generally conserve and where possible, improve the quality of life and the environment and should ... be informed by, or sympathetic to, the character and qualities of its surroundings, in its location, scale and design ... be designed to relate to its surrounding context while not excluding innovative and creative design.

Policy CSP1 of the CSS under the heading of 'Design Quality' advises new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape.

The adopted Urban Design Guidance SPD's purpose is to provide a practical tool to help to:

- Promote good, sustainable, urban design.
- Explain how spatial principles and design policies in the Core Spatial Strategy will be applied.
- Provide guidance in relation to planning applications: to applicants when formulating proposals; to planning officers when assessing them; and to politicians when making decisions, on what constitutes good, sustainable urban design.
- Provide guidance to public sector commissioning bodies on strategies and proposals.

Section 7 of the document specifically deals with residential development, specifically:

R21 advises "*New housing must be designed with care and with a coherent design approach that influences the whole building from its form, to the elevations and including the detailing (whatever the architectural style may be)*".

There is a mix of traditional mid 20th Century properties on the Pennyfields Road frontage with more modern late 20th century on the remainder of the west and east boundaries of the site.

The proposal would provide 9 dwellings in total, 5 detached and 2 pairs of semi detached properties 2 four bedroom units and 7 three bedroom units. The dwellings would be of a traditional two storey design either with integral garages, detached garage block or surface parking.

Given the sloping nature of the site the proposal would involve introduction of retaining walls and terraces at three levels down the site. The submission is supported by a site cross section which indicates the difference in proposed levels, it is considered this approach is acceptable.

The proposal provides a design and layout which is considered to be appropriate and acceptable for this location given the surrounding context, the proposal is in compliance with the above design policies and supplementary planning document.

### Would there be any adverse impact on residential amenity?

Policy CSP1 of the CSS under the heading of Design Quality advises development should have public and private spaces that are safe, attractive, easily distinguished, accessible, and complement the built form. (point 6)

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

The adopted Urban Design Guidance Supplementary Planning Document provides advice at R16 stating *Developments must provide some form of private or shared communal outdoor space, in the form of balconies, terraces and/or gardens for each dwelling. This space should be usable and should relate to the house type and occupiers.*

In this particular instance this subject should be considered from two aspects:

#### Amenity of existing occupiers adjacent to the development

The proposal would not conflict with the guidance given the siting of the proposals, the position of existing and proposed principal windows, the orientation of the existing and proposed properties and the separation distances involved.

#### Amenity of Future occupiers of the development

The Supplementary Planning Guidance (SPG) relating to Space about Dwellings only advises on the size of gardens for dwellings of 3 or more bedrooms (this seeks a mean length of at least 10.7 metres and an area of at least 65 square metres), whilst a number of the plots do not achieve the mean length distance, however the garden area for each of these properties is well in excess of the guidance requirements. Given this is it considered the proposal provides an acceptable level of residential amenity to both the occupiers of the existing properties and the future occupier of the development, however, it is considered prudent the remove permitted development rights on those plots were the suggested garden length is not achieved.

### Is the proposal acceptable in terms of highway safety and does it make an appropriate contribution to achieving a sustainable form of development?

The existing club premises have a large car park at the rear of the site which is accessed off Pennyfields Road. The proposal would utilise the position of the existing access which would be improved with increased access radii and improved visibility. The new access drive would serve 7 of the dwellings whilst the two dwellings at the front of the site would be served directly off Pennyfields Road.

The Highway Authority has no objections to the proposal subject to the imposition of number of conditions.

It should be noted the Highway Authority have assessed the proposal for potential Newcastle (urban) Transport and Development Strategy (NTADS) contribution and have concluded the proposal would produce less vehicle trips than the existing lawful use and as such they are not requesting a contribution in this instance. Whilst the club itself is unlikely to have generated very few peak hour trip than the proposed residential development, the decision maker as to be aware of the potential uses of a site that are within the same Use Class as the club use, or would not involve a material change of use needing planning permission. The Highway Authority are clearly of the view that such uses could generate more peak hour trips than the proposed use of the site.

It considered there are no reasons, that could be supported with evidence, to resist the proposal on highway grounds subject to the conditions outlined by the Highway Authority.

### Is the proposal acceptable in terms of its impact on trees, landscaping and open space provision?

The site currently contains no trees, the nearest trees are located close to the south eastern boundary of the site. Verbally clarification has been received from the applicant agent that no trees will be removed to accommodate the proposed development.

LP Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing. The threshold for this is 10 or more dwellings or a site area of 0.4 hectares or more. The site here extends to less than 0.4 hectares

Policy CSP5 of the CSS states that the plan area's open space, sports and leisure assets will be enhanced, maintained and protected by a number of measures.

The original submission was to provide 10 dwellings on the site, which would have triggered the requirements of Policy C4 of the NLP, however, the Highway Authority raised concerns regarding the provision of 10 dwellings on the site and in light of these concerns the number of dwellings was reduced to 9 and therefore the requirements of Policy C4 would not apply.

The Landscape Development Section has requested the submission of Tree Survey and Arboricultural Impact Assessment and a landscaping condition. Following clarification that no trees would be removed as a result of the proposed development, officers have agreed that the above requests could be achieved through the imposition of conditions to ensure adjacent trees are appropriately safeguarded during the construction period.

### **Background Papers**

Planning file

Planning documents referred to

### **Date Report Prepared**

29 August 2012