

FORMER THISTLEBERRY HOUSE RESIDENTIAL HOME, KEELE ROAD
TAYLOR WIMPEY NORTH MIDLANDS

12/00466/FUL

The Application is for full planning permission for 37 dwellings with the creation of a new access off Keele Road (the A525). 31 of the dwellings would be served by this access with 6 properties fronting onto and accessed off Greenock Close.

The application site, of approximately 0.79 hectares in extent, is within the Newcastle Urban Neighbourhood as indicated on the Local Development Framework Proposals Map.

The proposal would provide 28 open market dwellings and 9 affordable dwellings.

Keele Road, as part of the A525, is on the Strategic Highway Network as indicated on the Key Diagram of the Structure Plan and on the Regional Primary Route Network referred to in the Regional Spatial Strategy.

The 13 week period for the determination of this application expires on 1st November 2012.

RECOMMENDATION

a) That subject to the applicant entering into S106 obligations by agreement by 26th October 2012 to secure the following:

- i. Security in perpetuity provision of 25% (taking into account unit/percentage make up) of the dwellings as affordable housing, with such provision in terms of unit type and tenure to be agreed by the Local Planning Authority**
- ii. A financial contribution of £26,224 towards the Newcastle (urban) Transport and Development Strategy (NTADS)**
- iii. A financial contribution of £108,891 towards public open space improvement.**
- iv. A financial contribution of £88,248 towards the provision of education facilities**

and subject to receipt of revised plans indicating a footpath link to plots 16 to 21 to allow direct pedestrian connectivity for the occupiers of those properties to Keele Road, PERMIT subject to conditions relating to the following matters:

- 1. Standard Time limit condition**
- 2. Approved plans/drawings/documents**
- 3. External facing and roofing materials**
- 4. Details of boundary treatments**
- 5. Construction method statement including dust control/mitigation - Environmental**
- 6. Recommendations of Contaminated land Phase 1 desk top study**
- 7. Approval of recyclable materials and refuse storage**
- 8. Details of design measures to achieve acceptable internal noise levels in dwellings**
- 9. Waste and recyclables storage and collection details**
- 10. Landscaping scheme including hard landscaping details**
- 11. Tree works to be undertaken in accordance with tree reports**
- 12. Arboricultural impact assessment and arboricultural method statement including any proposed landscaping works to the rear gardens**
- 13. If the trees within plots 2 and 4 are removed within 5 years of occupation of these dwellings, a replacement to the approval of the LPA shall be agreed**
- 14. Prior to commencement details of;**
 - Minimum width of 5.5m for the entrance for 10m from the carriageway**
 - 6m radius kerbs**
 - Give way road markings**
 - Tactile pedestrian crossing points and implementation**
- 15. Closing of redundant access**
- 16. Prior to commencement details of;**
 - Area for adoption**
 - Details of construction**
 - Street lighting**
 - Drainage details**
- 17. Prior to commencement details of 2m wide footway/service verge across plots 16 to 21**
- 18. Drive length for plots 1, 2 and 5**
- 19. Retention of garages/car ports for parking of motor vehicles and cycles**
- 20. Construction method statement – Highways**
- 21. Surface water interceptors**
- 22. Bat survey and implementation of its recommendations should the building not be demolished within 6 months**
- 23. Boundary treatments**
- 24. Prior approval of a 2.4m boundary treatment and associated landscaping between plots 21 and 22 and its retention/replacement for the life of the development**
- 25. Removal of property's permitted development rights on identified plots**
- 26. Finished levels in accordance with plans**

b) That should the matters referred to in (i), (ii), (iii) and (iv) above not be secured within the above period, the Head of Regeneration and Planning Services be given delegated authority to

refuse the application on the grounds that without such matters being secured the development would fail to secure the provision of adequate affordable housing, adequate public open space, measures to ensure that the development achieves sustainable development outcomes or provision for education as applicable, or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.

Reason for Recommendation

The proposed development would make an efficient use of brownfield land in a sustainable location in accordance with the aims and objectives of both local and national policy. The imposition of planning conditions to control other parts of the development would also ensure that the proposal has no adverse impact upon the character of the area or highway safety. The proposed development therefore accords with policies H1, T16, N12, N13 and N17 of the Local Plan, policies D1, D2, NC13 and T1A of the Structure Plan, and policies SP1, ASP5, CSP1, CSP5 and CSP6 of the Core Spatial Strategy as well as the aims and objectives of the NPPF.

Policies and Proposals in the approved Development Plan relevant to this decision:-

West Midlands Regional Spatial Strategy 2008 (WMRSS)

Policy UR1:	Implementing Urban Renaissance – the Major Urban Areas (MUAs)
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 CF5:	Delivering Affordable Housing and Mixed Communities
Policy QE1:	Conserving and Enhancing the Environment
Policy QE3:	Creating a High Quality Built Environment for all
Policy T2:	Reducing the Need to Travel
Policy T3:	Walking and Cycling
Policy T5:	Public Transport
Policy T9	The Management and Development of National and Regional Transport Networks

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

Policy D1:	Sustainable Forms of Development
Policy D2:	The Design and Environmental Quality of Development
Policy D3:	Urban Regeneration
Policy D8:	Providing Infrastructure Services, Facilities and/or Mitigating Measures associated with development
Policy H4:	Portfolio of Sites
Policy NC13:	Protection of Trees, Hedgerows and Woodlands
Policy T1A:	Sustainable Location
Policy T4:	Walking
Policy T5:	Cycling
Policy T7:	Public Transport Provision
Policy T12:	Strategic Highway Network
Policy T13:	Local Roads
Policy T18A:	Transport and Development

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

Policy SP1:	Spatial principles of Targeted Regeneration
Policy SP3:	Spatial principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change
Policy CSP5:	Open Space/Sport/Recreation
Policy CSP6:	Affordable Housing

Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1: Residential development: Sustainable location and protection of the countryside
Policy T16: Development - General Parking Requirements
Policy C4: Open Space in New Housing Areas
Policy N12: Development and The Protection of Trees
Policy N13: Felling and Pruning of Trees

Other material considerations include:

National Planning Policy

National Planning Policy Framework March 2012. This sets out a presumption in favour of sustainable development where such applications are in accordance with the development plan and unless material considerations indicate otherwise. In seeking to deliver sustainable development it sets out policy under a number of headings including amongst others promoting sustainable transport, delivering a wide choice of high quality homes, and requiring Good Design.

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.

Circular 11/95 - The Use of Conditions in Planning Permissions

CIL Regulations, particularly Section 122

Manual for Streets

Manual for Streets 2

Companion guide to the former PPS9 on Biodiversity and Geological Conservation

Supplementary Planning Guidance/Documents

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

Space Around Dwellings SPG (SAD) (July 2004)

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

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

North Staffordshire Green Space Strategy – adopted December 2009

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

Relevant Planning History

Nil

Views of Consultees

The **Highway Authority** initially objected to the application on the following grounds;

- The application as submitted fails to demonstrate that a refuse lorry can adequately service the proposed residential development
- The application fails to provide pedestrian connectivity for plots 16 to 21 linking through to Keele Road via the internal access road

Further information was then provided and as a result of this, they have indicated that they have no objections subject to conditions relating to the following;

- No commencement of development until revised details approved indicating the following have been provided;
 - Minimum width of 5.5m for the first 10m from the carriageway edge
 - 6m radius kerbs each side of the site access
 - Give way road markings
 - Tactile pedestrian crossing points

and completion of the above prior to first occupation

- No occupation of the dwellings until the existing access made redundant as a consequence of this development reinstated as verge and footway
- Prior approval of area of road for adoption, details of construction, street lighting and drainage details
- No commencement of development until details approved of a 2m wide footway and/or service verge in Greenock Close across the frontage of plots 16 to 21, and timing of such works
- No occupation of the dwellings until the private driveways and multiple turning areas have been surface in a bound material
- The private drives for plots 1, 2 and 5 shall have a minimum length of 6m between the highway boundary and the garage door
- Retention of garages/car ports indicated on the approved plan for parking of motor vehicles and cycles. No conversion to living accommodation without prior approval of the Local Authority
- Prior approval of construction method statement
- Provision of surface water interceptors
- Provision of an internal footpath link for plots 16-21 to allow direct pedestrian connectivity to Keele Road via the internal access road

The Highway Authority has also indicated that if the proposal is recommended for approval, they would seek a financial contribution towards NTADS of £26,224. They also comments upon concerns raised by some local residents and reference is made later to this.

The County Council as the **Education Authority** advises the development would generate demand for 8 Primary school spaces for which there is not capacity and as such are requesting a financial contribution of £88,248

The **Landscape Development Section** initially indicated that they required further information prior to providing further comments on the development.

A selection of further information was then provided by the applicant in the form of a sonic tomography, a root protection area plan and another plan indicating root protection areas in conjunction with special working areas.

As a result of this further information, the following comments were received;

- The arboricultural appraisal by Fairley Arboriculture and Landscape Planning helps provide additional information on the trees and they are happy with the recommendations. As the survey was again carried out from ground level the trees should be re-evaluated when the work has been completed.

- The Tree Protection Plan is satisfactory however an Arboricultural Impact Assessment and Arboricultural Method Statement to BS5837:2012 should both be conditioned. These should include for any proposed landscaping works to the rear gardens.
- The scheme layout has a poor relationship to the three beech trees. The trees will significantly shade the rear of the five properties that back on to them, which is likely to result in post development resentment, and could ultimately mean their removal. They request that a condition is included stipulating that if any of the trees are felled within five years of completion of the development suitable replacements are planted in agreed locations.
- Provision of a landscaping plan for approval should be conditioned.

They seek a contribution per dwelling is £2,943 or £108,891 in total towards the improvement of off-site public open space.

The **Environment Agency** has no objections to the proposal subject to a potential condition relating to unexpected contamination as well as informatives relating to groundwater protection and construction activities.

The **Environmental Health Division** have no objections to the proposal subject to conditions relating to the following;

- Hours of Construction
- Construction Method Statement
- Development in accordance with recommendations of Phase 1 desk study
- Dust Control/Mitigation
- Noise mitigation on plots facing Keele Road
- Waste Storage and Collection Arrangements

The **Police Architectural Liaison Officer** has provided the following comments which are summarised below;

- In general terms supportive of the proposed layout in this application.
- The decision to avoid the inclusion of a throughroute is welcomed for the reasons set out in paragraph 3.17 of the Design and Access Statement. Specifically the following comments were made in this regard,
 "This will not only benefit the existing residents of Greenock Close, but those of the new development. The absence of a throughroute should enable the residents to be able to exercise greater ownership and control. Intruders should be more reluctant to enter, residents should be more easily able to identify outsiders and report suspicious behaviour. Consequently, the absence of a throughroute should maintain for the residents of Greenock Close the reduced likelihood of them becoming victims of vehicle crime and burglary – something from which they currently benefit. The absence of a throughroute will confer this benefit to the residents of the new development. The provision of a throughroute would remove this and justify the presence of anyone at any time.
 To reinforce this 'Private – Residents Only – No Throughroute' type signage should be located at the Keele Road entrance to the new development. The sketch layout drawing suggests a combination of a timber close boarded fence and landscaping (hedging?) will combine to prevent a throughroute where the section of easement exists between plots 21 and 22. This will need to be sufficiently robust to ensure it serves its intended purpose and is not compromised."
- The layout suggests reasonable levels of natural surveillance will exist throughout the new development and for many of the houses the rear gardens will either back onto one another or those of the existing houses thus providing mutual security.
- Unauthorised access into the rear gardens will be prevented by placing fencing and gating towards the front of the building line wherever possible.
- The parking arrangements are reasonable with either in-curtilage provision or parking spaces provided close by which are overlooked. Fairly limited natural surveillance behind plot 32 and this could lead to occupiers parking their cars elsewhere which could lead to conflict between residents.

- It is noted that paragraph 4.20 states that the layout has been designed in accordance with the police scheme Secured by Design. Should the application be approved it is recommended that the applicant takes this one stage further and seeks full secured by design accreditation for the development

The Waste Management Service comment:-

- The site access appears tight in allowing a 26 tonne HGV to enter and leave the site.
- The construction of the access roads from the adopted highway should be capable of taking a 26 tonne HGV without damage.
- The layout of the site will necessitate the adoption of collection points, particularly for plots 22-25 and 6-9.
- Prior to the development proceeding full and precise details of the recyclable materials and refuse storage should be submitted to and approved in writing by the Local Planning Authority.

MADE (the Midlands based Design Review Panel) comment:-

- It is evident that the scheme has been well considered and responds to the opportunities and constraints of the site.
- Although the design and access statement offered a description of the scheme it had shortcomings without supporting illustrations to demonstrate its evolution or support claims about its quality.
- The Panel acknowledges the efforts to establish a small and stable community on the site with a range of house types that will appeal to local purchasers.
- The nine affordable homes are not distinguishable by design and are not disadvantaged by location.
- Treatment of the whole access and circulation area as a 'homezone' without separation into highway and pavement will enhance the sense of a shared community space.
- The layout provides all the homes with reasonable garden space and care has been taken to minimise overlooking of both surrounding homes and those within the development itself.
- Care will need to be taken over boundaries with existing properties where there are to be shared access ways to rear gardens and with the boundary to Brierley Lodge which has windows adjacent to the site.
- The properties fronting onto Keele Road provide an interesting arrangement of dwellings and should overcome the parking problems associated with the shop across the road.
- The Panel support the proposed development on Greenock Close as it would complete an enclave of homes around the end of the cul-de-sac. Although this may not be welcomed by all of the existing residents, in due course the additional homes might make for a stronger sense of community whilst making for a far more efficient use of land and infrastructure.
- The Panel challenged the absence of a pedestrian route through the site, but accepted that there is local opposition to this and that there are alternative routes nearby.
- Concern was raised that the initial quality of this new development should not be eroded by unsympathetic changes over time and consideration of permitted development right removal should be considered.
- Concern was raised over the fine trees near the boundary of Jenkinson Close that would be enclosed within private gardens. They have no statutory protection and will be at the mercy of new owners who may choose to mutilate or fell them to gain more light to their homes or gardens.

Natural England comment:-

"This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA (Environmental Impact Assessment) development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species"

They do specify in relation to bats however that following consideration of the standing advice for bats, that further survey effort is required and should this not be provided then the application should be refused.

No comments were received from the **Town Centre, Thistleberry and Poolfields Locality Action Partnership** by the due date so it must be assumed that they have no comments to make.

Representations

13 letters of representation were received raising the following objections:-

- Adverse impact upon residential amenity of Brierley Lodge in terms of outdoor space
- Adverse impact upon residential amenity (daylight) of Brierley Lodge internal space
- Adverse impact upon highway safety of the proposed Keele Road access
- Impact of more cars using Brierley Lodge car park when going to the shop
- Do not want integration with the new development or the new development integrating with Greenock Close
- Development will lead to return of anti-social behaviour which previously occurred before the site was fenced – when it was a rat run from Thistleberry Avenue to Keele Road
- Adverse impact of additional traffic on Greenock Close particularly refuse/fire/ambulance vehicles
- Concerns in relation to security particularly the insufficient (type and height) 1.8m wooden fence between plots 21 & 22
- Adverse impact upon Rothesay Avenue (onto which Greenock Close leads) in terms of parking and traffic problems
- Lack of footpath in front of the new development facing Greenock Close would lead to pedestrian safety issues
- The proposed development would not enhance the character of Greenock Close but would contrast with the mature character of the Close
- Loss of the Greenock Close hedgerow will lead to a loss habitat which would be detrimental to local wildlife in the area
- Security issues between properties facing onto Greenock Close – people could climb over side gates
- Will someone have the right to remove the fence at a later date due to the easement
- A lay-by should be created adjacent to the access for people using the shop
- A pedestrian island is required to provide safe access to the shop for the new residents
- Bus shelters should be erected on the A525 to encourage public transport
- Houses not in keeping with Greenock Close – 2 bed properties and social housing not currently seen
- Overlooking of the front of properties on Greenock Close
- Impact upon residential amenity/highway safety from builders' vehicles if permission granted
- Tree Protection Survey and Root Protection Plans should be undertaken to BS5837:2012
- The transport assessment does not consider safety
- The proposals do not comply with policy CSP3
- Further study with respect to the use of the buildings on site are required with respect to bats. In line with current case law, the Authority should not determine the application until this information is provided

A petition with 25 signatories was also received. The comments raised in this have been included above within the objections of the local residents many of which are also on this petition.

The Newcastle Civic Society comment :-

- The highways engineers should consider using some of the land that is in the ownership of the County Council fronting the proposed development to provide either a lay-by for those visiting or delivering to the shop or create a 'dog-leg' enabling the provision of a lay-by adjacent to the shop.
- A barrier between plots 21 & 22 constructed of matching brick should replace the wood fencing. This would provide a lasting maintenance free barrier and enhance the appearance of the development in both the short and long term.

A detailed response with many caveats and conditions was also received from **Thistleberry Residents Association**. Due to the nature of their comments they have been provided in verbatim below:-

"1. The TRA welcomed Wimpey taking the initiative to consult with residents on the above development and at the preliminary stages of the plans. It also appeared that residents' comments were being taken on board. We trust that this dialogue will be built upon and continued during the development of this site.

2. Residents welcomed the retention of the stone, former workhouse wall on the Jenkinson Close boundary. We trust that the right measures will be taken to ensure that it is maintained once the site passes into private hands. We would like the County or the NBC to register this on its Local List Register of significant local historical monuments. We can only wonder why it has been refused and not been registered before now.

3. We welcome the fact that the three significant beech trees on the Jenkinson Close boundary are to be saved. We also note that the Tree survey provided by the Developer bears out the independent advice sought and given to NullBC by the TRA. We also welcome the fact that the site is not to be denuded of vegetation and that plants and shrubs will be re-used.

4. We welcome the fact that there will not be a through route between Greenock Close and Keele Road as per Greenock Close residents' wishes.

5. We welcome the fact that houses on the boundary with Greenock Close will match in type those in Greenock Close – i.e. that there will not be terraces.

6. We welcome the admixture of house type and tenure.

We would take a dim view if any of the above were to be reneged upon should planning permission be granted. Thus we hold all the above as conditions for planning permission. We would also like to see the following implemented:

a. More imaginative house fronts than those forwarded by the developer to date. We would like this development to be a step forward rather than a backward glance or the creation of new utilitarian housing. If this area is to be upgraded and the houses are supposed to be 'executive', then new housing has to be better than anything already present. At the moment the designs are very uniform. This is something the developer needs to take on board.

b. We would like the three significant saved trees to be TPOd in order to ensure that they are safe from destruction once they pass into private hands.

c. Since the access to the site from Keele Road is to be moved then this would make it more possible for a drive in/out layby to be created on the development side to accommodate parking for those using the shop. It would not help the situation if a pedestrian crossing or a pedestrian refuge was to be created outside the shop. This would simply exacerbate parking in other more dangerous areas – i.e. Jenkinson Close, Castle Ridge, Poolfields Close, St Patricks Drive and along Keele Road at the bends.

d. We would like to see a stone wall (similar to the bridge parapet wall which exists) on the Keele Road boundary to the development site (possibly with planting behind) which would restore and emphasise the history of this neighbourhood and be preferable to a fence and would match in with those significant walls in the neighbourhood and along Keele Road. The (Section) 106 Agreement could be arranged for this and (b) and (c) above. We would also like to see any Community Levy monies used to rebuild the demolished stone bridge parapet wall to be rebuilt in real stone and in the manner and type to match its remaining partner further up the road and to match any walls built on the Keele Road boundary of the development. Should there be sufficient Community Levy money left over then we would like this to be used for the clearance of the original ancient Trackway entrance.

e. We trust that materials used for footpaths and roads within the estate will be of suitable materials to conform with SUDs requirements and would ensure that rapid run-off would not create flooding on Keele Road.

If the above are implemented and if (a) to (c) are made conditions for the site, then the TRA would have no objections to this site being developed.”

Applicant/agent's submission

The application is supported by the following documents;

- Planning and Design & Access Statement
- Noise Assessment
- Flood Risk Statement
- Phase 1 (contaminated land) Desktop Study
- Tree Survey
- Transport Statement
- Statement of Community Involvement
- Ecological Appraisal

The main points within the Planning and Design and Access Statement are as follows:

- A description of the site and surrounding area
- An overall analysis including the design vision which incorporates:
 - The design
 - Establishing a traditional residential environment through use and built form
 - Incorporation of the existing landscape setting into the scheme
 - Provision of a sense of place
 - Housing Mix, Appearance, Scale and Massing, Landscaping and Access
 - Balance new parking with the accommodation
- A section on the relevant policy considerations is also included
- Reference is made to S106 contributions and the likely heads of terms

The application also contains illustrative street scene and computer generated images of the Keele Road section of the proposed development

Where relevant, reference is made to points made within these documents within the key issues section below.

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

KEY ISSUES

This application is for full planning permission for 37 dwellings on this former residential care home site. Of the 37, 9 are being proposed as affordable dwellings, representing 24.32% of the dwellings. 31 of the new dwellings would be served by a new access off Keele Road whilst 6 properties would front onto and be accessed off Greenock Close.

The breakdown of the 37 proposed units is as follows:-

- 1 flat would have 2 bedrooms
- 12 houses would have 2 bedrooms
- 16 houses would have 3 bedrooms
- 8 houses would have 4 bedrooms

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

- Is the principle of the development of this site for residential purposes acceptable?
- Is adequate provision made of affordable housing on the site?

- Would the development be acceptable in terms of the impact on the form and character of the area taking into account permeability and links between developments?
- Would the proposed development have any adverse impact upon highway safety, does the development promote sustainable transport choices and, if so, how does this need to be secured?
- Would the development impinge unduly upon levels of residential amenity within adjoining properties and does the proposal also provide appropriate standards of residential amenity for the occupiers of the proposed dwellings themselves?
- Impact of the proposed development upon trees
- Crime and Safety implications
- Other Matters – including open space and educational provision

Is the principle of the development of this site for residential purposes acceptable?

Policy ASP5 of the Core Spatial Strategy (CSS) – adopted after 2004, and thus under the terms of the transition arrangements set out in the NPPF, that part of the approved development plan which is to be given at present “full weight” in decision making - 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 3,200 dwellings within Newcastle Urban Central (which includes Silverdale, Thistleberry, Knutton, Cross Heath, Chesterton and the Town Centre).

CSS Policy SP1 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. Given the site is currently occupied by a care home, the site is viewed as previously developed or brownfield land. This proposal makes an efficient use of land providing 37 dwellings in this sustainable location within the urban area.

The delivery of housing on this site has already been taken into account within the calculation for the Borough’s five year housing supply.– Given the Council is currently unable to demonstrate a five year supply of housing land, a refusal of planning permission could, depending upon the reason, result in further shortfall in this supply . It must also be noted that as the Council cannot currently demonstrate a five year supply, a presumption in favour of development in this sustainable location should be made. If planning permission were given for residential development this would help towards the Council achieving a five year supply which would reduce pressures on greenfield sites and extensions to the urban area.

The National Planning Policy Framework advises that residential development applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. In this case given that the policies favour the proposal there is no conflict between such policies and that within the NPPF.

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

Is adequate provision made of affordable housing on the site?

Policy CSP6 of the CSS states that new residential development within the urban area, on sites or parts of sites proposed to, or capable of, accommodating 15 or more dwellings will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided. This would therefore equate to 9 units at a percentage of 24.32% which is acceptable in this regard due to the number of units within the scheme.

The Affordable Housing Supplementary Planning Document specifies the detailed requirements of the make up of the units with the following as a general principle,

‘Developers would be expected to provide the affordable housing within a development across the same range of housing types as the market housing on a pro rata basis’

In terms of the tenure mix of the affordable housing, this is specified as 15% (of the 25%) "social rented" and the remaining 10% "shared ownership". In unit terms this would equate to 5 social rented and 4 shared ownership.

In terms of the housing type make up of the site, the following affordable housing request should be made;

4 bed property	=	2 affordable units (1 shared ownership/1 social rented)
3 bed property	=	4 affordable units (2 shared ownership/2 social rented)
2 bed property	=	3 affordable units (1 shared ownership/2 social rented)

Since the submission of this application, the developer has offered 9 units for affordable housing in accordance with the general aims of the affordable housing supplementary planning document however there have been discussions in relation to the unit mix and housing type during the application process with consideration of a financial viability analysis proposed due to the provision of 4 bed properties. Prior to undertaking this, the Authority's affordable housing officer entered into discussions with local Registered Social Landlords (RSLs) to establish their need in the current marketplace. This follows guidance within the SPD that states that housing types and tenures may need to be negotiated to meet local housing need.

The results of these discussions has been that although there is a need for 4 bed properties within the locality there is likely to be an acute need in the near future for 2/3 bed properties which will be driven by the welfare reform changes. It has also been indicated that social rented properties would be more beneficial than shared ownership properties in the current climate. On the basis of these discussions the Authority's housing officer therefore made the following request to the applicant.

3 bed property	=	3 affordable units (1 shared ownership/2 social rented)
2 bed property (house)	=	5 affordable units (2 shared ownership/3 social rented)
2 bed property (flat)	=	1 affordable unit (social rented)

Taylor Wimpey have agreed to this mixture however they have specified that they are willing to replace one of the two bed social rented units with a three bed unit which is above and beyond the local authority request. This is to be welcomed and would provide more flexibility in terms of potential family accommodation taking into account no four bed units are being requested in this particular stance.

Based upon the above discussions it is therefore considered that the affordable housing offer meets the aims and objectives of both local and national policy in this regard as well as the guidance contained within the SPD which advocates a flexible approach. To ensure the provision and perpetuity of the affordable housing, this would be controlled through a S106 agreement.

Would the development be acceptable in terms of the impact on the form and character of the area and provide an acceptable design taking into account issues of permeability?

The National Planning Policy Framework at paragraph 56 advises that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 57 goes on to state the importance to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private places.

Paragraph 64 advises permissions should be refused for development of poor design that fails to take opportunity available for improving the character and quality of an area and the way it functions.

The adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document is a material consideration. The purpose of the document 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

With regards to the character of the development and how it integrates with the surrounding area it is considered that the Keele Road frontage has been designed with this in mind taking on board some of the design features seen in the vicinity. However as one moves into the development, although the properties retain their traditional appearance, the context and the character is very much different to the surrounding area. This is not seen however as detrimental as it illustrates a move away from more stark residential environments to a 'home zone' concept – an ethos advocated in current urban design policy as well as highways guidance such as Manual for Streets 2. The result of this is an attractive and modern mews type of development where the character of the properties is the dominant feature over the highway infrastructure. This has resulted in a higher density than the surroundings however it is not a level that would warrant refusal and it is considered that this approach creates a more cohesive and community centric scheme.

Some concerns have been raised with regards to the assimilation of the properties into Greenock Close and it is your Officer's view that the proposal does not have a detrimental impact upon the visual amenity or character of the area in this regard. It is accepted that the properties to be developed are of a different scale and position to those already seen within Greenock Close however any development would be unless the design of Greenock Close was to be mimicked – a feature not always welcomed within design principles. Due to the nature and alignment of this part of Greenock Close, this element would be viewed on its own rather than as part of a wider streetscene and would not therefore directly conflict with the surrounding properties. The design of the scheme would instead provide a contrast to the current dwellings and create a modern yet traditional streetscene to this currently dead frontage. Objections have been raised in relation to the integration of this development with Greenock Close however it is clear within a range of local and national documentation (By Design; Urban Design Compendium & the Newcastle under Lyme & Stoke on Trent Urban Design SPD) that the integration of developments and the creation of active frontages is strongly advocated. It must also be noted that MADE an external design review panel welcomed the overall design concept.

A materials schedule has been provided as part of the application and it is considered that the use of these materials would create an attractive development that would not conflict with the character of the surrounding area. Due to the proposed levels of the site there would be some engineering features within the streetscene and no details of the materials of these features have been provided. As such, in the event of an approval, the standard landscaping scheme condition would need to also refer to hard landscaping features.

Indications of boundary treatments have been provided however more precise details are required in certain locations of these to ensure a satisfactory relationship within the streetscene as well as with surrounding properties.

Due to the location and nature of some of the plots, it is considered pertinent to remove certain permitted development rights to protect the visual amenity of the area, residential amenity and trees.

The levels indicated on the general engineering layout are deemed acceptable and these would be conditioned.

Would the proposed development have any adverse impact upon highway safety, does the development promote sustainable transport choices and, if so, how does this need to be secured?

Objections have been raised about both the position and suitability of the Keele Road Access as well as the six properties being served by Greenock Close however it must be noted that no objections on highway safety grounds have been raised by the Highway Authority. Subject to a condition increasing the radii and width of the Keele Road access, the Highway Authority are happy that the proposed access would provide a safe and suitable access for a development of this size without the

requirement of additional highway works. The servicing of six properties from Greenock Close would also lead to no adverse highway safety concerns either along this residential street, Rothesay Avenue, or Thistleberry Avenue due to the limited number of additional vehicle movements that would be associated with this number of properties.

Car parking has been raised as an issue for this proposal with concerns raised that cars will park on the public highway within Greenock Close restricting access for vehicles as well as refuse and emergency vehicles. The application plans illustrate that each property on Greenock Close will have at least two parking spaces with the larger four vehicle properties having three spaces if one includes the garage. This is in accordance with maximum parking standards specified within the Local Plan... In Greenock Close the existing properties are served by driveways providing at least two spaces in most instances and it is not therefore considered that additional spaces need to be provided for this development. The applicant has also provided vehicle tracking for a 12m long refuse vehicle within Greenock Close based upon a three point turn which illustrates that the highway can accommodate this and although vehicles parked in the highway may restrict the ease of turning with more than three movements required, it should not prevent access altogether. The Highway Authority advise that the width of the carriageway of Greenock Close at 4.85 metres is sufficient to allow a vehicle to be parked and a refuse lorry to pass, and that width is greater than the 4.5 metres allowed in current national guidance Manual for Streets.. Given this and the infrequent times when refuse collection is carried out the Highway Authority do not foresee any issues with refuse collection within Greenock Close.

Although planning policy advocates that new developments should relate to their surroundings and endeavour to provide a cohesive community that allows ease of movement through developments to access services such as shops and public transport, in this instance following the comments raised by local people about previous crime and disorder issues and their fear of these returning in conjunction with the presence of existing alternative footpaths in the vicinity, it is considered in this particular instance that this need not apply. A plan has been drawn indicating walking distances from Keele Road to the nearby NCHS Science College as an example and this illustrates that walking distances would not be significantly greater if no link existed.

The Highways Authority have advised that they would expect to see an internal pedestrian link for the occupiers of the new properties facing onto Greenock Close to allow them easier access to Keele Road. This would not be a through route, but just a link for the occupiers of the houses. At present 6 houses do not have such a link. This would allow them easier access to the existing shop opposite the development as well as to this busy commuter road that is served by public transport more regularly. Access to open space at the nearby Thistleberry Parkway would be equidistant irrespective of what part of the development is considered due to the layout of the surrounding road structure and footpath links providing permeability. Although there are other ways of getting from Greenock Close to Keele Road – such as by Renfrew Close or Thistleberry Avenue, all significantly add a considerable distance, and your officers are seeking an amendment to the scheme to provide this link. The Council has a duty to seek wherever possible a sustainable form of development.

A further aspect of this is the requirement for a contribution towards NTADS. In this case it would appear a discount for the traffic movements associated with the previous use has been allowed for by the Highway Authority in calculating the limited required contribution.

Would the development impinge unduly upon levels of residential amenity within adjoining properties and does the proposal also provide appropriate standards of residential amenity for the occupiers of the houses themselves?

Amenity of existing occupiers adjacent to the development

The separation distances between properties in Oban Close, Greenock Close and Jenkinson Close and the new properties would all meet or exceed those specified within supplementary planning guidance 'Space about Dwellings' and therefore in terms of residential amenity it is considered that no adverse impact would ensue.

Although the separation distances between facing windows of a wardened flat common room (within Brierley Lodge) and plot 32 of the proposal would be below guidelines specified within 'Space around

Dwellings' due to the nature of the windows involved, this would not adversely impact upon residential amenity.

Concerns have been raised over the impact of the proposed proximity of the boundary to the rear amenity space and the daylight into rooms within Brierley Lodge. This however is not a material issue for consideration in this particular proposal however as a boundary fence could be erected in this location irrespective of whether the development was accepted or not. This would have the same impact upon the amenity of these residents as that proposed.

Amenity of future occupiers of the development

In terms of separation distances as set out in 'Space about Dwellings' most of the new properties adhere with the guidelines specified with only several properties having a modest shortfall which is not felt to be significant taking into account their locations and the nature of the shortfall.

In terms of rear amenity space in relation to length and overall size there are a few properties within the scheme that do not meet the guidelines specified however this shortfall is not significant and it must be recognised that overall the scheme provides a range of garden sizes for all unit types taking into account individual circumstances. This development is located in close proximity to Thistleberry Parkway, a large area of open space that provides a range of amenity provision.

The Landscape Development Section have advised that the scheme layout has a poor relationship with the three copper beech trees on the Jenkinson Close boundary and that this could result in "post development resentment" which could ultimately result in the removal of the trees. Although it is not expressly stated at least two dwellings have what has to be considered a very close relationship with these trees. It is a relevant material planning consideration to consider not just the direct impact a development may have upon trees but also whether the long term relationship created is sustainable. NLP Policy N12 indicates that the Council, as LPA, will resist development that would involve the removal of any visually significant tree whether mature or not unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design, and that where, exceptionally, permission can be given and trees are lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

It is understood that the Landscape Development Section remain of the view, on the basis of the available information, that these 3 copper beech trees do not warrant inclusion within a Tree Preservation Order (TPO) principally because of their health, and this has been reinforced to some extent by the sonic tomography now undertaken. Although there is always scope for more evaluation, the trees in question have been surveyed.

This therefore means that as it currently stands these trees are not afforded any statutory protection and could be removed at any time (albeit the site is at present within the ownership of a public body (the County Council)). The applicant as a result of the surveys and the remedial work that they are proposing to the trees (crown lifting) believes that these trees are capable of retention within their scheme and would not result with residential amenity conflict - on the basis of their experience of house sales where trees have been present. This view is not however shared by your own Landscape officers – who have considerable experience of this issue.

It is your Officer's opinion that these trees do have an amenity value however this will be diminished somewhat if the scheme goes ahead as certain open views (particularly from the direction of Keele) will be lost as the houses would partially shield them. The remedial works if undertaken would increase the potential longevity of the trees and would reduce their impact upon residential amenity. Nevertheless once the development has been undertaken, there is little that in practice that could be undertaken if the householders in question find the relationship unacceptable (which the Landscape Development Section consider will be the case). Refusal on such grounds is not however recommended (because it is not considered that the trees have a long term future anyway because of existing health issues), but rather that in the event of the trees being removed within a certain period, replacement planting be required – which could be of a more appropriate species further away from the principal windows of the dwellings in question. However Circular 11/95 suggests this replacement condition could not apply for beyond a 5 year post occupation period.

Impact of the Proposed Development upon Trees

With the exception of the issue of the long term relationship between the development and the retained trees, it is noted that the Landscape Development Section that the development can be undertaken without any significant adverse impact on trees of amenity value..

Crime and Safety Implications

Concerns have been raised from numerous residents that the proposed 1.8m wooden boundary treatment between plots 21 and 22 is not satisfactory to prevent people from climbing over it and damaging it and it then becoming a thoroughfare for people and creating anti-social behaviour problems. Consideration has been given to this matter with thought given to the fencing material as well as the proposed height and your officer believes that it would quite possible to secure a design would prevent people from scaling the fence whilst also recognising that there is a sewer easement that runs along this area of land which would prevent a more substantial brick built structure being erected on this. It would be in the long term interests of the immediately adjacent residents to maintain this barrier, and in that sense the condition would be self enforcing.

As already discussed above, consideration has been given to the inclusion of a pedestrian footpath link to provide permeability between the developments however it has been accepted on the advice of the police architectural liaison officer and the surrounding residents, that the inclusion of such a link may increase the likelihood of crime whilst also creating potential for the anti social behaviour that existed in the past to return to the residents of Greenock Close as well as the new residents of the proposed development.

Other Matters

Due to the scale of the development, the conclusions of the Green Space Strategy (about the quality of open space being the key consideration) and in accordance with NLP Policy C4, the Landscape Development Section have not requested the provision of on site open space. A contribution towards the improvement of nearby open spaces would therefore be requested instead and this could be secured by means of a Section 106 agreement.

The County Council as education providers have specified that there would be a requirement for a contribution towards primary school provision based upon current school figures. This could similarly be secured by a Section 106 agreement.

The issues raised by Natural England in relation to additional information to be provided on bats is not felt justified in this instance. An ecological appraisal was undertaken by qualified professionals in relation to bats within the optimum period and it was determined that no presence of bats existed internally or externally within the building or within the trees. Natural England's response also appears to be on the basis that they have viewed the building as a medium or high risk building and this is not your officer's view. Although the building is currently vacant, many of the other factors affecting the probability of the building being used by bats in summer are not true of this site and therefore it is considered that the building is not medium or high risk and no further survey effort is required. The agent for the applicant has advised that it is likely that if this permission is granted, works are likely to commence early next year however in light of the small potential for the building to become used as a bat roost in conjunction with the lifespan of a planning permission should it not be commenced in the near future, it is considered pertinent to include a condition dealing with this scenario. A condition specifying that if the building has not been demolished within 6 months of the date of the grant of this permission, a further survey has to be undertaken to establish whether bat mitigation is suggested. This condition has been utilised before and is felt to meet the requirements of the Good Practice compendium to the former PPS9 and Circular 11/95

Although a restriction on construction hours as recommended by the Environmental Health Division, Circular 11/95 indicates that planning conditions should not duplicate other forms of control – such as the Environmental Protection Act. A blanket prohibition on all construction activity outside certain hours is not considered to be justified or reasonable and a more appropriate way forward would be to

deal with the potentially disruptive construction aspects through requiring the submission and approval of a Construction Method Statement instead.

The applicant has suggested that they are going to keep the historic wall on the Jenkinson Close frontage as part of the development with the boundary treatments placed above them or inside them. However it must be accepted that this wall is not afforded any statutory protection and could therefore be removed at any time without permission by future occupiers. The Panel charged with advising the Planning Authority on potential structures within the Register of buildings and structures of local interest has previously considered this feature but did not propose its inclusion, and even if it had that would not have prevented its subsequent removal. It is likely to remain as elements appear to have a retaining function for some of the landscaping works between Jenkinson Close and the proposal. As such any removal would require some form of replacement structure that would be an additional cost for the developers or future occupiers of the plots.

Comments have been raised about the parking issues relating to the shop opposite the proposed development and how this could be resolved as part of the development. In this case, additional vehicle movements from the new development would not be associated with the shop as any occupier of the new development would almost certainly walk to the shop. Requiring the development to provide parking for the shop could not be justified. The developer is furthermore concerned that any provision of a lay by in front of the development could impinge upon the visibility from the access and this view is shared by the Highway Authority.

One objection received is that the development does not comply with CSS policy CSP 3 (Sustainability and Climate Change). This policy specifies that the highest standards of energy and natural resource efficiency will be achieved by a range of criteria. No specific information has been provided by the applicant addressing all of these criteria however it is your officer's view that based upon the scale and nature of the proposal taking into account what previously existed that this proposal would not have a significant impact upon issues such as drainage that could not be mitigated through the condition process as already specified by the Highway Authority. In terms of items such as energy efficiency within the scheme, the LPA has accepted that appropriate standards are now achieved in order to comply with Building Regulations and it has not sought to go further than these already stringent standards. As such it is considered that although the application does not comply implicitly with policy CSP3, the broad aims and objectives of the policy are met.

The request by Thistleberry Residents Association for contributions to be secured for re-building walls elsewhere on Keele Road is not justified and would not meet the tests which S106 contributions have to meet – which are now enshrined within legislation.

Background Papers

Planning file
Planning documents referred to

Date report prepared

19th September 2012