

FORMER THISTLEBERRY HOUSE RESIDENTIAL HOME, KEELE ROAD
TAYLOR WIMPEY NORTH MIDLANDS. 12/00512/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 proposals involve the demolition of the existing Thistleberry House building.

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 application follows the refusal of 12/00466/FUL, that decision now being the subject of an appeal to the Planning Inspectorate.

The 13-week period for the determination of this application expires on 11 January 2013.

RECOMMENDATIONS

(a) That subject to the applicant entering into S106 obligations by agreement by 7 January 2013 to secure the following:

- (i) Security in perpetuity provision of 9 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.

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) Details of design measures to achieve acceptable internal noise levels in dwellings.
- (8) Waste and recyclables storage and collection details.
- (9) Landscaping scheme including soft hard landscaping details.
- (10) Tree works to be undertaken in accordance with tree reports.
- (11) Arboricultural impact assessment and arboricultural method statement including any proposed landscaping works to the rear gardens.
- (12) 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.
- (13) Prior to commencement details of:
 - Minimum width of 5.5m for the entrance for 10m from the carriageway of Keele Road.
 - 6m radius kerbs.
 - Give way road markings.
 - Tactile pedestrian crossing points and implementation.
- (14) Closing of redundant Keele Road access.
- (15) Prior to commencement details of:
 - Area for adoption.

- Details of construction.
 - Street lighting.
 - Drainage details.
- (16) Prior to commencement details of 2m wide footway/service verge across plots 16 to 21.
- (17) Drive length for plots 1, 2 and 5.
- (18) Retention of garages/car ports for parking of motor vehicles and cycles.
- (19) Construction method statement – Highways.
- (20) Surface water interceptors.
- (21) Bat survey and implementation of its recommendations should the building not be demolished within 6 months.
- (22) Installation of gates to rear paths and provision of boundary gate to the path to rear of plots 18 to 20.
- (23) 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.
- (24) Removal of property's permitted development rights for extensions on identified plots.
- (25) Finished levels in accordance with plans.
- (26) Retention of proposed landscaping along Greenock Close frontage and removal of permitted development rights for additional hardstanding on this frontage.
- (27) Construction traffic to use Keele Road access.
- (b) That should the matters referred to in (i), (ii), (iii) and (iv) above not be secured within the above period, that 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.
- (c) That with respect to the appeal against the refusal of the planning application 12/00466/FUL, that the Borough Council, should the appeal not be withdrawn, pursues the above obligations (including if necessary entering into an appropriate agreement) but otherwise does not any longer oppose the development referred to in that appeal.

Reason for Recommendations

(1) Following the refusal of planning application 12/00466/FUL additional plans in relation to landscaping and supplementary highway information have been submitted to overcome the previous reasons for refusal, illustrating that the development is acceptable in highway safety terms as well as its layout and orientation in relation to Greenock Close. No other concerns were raised by the Planning Authority with respect to this proposal and there has been no material change in planning policy in the interim, and the proposed development would still therefore 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 other interests of acknowledged importance. 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. Appropriate obligations are however required to make the development acceptable.

(2) and (3) To ensure that appropriate and required obligations are secured.

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 (CSS) Adopted 2009

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) 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

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

Application (12/466/FUL), also for 37 dwellings, was refused on 2 October 2012 and is now the subject of an appeal. The reasons for its refusal by the Authority were as follows:-

- (1) The development would cause additional parking, congestion and reversing movements on Greenock Close causing unacceptable harm to pedestrian and highway safety. Therefore, the development would be contrary to the aims and objectives of the National Planning Policy Framework (2012) (NPPF) as well as policies SP3 of the Newcastle-under-Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 D2 and T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.
- (2) The development by virtue of the removal of the hedgerow fronting onto Greenock Close and the proposed treatment of that frontage would cause material harm to the residential amenity of the occupiers of Greenock Close. The removal of this feature and the form of the development would not contribute towards improving the character and quality of the area and would thus be contrary to guidance contained within the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance as well as the aims and objectives of the NPPF, policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996- 2011.
- (3) In the absence of secured planning obligations the development fails to make an appropriate contribution towards:
 - The development, improvement and maintenance of off-site open space which is an essential component of creating sustainable communities as referred to in the Urban North Staffordshire Green Space Strategy (2007).
 - The provision of affordable housing which is required to provide a balanced and well functioning housing market, as referred to in the Newcastle-under-Lyme Borough Council Affordable Housing Supplementary Planning Document.
 - The Newcastle (urban) Transport and Development Strategy (NTADS) 2008/2009 – 2012/2013 which seeks to improve local accessibility and promote the most sustainable modes of travel.
 - Educational provision in the area having regard to the likely additional pupils arising from a development of this scale and the Staffordshire County Council Education Planning Obligations policy (November 2003, as subsequently updated).

For this reason the proposal is contrary to the aims and objectives of the NPPF, policies SP3, ASP5, CSP5, CSP6 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policies D1, D8 and T1A of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, and Policies C4 and IM1 of the Newcastle-under-Lyme Local Plan 2011. The proposal would also not adhere with the Supplementary Planning Document on Developer Contributions (2007).

Views of Consultees

The same consultations (with the addition of Severn Trent Water) as took place with respect to the previous application have been undertaken. This report only details any different responses received from these consultations as well as responses relating specifically to the previous reasons for refusal.

The statutory consultation period does not expire until 6 November, so it is anticipated that some responses will be received and provided within a supplementary report.

The **Police Architectural Liaison Officer** has provided the same comments as he did with respect to the original application however he has stated that the benefits of a rear access behind plots 14, 15, 19 and 20 would not outweigh the benefits in security terms that would be derived from gardens backing onto one another. Comments have also been received in relation to the 2.4m composite fence and landscaping between plots 21 and 22 and the need to ensure it is robust enough to serve its intended purpose and is not compromised.

Natural England have indicated, with respect to bats, that they consider permission could be granted and they support the recommendations made in the applicant's consultants bat report.

The **Landscape Development Section** have repeated their previous comments but they have advised that proposed choice of hedge species for the hedge on Greenock Close is not appropriate for this size of garden and suitable smaller growing plants should be substituted for these.

Representations

The last date by which representations can be made is 8 November

One letter of representation has been received querying the easement between plots 21 and 22 and whether this would lead to a right of way being created in the future if someone chose to enforce the easement. They then ask whether the council would assure her whether the fence would be re-erected should it ever be taken down to allow works to be undertaken in relation to the easement.

A separate letter on this easement area has been received from another resident specifying that a more substantial fence or preferably a wall should be erected between the two sections of the development. Comments are also raised in relation to the ownership of this fence/wall with the resident suggesting that if it was in the ownership of one resident it is much more likely to be maintained should it become damaged.

A further letter has been received reiterating the envisaged security concerns that would arise should the existing security fence be taken down and a frontage onto Greenock Close created.

Applicant/Agent's Submission

The same documents that were previously submitted for 12/00466/FUL have been submitted to support the current application together an addendum supporting planning statement that provides further policy justification for the proposal as well as responding to the reasons for refusal.

The main points within this document are as follows:-

- Central government have advocated recently within Eric Pickles Ministerial Statement (6/9/12) the importance of the housebuilding industry to job creation with not only onsite construction job opportunities created but that off site construction can create skilled jobs to.

- The development will provide various community benefits in the form of 9 new affordable homes as well as contributions towards local education services, open space and transport strategy as well as the New Homes Bonus.
- The site will contribute in three different aspects (Economic, Social & Environmental) towards sustainable development.
- The applicant highlights paragraph 32 of the NPPF which states that, "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe" They then state that no cumulative impacts were advanced by the Authority.
- The hedgerow (on Greenock Close) is not protected by the Hedgerow Regulations and the site in question is not in a Conservation Area. The referencing to the urban design guidance document is incorrect looking at the site in isolation rather than the context of the entire masterplan. They believe that it is inconceivable that the removal of the hedgerow would fall foul of criteria 2 of paragraph 14 of the NPPF.
- The hedgerow could be removed at any point outwith the planning framework as it is not protected in any way.
- The development would comply with the necessary contributions and in that regard the reason for refusal (No. 3) could not be sustained.

All the 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 just under 25% 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 proposal differs from the previous one in that a detailed landscaping scheme fronting onto Greenock Close has been provided in this submission. In all other respects the actual proposal is the same. It is therefore considered pertinent to only deal in this report with those issues that were the basis for the Authority's refusal of previous scheme. To introduce any new reasons for refusal in the absence of any material change in circumstances or policy would clearly be unreasonable and potentially would bring with it a risk of an award of costs being made in any subsequent appeal proceedings.

Members will have noted that there were three reasons for refusal. The applicants have indicated a willingness to enter into the Section 106 obligations that have been requested and in the circumstances there appears to be no purpose in discussing that aspect further at this stage. The focus of the report accordingly is on the first two reasons for refusal.

The first reason for refusal was that:-

The development would cause additional parking, congestion and reversing movements on Greenock Close causing unacceptable harm to pedestrian and highway safety. Therefore, the development would be contrary to the aims and objectives of the National Planning Policy Framework (2012) (NPPF) as well as policies SP3 of the Newcastle-under-Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 D2 and T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.

At the time of writing this report the comments of the Highway Authority have yet to be received, but there is no reason to believe that they will retract from their previous advice – that the access arrangements for this development, including those from Greenock Close, are safe and that Greenock Close has the capacity to serve the 6 houses that it is proposed will take access from it. No specific submission in response to the above reason has been formally submitted by the applicant with this application however your officer is aware that a submission is being prepared, involving survey work, which the applicant will be asking the Authority to take into account. The expectation is that it will be available in good time to be reported in advance and so that other interested parties can take it into account and comment upon it.

To assist members your officers have undertaken a brief survey of Greenock Close since the last decision to establish the level of off street parking provision. With respect to the former although not a quantitative analysis of parking based upon measured highway specified standards, the survey does provide a

conservative estimate (in that it does not include garage spaces) of the existing off street parking available within the Close. The survey indicates that virtually all properties in the Close have 3 off street parking spaces. This is not a situation where there is an obvious shortage of off street parking spaces.

There is no doubt that vehicles parked on Greenock Close could obstruct other vehicles including refuse and recycling collection vehicles. This is however not in any way an unusual situation within a residential area and normally householders take appropriate steps to lessen such obstruction as it is in their self interest to do so. A "Tracking" assessment has confirmed that the carriageway can accommodate a turning movement of such vehicles (without the vehicles wheels having to go beyond the edge of the carriageway) and this must be the key consideration for the Planning Authority.

Whilst it is accepted that occasional visits can provide a false picture – if for some reason they are not representative of the general situation – and in reality on street parking levels will vary from hour to hour and by the day of the week, your officers have to report that site visits have not demonstrated a significant level of on-street parking on Greenock Close. In particular on two separate occasions on a refuse/recycling collection days either no cars were parked in the highway and or only two vehicles were parked in the highway. The Waste Management Division have also confirmed that there have been no complaints either by residents or waste operatives in relation to problems associated with refuse/recycling collections. Members are reminded that the 6 proposed dwellings each have at least 2 off street car parking spaces (in two cases they have three if their garages are included) – achieving the maximum standard of provision referred to in the Council's own policy (Policy T16 of the NLP).

Finally it has to be observed that given the sharp right angle bend at the bottom of Greenock Close, and its limited length it is likely that vehicle speeds will be very low. In such circumstances even if there were to be congestion or on street parking, notwithstanding the provision of off street parking within the proposed development, it is most unlikely that this would be harmful to either pedestrian or highway safety.

Members are reminded that paragraph 32 of the NPPF states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe"

It therefore remains your Officer's view that the proposal is not detrimental to either pedestrian or highway safety and it will not be possible for the Authority to produce relevant evidence to support such a reason for refusal.

The second reason for refusal was that:-

The development by virtue of the removal of the hedgerow fronting onto Greenock Close and the proposed treatment of that frontage would cause material harm to the residential amenity of the occupiers of Greenock Close. The removal of this feature and the form of the development would not contribute towards improving the character and quality of the area and would thus be contrary to guidance contained within the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance as well as the aims and objectives of the NPPF, policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996- 2011.

As the applicant has stated, the hedge has no statutory protection and could be taken down at any point. Members accepted when they considered the last application that through cutting through the Thistleberry House site – currently prevented by the hedge and the railings behind it and clearly a concern of many residents in Greenock Close – can be prevented by appropriate measures secured by conditions of an approval.

In terms of the proposed development and its compliance with both local and national policy and guidance, a good starting point is considered to be the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (an adopted part of the Local Development Framework). This document has an entire section on residential design guidance (Section 7) with a sub-section dealing specifically with integration (7.2). It provides the following salient points:

- It is important that living environments should be integrated into their surroundings....
- ...This needs to be based upon an appraisal of the site in its surroundings to ensure that development:

- (a) Relates well to existing facilities;
- (b) Connects to the surrounding context; and
- (c) Responds positively to the site/ surroundings.....
-R3 New housing must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it...
- ...Designers should make sure that development
- (c) Faces outwards wherever possible, to address its surroundings rather than turning its back on the wider area....
- ...In many parts of the conurbation, open spaces and streets are lined by rear elevations, close boarded fences and service areas. This leads to an unsafe and unattractive environment. New housing should address and help to animate the public edges of the site, to help to create a sense of security

As the points above illustrate, it is clear in your Officer's opinion that the proposal complies with the guidance specified within the Urban Design Guidance SPD.

Reference was made by a Member at the previous Committee meeting, in support of the second reason for refusal, to a particular section of the Urban Design Guidance that refers to "green character" and the importance of establishing "a positive green character". The section referred to is actually a reference to the approach to be taken to development that is in-between settlements – which is not the situation here.

The Guidance then goes on to indicate that:

"In existing settlements, the character of new residential development should respond to any established positive townscape character of definite value. Where there is no such character, the character of new development should generally be urban, with the form and scale of development varying according to whether:

- (a) *It is located within the centres or the walkable area around them (800m); or*
- (b) *Elsewhere in existing settlements"*

In terms of this Guidance it is your Officer's view that the application site is seen within the context of an existing settlement (Newcastle urban area) with no definitive character or special value (e.g Conservation Area) and therefore new development within it should generally be "urban" in character. The applicant has illustrated within the recent application that limited landscaping would be provided to the frontage of the properties and that would help provide a balance of both urban and natural development.

Based upon the discussion above it is your Officer's view that the form and development of the proposals would have a beneficial impact upon the aesthetics of the streetscene and urban form and consequently would improve the character and quality of the environment with no adverse impact upon the residential amenity of the existing occupiers of Greenock Close.

Background Papers

Planning file

Planning documents referred to

Date Report Prepared

26 October 2012