

The Application is for the variation of Condition 16 of planning permission 03/00790/REM which requires the provision of two bus stops, including shelters, within the housing development off Keele Road. The variation sought is to provide one bus stop rather than two.

The site lies within the Urban area of Newcastle as designated on the Local Development Framework Proposals Map.

The application was deferred at the 24<sup>th</sup> June 2014 Planning Committee to enable the Highway Authority to enquire of other bus operators whether they would be willing to send a bus service into the site.

**The 13 week period for this application expires on 23<sup>rd</sup> July 2014.**

### **RECOMMENDATION**

**(a) That subject to the securing of an obligation by 21<sup>st</sup> July 2014, committing the developer to the obligations contained within the previous S106 agreement (unless already complied with),**

- **Condition 16 of 03/00790/REM to be varied and all other conditions of 03/00790/REM to continue to apply.**

**(b) That should the obligation not be secured within the above period, the Head of Planning and Development be given delegated authority to refuse the application on the grounds that without such matters being secured the development would be contrary to policy on open space provision and the objective of enhancing and encouraging the use of Pool Dam marsh; unless he considers it appropriate to extend the period for completion of the obligation.**

### **Reason for Recommendation**

The principal bus operator has advised that it is unwilling to send a bus into the site any further than the roundabout. However, even if a different bus operator were to advise that it is willing to send a bus service into the site, a significant proportion of the residents on the site would be within a reasonable walking distance of the bus stop proposed at the entrance to the site and existing bus stops on Orme Road. Therefore, the provision of one bus stop is considered acceptable.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

### **Policies and proposals in the approved development plan relevant to this decision:-**

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

Policy SP3: Spatial principles of Movement and Access

Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan (NLP) 2011

Nil

### **Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

### Relevant Planning History

- 99/341/OUT Outline planning permission granted for residential development – Approved
- 02/1107/REM Details of the means of access to the housing development and scrapyards – Refused but subsequently allowed on appeal in May 2003
- 03/790/REM Details of 280 houses and apartments – appeal lodged against failure of the Local Planning Authority to determine the application within the appropriate period. Council resolution 21 September 2004 that had the appeal not been lodged it would have granted the application subject to various conditions. Appeal allowed 27 July 2005 and costs awarded against the Authority.
- 04/1051/FUL Variation of condition on outline planning permission 99/341/OUT for residential development relating to time period within which any application for approval of the reserved matters can be made – Refused
- 06/774/FUL Variation of condition on outline planning permission 99/341/OUT relating to time period within which any application for approval of reserved matters can be made – Approved
- 07/156/REM Substitution of house types for 53 plots – Approved
- 07/529/REM Substitution of house types for plots 52-69, 139-144 and 281-288 (32 dwellings) - Withdrawn
- 07/755/REM Reserved matters - substitution of house types on 31 plots of scheme approved under 07/156/REM – Approved
- 07/939/REM Reserved matters - substitution of house types for 33 dwellings – Approved
- 08/81/REM Reserved matters - substitution of house types for 59 dwellings – Approved
- 08/614/REM Substitution of house types – Approved
- 09/00078/FUL Substitution of house types for 48 plots – Approved
- 09/00387/FUL Substitution of house types – 21 units – resolution to approve 5 January 2010
- 11/00123/FUL Erection of 76 dwellinghouses (amended layout including 14 additional dwellings)- Refused
- 11/00430/FUL Erection of 61 dwellings (amended layout including 13 additional dwellings) – Approved

### Views of Consultees

The **Highway Authority** has no objections to the proposal.

The **Poolfields and Clayton Locality Action Partnership** query the siting of the bus stop. They state that most of the occupiers of the houses are car owners and so the stop should be sited close to the apartments where people are less likely to be car owners.

### Representations

Two letters of support have been received. It is stated that the route around Galingale View is not suitable for buses due to highway safety concerns. Also, one bus stop for the development is sufficient considering the high level of car use.

## Applicant's/Agent's submission

Nil

## **Key Issues**

Outline planning permission was granted in 2000 for the residential development of the Keele Road housing site (ref. 99/00341/OUT). An approval of reserved matters for 280 houses and apartments was subsequently allowed at appeal in July 2005 (ref. 03/00790/REM). This application seeks consent to vary Condition 16 of planning permission 03/00790/REM. The condition states as follows:

*Details of two bus stops, including shelters, shall be submitted to and approved in writing by the local planning authority. In each case, no dwelling in the nearest phase to the bus stop shall be occupied until the bus stop is completed in accordance with the approved drawings.*

The variation sought is to provide one bus stop rather than two.

Earlier this year, Persimmon submitted an application for the approval of the details required by Condition 16 (Ref. 03/00790/CN16). They indicated two bus stops as required by the condition, one to the south of the roundabout at the entrance to the housing site and another to be located on Galingale View, to the north of the play area. In considering the submitted details, the Highway Authority were in contact with the principal bus operator, First Bus, who advised that they would not consider sending a bus service into the site to provide a direct link to the proposed northern bus stop on Galingale view. They did agree to divert a bus to the proposed stop at the site access which would then turn around on the existing roundabout within the site. In light of the response they had received from the bus operator the Highway Authority objected to the proposed bus stop on Galingale View. The applicant was advised of the response of the Highway Authority which encouraged the submission of this application so that they could address the issue of concern without a breach of condition arising.

The main issue for consideration is whether the reduction in the number of bus stops from two to one would have an adverse impact upon the accessibility of the development and the ability of residents to use alternative modes of transport to the car.

Whilst some third parties suggest that the highway within the estate would not be able to accommodate a bus service this is not the view of the Highway Authority

The nearest bus stops currently are 265m to the west and 220m to the east of the entrance to the development. The failure to secure a bus stop centrally within the site will result in residents at the northernmost point of the site having to walk approximately 650m to the bus stop at the entrance to the site rather than approximately 350m if the second bus stop were to be provided. The national recommended distance for a suitable walking distance from a property to a bus stop is 400m. A significant number of the properties within the north eastern part of the site are within 400m walking distance from bus stops on Orme Road which are accessible via a footpath past the Orme Road Community Centre off Rotterdam Road. The No.25 bus service, which is of a very high frequency, runs along Orme Road.

The principal bus operator has advised that it is unwilling to send a bus into the site any further than the roundabout presumably because it would increase running time and they do not consider the diversion worthwhile, and clearly, significant weight has to be given to this. When the outline planning permission was granted for this development (in 2000) no contribution to induce the operator to at least initially provide a service within the estate was secured - in contrast with the current practice of the Highway and Planning Authority on developments of a similar scale. Even if a different bus operator were to advise that it is willing to send a bus service into the site, a significant proportion of the residents on the site would be within a reasonable walking distance of the bus stop proposed at the entrance to the site and existing bus stops on Orme Road. Therefore, the provision of one bus stop is considered acceptable.

Notwithstanding the views of your Officer, set out above, in accordance with the resolution of Committee at the meeting of 24th June 2014 the Highway Authority has been asked to enquire of

other bus operators whether they would be willing to send a bus service into the site. Any further comments from the Highway Authority will be reported to Members.

**Background Papers**

Planning files referred to  
Planning Documents referred to

**Date report prepared**

2<sup>nd</sup> July 2014