

The application is for outline planning permission for the erection of up to 44 dwellings. All matters of detail (access, appearance, landscaping, layout and scale) are reserved for subsequent consideration. Indicative information provided shows access to the site off West Avenue. The site in total extends to some 1.4 hectares.

The site lies within the Kidsgrove Neighbourhood and Urban Area as specified on the Local Development Framework Proposals Map.

The 13-week period for the determination of this application expires on 17 August 2015.

RECOMMENDATIONS

A. Subject to the applicant entering into a Section 106 obligation by agreement by 15th August 2015 to require:-

- 1. Affordable housing on-site provision;**
- 2. A financial contribution for the enhancement and maintenance of the playground at Townfield Close of £2,943 per dwelling**
- 3. A contribution of £99,279 (for a development of 44 dwellings) towards general teaching rooms at St. Saviour's CE Primary School**

Permit, subject to conditions relating to the following: -

- 1. Standard Time limit for commencement of development**
- 2. Approval of reserved matters**
- 3. Contaminated land**
- 4. Construction Method Statement**
- 5. Submission of a noise assessment and approval and implementation of appropriate noise mitigation measures**
- 6. Tree protection**
- 7. Highway matters**
- 8. Construction hours**
- 9. Surface water drainage system**

B. Failing completion by the date referred to in the above resolution, of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that without such matters being secured the development fails to provide an appropriate level of affordable housing which is required to provide a balanced and well-functioning housing market; fails to secure the provision/maintenance of off-site public open space;; and having regard to the likely additional pupils arising from a development of this scale and the capacity of existing educational provision in the area fails make an appropriate contribution towards primary school provision or, if he considers it appropriate, to extend the period of time within which the obligation can be secured .

Reason for Recommendation

Although the proposal would result in the loss of an employment site, the evidence submitted suggests that it is unlikely that the site will be developed for employment. On this basis, it is not considered that an objection can now be sustained on the grounds of the loss of employment land and in the context of the Council's continued inability to demonstrate a five year supply of housing land, the principle of residential development is considered acceptable. It is considered that the number of dwellings indicated could be accommodated within the site satisfactorily and subject to details, could contribute positively to the character and appearance of the area. The scheme is considered acceptable in terms of impact on highway safety, trees and residential amenity. Subject to

the imposition of suitable conditions and appropriate financial contributions, it is not considered that there are any material considerations which would justify a refusal of outline planning permission.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

KEY ISSUES

The main issues for consideration in the determination of this application are as follows:-

- Is the principle of development acceptable both in terms of the loss of employment land and the principle of residential development at this location?
- Would the development be acceptable in terms of the impact on the form and character of the area?
- Would the proposed development have any adverse impact upon highway safety?
- What impact would the development have upon the local schools in terms of additional pupil numbers and how could this matter be addressed?
- Is affordable housing required and if so, how should it be delivered?
- Will appropriate open space provision be made?
- Would the development provide appropriate standards of residential amenity for the occupiers of the proposed dwellings?

Is the principle of development acceptable both in terms of the loss of employment land and the proposed nature of the residential development?

The site was previously in use for employment purposes. The NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Policy E11 of the Local Plan states that development that would lead to the loss of good quality business and general industrial land and buildings will be resisted where this would limit the range and quality of sites and premises available. CSS Policy SP2 states that the spatial principles of economic development include improvement in the levels of productivity, modernisation and competitiveness of existing economic activities, whilst attracting new functions to the conurbation, especially in terms of service-based industries. These policies are considered to be consistent with the NPPF.

In relation to residential development, CSS Policy ASP5 sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and an indicative target of at least 600 dwellings within Kidsgrove.

Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The Core Strategy goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that, unless material

considerations indicate otherwise, where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole.

Your officer's advice is that the Council is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF) given that it does not have a full objective assessment of its housing needs, and is relying on household projections. The starting point therefore must be one of a presumption in favour of residential development. In this particular context as has already been stated the development is in a location which is close to services and facilities and promotes choice by reason of its proximity to modes of travel other than the private motor car.

In terms of sustainability, the site is located close to the A34 and the A500 with its links to the M6 motorway. Butt Lane has a number of shops and services and bus stops are located on Newcastle Road, in very close proximity to the site with a bus service running every 20 minutes connecting Hanley, Newcastle and Kidsgrove with its railway station. It is considered that this site represents a sustainable location therefore.

In terms of the quality of the application site as an employment site it is of reasonable size (1.4ha) and is level. It also has a fairly good and direct access to the A500 and thus to the regional and national road network, a factor which no doubt proved attractive to AAH when they developed their site on the other side of West Avenue. A Marketing Summary has been submitted to accompany the application advises that the application site has been marketed since 2004, initially involving the vacant buildings on the site and more recently as a cleared site. In the last four years it has been marketed as part of a larger site for design and build opportunities and planning permission has been granted for a new employment unit on adjoining land which formed part of the site that was marketed. The marketing has therefore been successful to some extent therefore. The submission states that in addition to very weak demand and interest in selling plots of land to occupiers, there have been a number of key reasons why it has been difficult to deliver employment development on this site, as follows:

- Funding not supported because occupiers are not prepared to lease premises for a period of 15 or more years.
- Significant disparity between second hand building values and new build prices required to make a scheme economically viable.
- Lack of demand for a nonprime location both pre and post-recession.
- Lack of demand generally for new building units from the occupational market.

According to the 2011 Employment Land Review (ELR) there is a shortage of well-located employment land in the borough particularly for B1c (light industrial) and B2 (general industrial) development. The Review predicted that the employment land requirements for the borough were 150 hectares from 2011 to 2026 and identified a shortage in the supply of sites to meet the demand forecast. This employment site is of 'good' quality, at least relative to other sites available within the borough and is summarised in the ELR as being well located close to a number of existing employment uses, although there are topographical issues.

However, the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Whilst this site is not allocated it has had outline permission for employment use and is identified as an employment site in the ELR and as such the lack of an allocation should not count against it. It should also be noted that in as far as it seeks to identify the amount of employment land that is available the ELR has been found to be unsound. A Planning Inspector concluded in an inquiry on land at Trentham Lakes there was more than sufficient employment land available in the wider area to satisfy future demands and the Inspector in the appeal at Watermills Road (application reference 13/00974/OUT) accepted that same conclusion. In that appeal the Inspector considered that whilst the development of the site would result in the loss of, in that case, just over 1ha from the employment land supply, overall the borough and the wider market area within which it operates, would still have an adequate supply of land. As such the proposal would not have a detrimental impact on the supply of employment land.

The applicant's Marketing Report does appear to indicate that it is unlikely that the site will be developed for employment purposes – i.e. that there is no “reasonable prospect” as per the NPPF. Marketing has been for a 10 year period and therefore extended beyond the period of economic downturn and recession, and as such has been of sufficient length to enable a reasonable assessment to be made and as such it should no longer be protected.

In conclusion, although the proposal would result in the loss of an employment site, the evidence submitted does suggest that it is unlikely that the site will be developed for employment. On this basis, it is not considered that an objection can be sustained on the grounds of the loss of employment land and in the context of the Council's continuing inability to demonstrate a five year supply of housing land, the principle of residential development is considered acceptable.

Would the development be acceptable in terms of the impact on the form and character of the area?

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. It states that new development should contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate vernacular materials for buildings and surfaces and access. This policy is considered to be consistent with the NPPF.

Although an indicative layout has been submitted to show how the site may be developed, layout, scale and appearance are all matters reserved for subsequent approval, and therefore, it is not considered necessary to comment in detail on the layout submitted. A maximum of 44 dwellings are proposed comprising a variety of house types. There is a mix of dwelling size and style in the area and the density proposed appropriately reflects the character of the locality. It is considered that the number of dwellings indicated could be accommodated within the site satisfactorily and subject to details, could contribute positively to the character and appearance of the area.

Would the proposed development have any adverse impact upon highway safety?

A Transport Statement has been submitted to accompany the application. The indicative layout plans shows that the site would be served by an access directly onto West Avenue some 40 metres or so to the south west of the next access onto the West Avenue (as opposed to via the roundabout). The Statement indicates that nearby junctions will continue to operate within capacity with the development and the site's access junction will operate satisfactorily. It concludes that the proposed development is acceptable from a transport perspective.

The Highway Authority has no objections to the scheme subject to a number of conditions. They do not appear to have a particular view on whether the access should come off the new road leading from the roundabout or from West Avenue directly.

This is a sustainable location and the site is well located in terms of services, amenities, employment and schools. The occupiers of the dwellings would have good access to alternative options for travel other than the car.

What impact would the development have upon the local schools in terms of additional pupil numbers and how could this matter be addressed?

The development falls within the catchments of St. Saviour's CE Primary School and King's CE (VA) School (the former Clough Hall Technology School). Staffordshire County Council as the Education Authority calculate, on the basis of their adopted policy, that a development of this size could add 9 Primary School aged pupils, 7 High School aged pupils and 1 Sixth Form aged pupils.

The County Council advises that King's CE (VA) School is currently projected to have sufficient space to accommodate the likely demand from pupils generated by the development, but the Primary School is projected to be full for the foreseeable future. An education contribution of £99,279 is therefore requested for 9 primary school places (9 x £11,031).

Your Officer is satisfied that the education contribution sought is one which meets the three tests set out in Section 122 of the CIL Regulations (i.e. it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development).

Section 123 of the Regulations stipulates that a planning obligation may not constitute a reason for granting planning permission if it provides funding in respect of a specific infrastructure project or a type of infrastructure and, if five or more obligations providing funding for that project or type of infrastructure have already been entered into since 6 April 2010. The limit has not yet been reached. It is therefore considered that such a contribution could be secured as it would accord with Section 123.

Is affordable housing required and if so, how should it be delivered?

Policy CSP6 of the CSS states that for 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.

On the basis of the maximum number of dwellings currently proposed, the affordable housing requirement for this site would be 11 units. Your Officer is satisfied that securing affordable housing through a planning obligation accords with section 122 of the CIL Regulations. Section 123 does not apply.

Will appropriate open space provision be made?

LP Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing, where it should be located and what issues should be taken into account in its design. It also indicates that its maintenance must be secured.

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

The Landscape Development Section (LDS) have requested a contribution towards the development, improvement and maintenance of off-site public open space all in accordance with policy. It is proposed to spend the contribution that is sought within a playground (a Locally Equipped Area for Play or LEAP) at Townfield Close. This is approximately 700m walking distance from the development where improvements have been identified as required which is significantly more than the maximum distance normally considered appropriate (400m). However in that the play area is en-route to the local shops and services on Butt Lane, use may well be made of it on such trips. Whilst upon completion of residential development on adjoining land there will play facilities in much closer proximity to the site it is the view of your officer that such a contribution would still comply with Section 122 and 123 of the CIL Regulations.

Would the development provide appropriate standards of residential amenity for the occupiers of the proposed dwellings?

One of the core planning principles of the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The site is bound to the south by the site of GE Energy which has recently had planning permission granted for a new warehouse unit on this side. A noise limit was set on the permission for all activities at the development, other than HGV movements which are limited, by condition, to a maximum of 6 entering and leaving the site before 6am or after 8pm on any day. To the south-east, opposite the site, is AAH Pharmaceuticals which is limited to no more than 40 HGVs between 11pm and 7am with no more than 20 such movements between 5 and 7am.

A Noise Assessment has been submitted which assesses the potential impact of **existing** noise sources on the proposed dwellings but does not consider the impact from noise from the planning permission for GE Energy. Notwithstanding this, whilst the Environmental Health Division have

requested a condition that secures a further noise assessment and details noise mitigation measures it is noted that no objections to the proposals are raised by them on this basis..

With respect to the interrelationship of the proposed dwellings with the neighbouring properties, the outline nature of the application requires the decision-maker to anticipate the likely form of development. It is considered that subject to careful control over positioning of windows, sufficient distance can be achieved between dwellings to comply with the Council's Space Around Dwellings SPG.

Subject to appropriate noise assessment and mitigation measures, it is not considered therefore that an objection could be sustained on the grounds of impact on residential amenity.

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
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 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 E11: Development of Employment Land for Other Uses
Policy T16: Development - General Parking Requirements
Policy C4: Open Space in New Housing Areas
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

Other material considerations include:-

National Planning Policy Framework (NPPF) (March 2012)

Planning Practice Guidance (March 2014)

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

Space Around Dwellings Supplementary Planning Guidance (SPG) (July 2004)

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

Newcastle-under-Lyme BC and Stoke-on-Trent Joint Employment Land Review (July 2011)

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

Relevant Planning History

The site forms part of a larger site with the following planning history (it forms part of the site which was all originally intended for employment development).

2005	05/00551/OUT	Refuse - mixed employment and housing development
2006	06/00777/OUT	Refused and allowed at appeal - mixed employment and housing

		development
2008	08/00691/REM	Refused and dismissed at appeal - erection of 87 dwellings
2010	10/00244/REM	Approve – 81 dwellings
2011	11/00237/OUT	Approve - full planning permission for residential development comprising 87 dwellings and outline planning permission for the principle of mixed employment use
2015	14/00736/FUL	Approve - new industrial unit and associated link to existing unit with associated service area and car parking (use classes B1, B2 and B8).

Planning permission has been granted for 172 dwellings on adjoining land on a site described as land west of West Avenue, West of Church Street and Congleton Road and North of Linley Road (application reference 12/00127/OUT and 14/00368/REM)

Views of Consultees

The County Council as the **Education Authority** request a contribution of £99,279 (based upon a development of 44 dwellings) as it falls within the catchment of St Saviour's CE (VC) Primary School which is not predicted to have sufficient space to accommodate the likely demand generated by this development. The contribution would be spent on a project to increase the number of general teaching rooms at the school. The secondary school, the King's CE (VA) is predicted to have sufficient capacity however.

The **Highway Authority** has no objections subject to conditions requiring details of the site access, parking and turning etc; closure of redundant access and a Construction Method Statement.

The **Environmental Health Division** has no objections to the proposal subject to conditions regarding noise assessment and mitigation measures, hours of construction, hours of construction and contaminated land.

The **Landscape Development Section** has no objection subject to conditions securing a tree protection plan and landscaping, and subject to a contribution of £2,943 per dwelling towards capital development/improvement of the playground and Townfield Close.

The **Environment Agency** has no objections to the proposal subject to conditions regarding contamination.

The County Council as **Lead Local Flood Authority** recommend a condition requiring submission and approval of a detailed surface water drainage scheme for the site.

Housing Strategy indicates that policy compliant affordable housing provision should be secured.

The **Crime Prevention Design Advisor** indicates that a development with the layout shown on the illustrative plan would possess very strong crime prevention credentials. The applicant should ensure that the development prevents unauthorised access to the rear of properties and that where rear boundaries back onto public open space the boundary treatment is appropriate.

United Utilities has no objection to the proposal subject to conditions stating that no surface water should be discharged either directly or indirectly to the combined sewer network. The site should be drained on a separate system with only foul drainage connected into the foul sewer. Surface water should discharge to a Sustainable Drainage System.

The **Coal Authority** has no objection.

The views of **Kidsgrove Town Council** and the **Economic Regeneration Section** have been sought but they have not responded by the due date. As such it is assumed that they have no comments on the application.

Representations

No representations have been received.

Applicant's/agent's submission

The application is accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Viability Statements
- Flood Risk Assessment
- Ground Conditions Report
- Air Quality Report
- Noise Statement
- Tree Survey
- Transport Assessment
- Travel Plan
- Bat Survey Report
- Letter of response to comments of the Council's Economic Regeneration Section

All of these documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/1500368OUT

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

6th July 2015