

LAND OFF DEANS LANE AND MOSS GROVE, RED STREET
NEWCASTLE UNDER LYME BOROUGH COUNCIL

16/00902/DEEM4

The application is for outline planning permission for the erection of up to 50 dwellings at land off Deans Lane and Moss Grove, Red Street. Vehicular access from the highway network to the site is for consideration as part of this application with all other matters (internal access arrangements, appearance, landscaping, layout and scale) reserved for subsequent approval.

The application site lies on the edge but within the major urban area of all as indicated on the Local Development Framework Proposals Map. The site extends to approximately 1.47 hectares.

The 13 week period for the determination of this application expires on the 31st January 2017.

RECOMMENDATIONS

A. Subject to the receipt of and consideration of further advice from the Council's legal adviser (a) the landowner first entering by 21st December 2016 into a section 106 obligation which would secure the provision and maintenance of acceptable visibility splays on third party land and (b) a mechanism being secured achieving 25% Affordable Housing onsite, a financial contribution of £147,150 (index linked) towards the improvement of the equipment on Red Street Open Space and/or Barbridge Road Play Area and £99,732 (index linked) towards secondary education places at Chesterton Community Sports College, or such amounts as reflect the eventual development,

PERMIT the application subject to conditions relating to the following matters:-

- 1. Condition to reflect outline nature of application,**
- 2. Time limit for submission of any approval of reserved matters and for commencement**
- 3. Approved plans and documents,**
- 4. Restriction of the scale of the dwellings to two storeys in height,**
- 5. Reserved matters application to include a detailed surface water drainage scheme (SuDS),**
- 6. Reserved matters application to include a footpath link on the eastern boundary**
- 7. Visibility splays of 2.4mx56m from Moss Grove onto Dean Lane and kept free from obstruction,**
- 8. The means of construction of the roads/paths within the development**
- 9. Submission and approval of a Highways Construction Method Statement,**
- 10. Design measures to control internal noise levels,**
- 11. Construction hours,**
- 12. Submission and approval of a Construction Environmental Management Plan,**
- 13. Recyclable materials and refuse storage details,**
- 14. Tree protection for all category B trees,**
- 15. Submission and approval Method Statement for the treatment and future management of boundary hedgerows,**
- 16. Any reserved matter application should include biodiversity improvements,**
- 17. Recommendations of the ecological report should be adhered to,**
- 18. Site investigation works outlined in the Coal Mining Risk Assessment Report,**
- 19. Coal Mining remedial works as required.**

B. Should the matter referred to in A(a) above not be secured by the 21st December 2016 , then the Head of Planning be given delegated authority to refuse the application on the grounds that the development would not have satisfactory visibility splays at the Moss Grove/Deans Lane junction and accordingly would contrary to the interests of highway safety, and (if the matters referred to in A(b) had not been secured by that date) the development would also fail to secure an acceptable provision of adequately maintained public open space, appropriate provision for required education facilities and an appropriate level of affordable housing or, if he considers it appropriate, to extend the time period within which the obligation referred to in A(a) above can be secured.

Reason for Recommendations

Whilst the development is not located on land that would meet the definition of previously developed land, it is located within a sustainable urban area and there is a strong presumption in favour of sustainable development in the context of the Council's inability to be able to demonstrate a 5 year supply of deliverable housing. Subject to a Unilateral Undertaking being submitted to secure acceptability splays being maintained the applicant has successfully demonstrated that an acceptable access can be achieved. The proposed development would need to secure 25% affordable housing and financial contributions towards education places and public open space to be policy compliant. Furthermore the applicant has demonstrated that up to 50 dwellings can be accommodated within the site that would have an acceptable impact on the visual amenity of the area, existing residential properties, ecology, and trees and hedgerows. The proposed development therefore accords with the guidance and requirements of the National Planning Policy Framework 2012.

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

Following the withdrawal of the previous application the applicant has successfully addressed concerns which were raised by consultees and your officers at the time of that application. This is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

1.1 Outline planning permission is sought for a residential development of up to 50 dwellings. Access from the highway network is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and other access details) reserved for subsequent approval. Notwithstanding this, an indicative layout has been submitted together with a Planning, Design and Access Statement. The layout plans are for illustrative purposes only and such details would be for consideration at the reserved matters stage if outline permission were granted.

1.2 The application site, of approximately 1.47 hectares in extent, is land that does not meet the definition of previously developed land but is located within the urban area of Newcastle which has no specific land use designations, as indicated on the Local Development Framework Proposals Map.

1.3 The site is currently used for the grazing of horses and the agricultural land classification in the vicinity, as published by Natural England, is Grade 4 (Poor).

1.4 The main issues for consideration in the determination of this application are accordingly:-

- Is this an appropriate location for residential development?
- Would the proposed development have a significant adverse impact on the character and appearance of the area?
- Would the proposed development have any material adverse impact upon highway safety?
- Would the development impinge unduly upon levels of residential amenity on adjoining properties and does the proposal also provide appropriate standards of residential amenity for the occupiers of the proposed dwellings themselves?
- The impact on trees, hedgerows, ecology
- What planning obligations are considered necessary, directly related to the development, fairly and reasonably related in scale and kind to the development, and lawful?

2.0 Is this an appropriate location for residential development?

2.1 Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land.

2.2 Saved local plan policy H1 supports new housing in the urban area of Newcastle and Kidsgrove with policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 1,000 dwellings within Newcastle Urban Central (within which the site lies).

2.3 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.

2.4 Whilst the site does not meet the definition of previously developed land it is used for the grazing of horses and has an agricultural land classification of Grade 4 – which refers to poor land. The site is

within easy walking distance of St. Chads Primary School, a public house and community centre in Red Street, along with the adjacent areas of open space. There is a regular bus service (between Kidsgrove and Newcastle) on Liverpool Road which is close to the site. Therefore, it is considered that the site provides a sustainable location for additional residential development.

2.5 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.

2.6 The Local Planning Authority is currently unable to 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). 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.

2.7 On the basis of all of the above, it is considered that the principle of residential development in this sustainable location should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

3.0 Would the proposed development either have a significant adverse impact on the character and form of the area?

3.1 Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

3.2 Policy CSP1 of the CSS under the heading of 'Design Quality' advises new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape. The Urban Design SPD further expands on this by advising in R14 that "Developments must provide an appropriate balance of variety and consistency, for example by relating groups of buildings to common themes, such as building and/ or eaves lines, rhythms, materials, or any combination of them."

3.3 The only matter for approval as part of this application is access. Therefore the appearance, layout, scale and landscaping are reserved for subsequent approval. However, an illustrative layout plan has been submitted along with a planning, design and access statement which indicates at paragraph 3.1.3 that the proposed dwellings would be a mix of two storey terraced properties, three storey semi-detached town houses, and apartments. The three storey town houses would be located on the Deans Lane and Moss Grove sections adjacent to open space and elevated single storey bungalows. Officers are concerned about the dominant impact that three storey town houses would have on the visual amenity of the area by virtue of their scale and the fairly open landscape that lies to the north and west of the site. The details are only indicative but it is felt necessary to restrict these plots to two storey dwellings also.

3.4 In terms of housing density the application states that the proposed scheme represents a density of 34 dwellings per hectare with the existing housing density in the locality of the site having a density of 35 dwellings per hectare and so the proposed scheme is comparable.

3.5 The illustrative masterplan shows how a sustainable urban drainage scheme (SuDS) could be accommodated within the development incorporating pervious pavements, bio-retention systems and attenuation tanks into the scheme. The County Council's Flood Risk team have raised no objections

but have advised a condition which would secure a detailed surface water drainage scheme for the site. This information should be submitted as part of the reserved matters application.

3.6 Overall, subject to conditions regarding the scale of the dwellings being restricted to two storeys in height, it is not considered that the development would have such an adverse impact on the character or quality of the wider landscape to justify a refusal.

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

4.1 Access is a matter for approval as part of this application and the proposed development would have its single point of access off Moss Grove via a continuation of that highway. Moss Grove is accessed via Deans Lane, a single lane carriageway subject to a speed limit of 30mph.

4.2 The application has been supported by a Transport Statement (TS) which identifies that the existing junction at Moss Grove and Deans Lane does not meet the visibility requirements as set out in Manual for Streets. The existing junction has visibility splays of 24m eastbound and 26m west bound along Deans Lane.

4.3 A speed survey forms part of the TS and indicates that traffic speeds exceed the 30mph speed limit and that visibility splays of 56 metres are required in both the eastern and western directions to meet Manual for Streets standards. In order to achieve the required visibility splays in the westbound direction it will be necessary to remove part of an existing hedgerow in the applicant's ownership. A new hedgerow could be planted behind the visibility splay. However, in order to achieve the required visibility in the eastern direction a set of railings that form part of the adjacent Aspire Housing bungalow site would need to be removed and the splay then kept permanently free from obstruction. This land (where the railings are located) is under Aspire Housing's ownership and the railings appear to serve a limited purpose i.e. the land enclosed by them is not private garden or public open space. The applicant has agreed with Aspire Housing that the existing railings will be removed and the visibility splay then preserved in the future. This will be secured by Aspire entering into a Unilateral Undertaking (UU).

4.4 A UU has not been submitted but the applicant has indicated that this will be submitted prior to the committee meeting. If this is so, and legal advice is received that the UU is acceptable, then the recommendation to the Committee will no longer need to refer to this aspect.

4.5 The Highways Authority (HA) has raised no objections subject to conditions including one regarding the above splay. The HA have requested a condition which requires further details to be submitted and approved for matters that would as a matter of course form part of any reserved matters application. The HA would be given a further opportunity to comment at reserved matters stage and so such a condition is not considered necessary. Conditions advised regarding visibility splays for the access and a construction method statement are considered appropriate however.

4.6 The NPPF at paragraph 32, "development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe".

4.7 A representation has been received that the development will exacerbate existing congestion in the area and on Red Street (Liverpool Road) in particular. It is acknowledged that the proposed development would undoubtedly increase the volume of traffic onto the highway but the applicant has demonstrated that this would not be a significant increase and is unlikely to cause a significant highway danger. The submitted Transport Statement models the anticipated additional traffic that might be associated with the development using an established methodology. It states that *...it is forecast that up to 28 two-way vehicle trips would be generated by the development in the AM and PM peak hours, respectively. The forecast trip generation for this site is low, and would not materially impact on the local highway network. Therefore, it has been agreed (with the Highway Authority) that junction capacity assessments are not required.*

4.8 Whilst the concerns are noted the applicant has demonstrated that the trips generated by the proposal would be low and the Highway Authority has accepted this. It also has to be acknowledged that the site is located within a sustainable urban area and acceptable car parking provision should be able to be achieved. Furthermore, the site has existing pedestrian links to Liverpool Road and there is

an existing public footpath (Newcastle 21) that could be accessed via the site. A footpath link from the site to the existing footpaths would enable easy access to the school and areas of open space. Details of a footpath link should form part of any reserved matters application and this can be achieved by condition.

4.9 In terms of traffic impact on Red Street being monitored in the future it is not considered that a mechanism to secure this is justified as part of this application by virtue of the conclusions of the TS and that of HA, or what steps would be able to be taken in the light of the results of such monitoring.

5.0 The impact on trees, hedgerows and ecology

5.1 The application has been supported by an arboricultural report and a phase 1 habitat survey with the site being characterised as semi-improved grassland fields bordered by hedgerows.

5.2 Local and National planning policy seeks to protect habitats and important hedgerows and trees and development proposals should seek to protect these natural assets or appropriate mitigation should be proposed in order to compensate any loss or damage.

5.3 As discussed a hedgerow which fronts Deans Lane would need to be removed at least in part to achieve appropriate visibility at the junction and whilst the applicant had not justified the removal under the Hedgerow Regulations the Council's Landscape Development Section are now satisfied with the level of information submitted to satisfy the removal of the hedgerow. They now raise no objections subject to conditions which seek to secure the protection and retention of trees and hedgerows. Appropriate new hedgerow planting could be secured in any future reserved matters submission.

5.4 Both the arboricultural report and habitat survey conclude that any loss of trees and hedgerows would not be harmful and appropriate mitigation could be proposed. A hedgerow crosses the northern part of the site and it is not anticipated that it would be practical to retain it given its location. The submitted tree report identifies this hedgerow as being of low quality and value within the landscape and your officers are satisfied that its removal would not raise any significant concerns from a visual perspective and the LDS have also raised no concerns with its removal. If this outline consent is granted landscaping is reserved for subsequent submission for approval and there would be a further opportunity to ensure that no significant harm or loss is caused to visually significant trees and hedgerows. A landscaping condition is not considered necessary with landscaping being reserved anyway for subsequent submission for approval. Replacement hedgerow planting could be encouraged at this stage.

6.0 What planning obligations are considered necessary, directly related to the development

6.1 Certain contributions are required to make the development acceptable. These are, in no particular order, the provision of 25% affordable housing, a contribution of £99,732 towards education provision and a contribution of £147,150 towards public open space. All of the above figures assume a 50 unit development so any obligation or agreement would need to allow for the possibility that lower numbers of units are eventually built on the site.

6.2 Staffordshire County Council when calculating the education contribution indicated that the figure excluded the 7 RSL dwellings. However, a policy compliant development would require 8 RSL dwellings. This has been brought to the attention of the Education Authority who have indicated that this does not affect the figure requested.

6.3 The contributions are ones which make the development policy compliant and 'sustainable'. They are considered to meet the requirements of Section 122 of the CIL Regulations being 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.

6.4 However, it is also necessary to consider whether the financial contributions comply with Regulation 123 of the CIL Regulations, which came into force on 5th April 2015. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it is in respect of a specific infrastructure project or a type of infrastructure and five or more obligations

providing for the funding for that project or type of infrastructure have already been entered into since 6 April 2010.

6.5 Staffordshire County Council has requested the education contribution goes towards the provision of spaces at Chesterton Community Sports College. A revised calculation of contribution maybe required if the number of proposed dwellings changes after outline permission is granted. This can be secured in the S106 agreement, as has been done in previous cases .There has been only one previous planning obligation entered into since April 2010 for a contribution towards Chesterton Community Sports College and on this basis, it is considered that that contribution would comply with CIL Regulation 123.

6.6 The Council's Landscape Development Section has requested a contribution towards the Red Street Open Space and/or Barbridge Road Play Area both of which are within close proximity to the site. It is understood that they wish to have the flexibility to apply the contribution towards the improvement of equipment and then maintenance of either or both of these open spaces. There have been no previous planning obligations entered into since April 2010 for a contribution towards these area of Public Open Space and on this basis, it is considered that the contributions comply with CIL Regulation 123.

6.7. At the time of writing discussions are ongoing with the Council's legal adviser as to how, given the land is owned by the Borough Council but is to be sold on for development, the above contributions can be secured. A further report on this will be provided.

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

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 CSP4	Natural Assets
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 N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
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

National Planning Policy Framework (March 2012)

Planning Practice Guidance (2014)

Community Infrastructure Levy Regulations (2010) as amended and related statutory guidance

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)

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

Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated in 2016 – Version 1.7

Relevant Planning History

16/00634/DEEM4 Outline planning consent for the development of up to 50 dwellings - withdrawn

Views of Consultees

The application is a resubmission and consultation responses were received in relation to the original application in August from **Severn Trent Water, The Coal Authority, Housing Strategy and Natural England**. No significant concerns were raised by these consultees subject to conditions and the development has not changed to the extent that reconsultation would be justified. Therefore further

consultation comments were not sought. If members wish to view these previous consultation responses they can do so via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00634/DEEM4>

Likewise no comments were received during the previous application from the **Greater Chesterton Locality Action Partnership** and **United Utilities** and so their views similarly have not been sought again.

The **Education Authority** states that the proposed development falls within the catchments of St. Chad's Primary School and Chesterton Community Sports College. The development is scheduled to provide 50 dwellings. Excluding the 7 RSL dwellings from secondary only, a development of 50 dwellings could add 11 Primary School aged pupils and 7 High School aged pupils. St. Chad's Primary School is projected to have sufficient space to accommodate the likely demand from pupils generated by the development. However, Chesterton Community Sports College is projected to be full for the foreseeable future. Therefore an Education Contribution for 6 secondary School places (6 x £16,622 = £99,732) is sought.

Staffordshire County Council Flood Risk Team states that the proposed development will only be acceptable if a condition which secures a detailed surface water drainage scheme is attached to any permission.

The **Highways Authority** raise no objections subject to conditions that secure the submission and approval of the disposition and layout of dwellings and roads, provision of parking, turning and servicing within the site curtilage, means of surface water drainage, surfacing materials and a construction method statement. A condition which secures acceptable visibility splays at the Deans Lane/ Moss Grove junction is also advised.

The **Landscape Development Section** raises no objections subject to conditions that ensure that all category B trees are retained, submission of a method statement and full landscaping details being submitted for approval. A financial contribution of £147,150 towards the improvement of the equipment on Red Street Open Space and/or Barbridge Road Play Area is also advised.

The **Environmental Health Division (EHD)** raises no objections to the application subject to conditions regarding the submission and approval of suitable acoustically treated ventilation measures, control of construction activity hours, refuse storage and collection arrangements; and the submission and approval of a Construction Environmental Management Plan. However, further clarity has been sought from EHD regarding "ventilation measures" they are seeking and for what purpose. Comments are expected prior to the committee meeting and these will be considered and reported accordingly.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** raises no objection to the principle of residential development at this location. They indicate that a development built along the lines of the illustrative masterplan would possess some sound crime prevention attributes. The positive aspects of the scheme are outlined in quite some detail. However, they note that one area that would benefit from some reworking would be the corner of the development closest to Water Street (which lies between the site and Liverpool Road). No formal pedestrian link is suggested although residents would undoubtedly use it as a route particularly to and from the adjacent St. Chad's Primary School. It would seem sensible to incorporate some formal footpath link. Finally they indicate that should outline permission be granted, any subsequent reserved matters application should clearly explain within the Design and Access Statement and demonstrate in the site layout how crime prevention and community safety measures have been considered in the design proposal.

Comments were also invited from **Waste Management** and **Staffordshire Wildlife Trust** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

Representations

One letter of representation has been received from Councillor Gardner raising concerns about the proposed development. She indicates that whilst the development is well planned and sympathetic to current buildings she and residents have concerns relating to the increase in traffic that will turn right from the development into Red Street due to the existing problems during peak times. Matters to address these highways concerns should be explored and monitored to see if further action is needed to help traffic flow in order to help alleviate residents' concerns.

Applicant/agent's submission

The application is accompanied by the following documents:

- Planning, Design and Access Statement
- Arboricultural Report
- Flood Risk Assessment
- Extended Phase 1 Ecology Report
- Transport Statement
- Coal Mining Risk Assessment
- Landscape Appraisal
- Noise Assessment

All of these documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00902/DEEM4>

Background Papers

Planning file
Planning documents referred to

Date report prepared

23rd November 2016