

LAND TO THE NORTH OF BRADWELL HOSPITAL
NEWCASTLE UNDER LYME BOROUGH COUNCIL

17/00515/DEEM4

The application is for outline planning permission for the erection of up to 85 dwellings on land to the North of Bradwell Hospital. Vehicular access from the highway network into and from 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 within the major urban area, as indicated on the Local Development Framework Proposals Map. The site extends to approximately 2.56 hectares.

The site adjoins the A34 which is a primary road on the highway network.

The 13 week period for the determination of this application expired on the 19th September 2017 and the applicant has agreed to extend the statutory determination period to the 13th November 2017.

RECOMMENDATIONS

A. Subject to the applicant entering into planning obligations by the 11th November 2017 securing 25% Affordable Housing onsite and financial contributions of £5,579 (index linked) per dwelling on the site towards the maintenance and improvement of public open space at Bradwell Dingle, £198,558 (index linked) towards primary education places at Sun Primary Academy (formerly Bradwell Primary), or such amounts as reflect the eventual development, and a residential travel plan monitoring fee,

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

- 1. Condition to reflect outline nature of part of the application;**
- 2. Time limit for submission of any approval of reserved matters and for commencement**
- 3. Approved plans and documents;**
- 4. Any reserved matters application to broadly comply with the Design and Access Statement**
- 5. Reserved matters application to include a detailed surface water drainage scheme (SuDS);**
- 6. Grampian condition to secure a direct pedestrian link from the application site to the adjoining Sun Primary Academy (at school opening and closing times)**
- 7. Full details of the access arrangements;**
- 8. Implementation of an offsite Traffic Regulation Order;**
- 9. Submission and Approval of a Residential Travel Plan;**
- 10. Submission and approval of a Construction Vehicle Management Plan;**
- 11. Reserved matters application to include access arrangements/ improvements to the site for cyclists travelling from the south**
- 12. Design measures to control internal noise levels;**
- 13. Submission and approval of a Construction Environmental Management Plan;**
- 14. Construction Hours**
- 15. Drainage Details – foul and surface water;**
- 16. Reserved matters application to include replacement tree planting for any trees lost;**
- 17. Submission and approval of a tree protection plan and Arboricultural Method Statement;**

B. Should the obligations referred to above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such an obligation the development would fail to secure an acceptable provision of public open space, appropriate provision for required education facilities, residential travel plan and an appropriate level of affordable housing or, if he considers it appropriate, to extend the time period within which the obligation referred to 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 the applicant entering into planning obligations for 25% affordable housing and financial contributions towards education places, public open space to be policy compliant and a travel plan monitoring fee, the development is considered to accord with the development plan and 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

The applicant has been in discussions with officers of the LPA to address concerns raised by consultees and amended plans/ additional information have been submitted which have addressed concerns. The development is now considered to represent a sustainable form of development that meets the requirements of the National Planning Policy Framework 2012.

KEY ISSUES

1.1 Outline planning permission is sought for a residential development of up to 85 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. However approval of the access arrangements is being sought.

1.2 The application site, of approximately 2.56 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 as open space but it is not required to meet the agreed local standard for future space provision. It has not been used as a playing pitch for over 10 years.

1.4 The site is relatively flat and existing residential properties are located away from the site boundaries and the illustrative layout demonstrates that the proposals are unlikely to raise any significant concerns on residential amenity levels of neighbouring properties. The site also directly adjoins a primary school on the eastern boundary and a hospital on the southern boundary. Layout and scale are reserved for subsequent approval and this matter can be considered at the reserved matters stage.

1.5 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 any material adverse impact upon highway safety?
- Would the proposed development have a significant adverse impact on the character and appearance of the area, in particular visually significant trees?
- What planning obligations are considered necessary, directly related to the development, fairly and reasonably related in scale and kind to the development, and lawful?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

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 South and East (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 The site is currently open space and so does not meet the definition of previously developed land. The site is not required to meet the agreed local standard for future space provision. The site has good public transport links and is within walking distance of schools, shops and jobs. Therefore, whilst

it is not previously developed land 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 (as defined in paragraph 47)..

2.6 The Council 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 is set out in paragraph 14 of the NPPF which sets out that there is a presumption in favour of sustainable development, and for decision taking this means, unless material considerations indicate otherwise, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

2.7 The examples given of specific policies in the footnote to paragraph 14 however indicate that this is a reference to area specific designations such as Green Belts, Areas of Outstanding Natural Beauty and similar. The application site is not subject to such a designation.

2.8 As discussed the site is considered to represent a highly sustainable location for new housing due to its links to good transport links, education facilities, employment opportunities, services and amenities and on this basis 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 have any material adverse impact upon highway safety?

3.1 The development site is located adjacent to the A34, a dual carriageway subject to a 40mph speed limit. Access is a matter for approval as part of this application and it is proposed to have a separate access (left in only) at the northern end of the site and a separate egress (left out) at the southern end of the site.

3.2 The application is supported by a Transport Statement, which includes a Stage 1 Road Safety Audit, and a travel plan.

3.3 The proposed access arrangements do not allow vehicles travelling north along the A34 to access the site directly. Therefore vehicles arriving from the south would need to either turn around at the A34/Parkhouse Road West roundabout or would have to use an alternative route to access the A34 at Bradwell Lane. This would also be the case for cyclists. The Transport Statement (TS) accepts is not a scenario that can be considered sustainable and many future occupiers of the dwellings would expect to access the site directly when travelling north along the A34. It also causes safety implications because drivers would be looking to make a U-turn at the A34/ Bradwell Lane junction closer to the site. The TS and Road Safety Audit has considered this issue and concludes that a U-turn ban at the A34/Bradwell Lane will need to be secured via the making of a Traffic Regulation Order which the developer will finance the cost of to avoid the prospect of U-turns happening at this junction. In terms of vehicles departing from the site to travel northwards, they will simply travel down to A34/Wolstanton Road roundabout which is only a short distance from the proposed site egress. U turns at the gap in the A34 central reservation in front of the hospital access are already prohibited.

3.4 Two alternative access arrangements have been explored which involve a single two way access point. These two options have been discounted. One of the options was proposed in the previously withdrawn application resulted in an objection from HA regarding highway safety due to its location and potential for U turns to be encouraged. The second alternative option that was explored was for the provision of a signal controlled crossroads on the A34 providing access to the site and Beasley Avenue. This option was not considered feasible by the applicant's transport consultant because it is likely that separate right turn provision would be required onto the A34 which would result in the existing carriageway being widened and this could not be accommodated within the existing alignment. This would also cause significant disruptions to the operation of the A34 during

construction. Furthermore, the provision of a further signal control could add additional delays to vehicles on the A34. They also detail that the provision of a signal controlled crossroads is not proportionate for the proposed development, given its limited scale.

3.5 The Highway Authority (HA) have indicated that they cannot comment on the acceptability of the signal controlled crossroads option without full details and safety audit. They have raised no objections to the application for the proposed access arrangements subject to conditions and it is not considered necessary to consider the feasibility of the alternative options further following the applicant's justification. The HA advise conditions which secure the access arrangements, Traffic Regulation Order to prohibit U turns (off site works), submission and approval of a Construction Management Plan and a Residential Travel Plan.

3.6 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".

3.7 The construction of up to 85 dwellings will undoubtedly result in trip generation to and from the site onto the highway network but it is considered that the applicant has demonstrated that the proposed development would not lead to significant highway safety concerns and the location of the site within a sustainable urban area would encourage non-car modes of travel, The scheme would be improved by the formation of a direct pedestrian only link from the site to the adjoining Sun Primary Academy school which would reduce vehicle movements to and from the site and would help the development to be sustainable This has also been highlighted by HA and the applicant has been asked to explore this with the school. The school have been approached about the pedestrian link and now the matter has been clarified to them regarding what your officers are seeking to agree they provisionally indicate that they are agreeable to the direct pedestrian access link if it can be managed by school staff. Your officers are satisfied that the direct pedestrian access link can be managed in a manner that would benefit the future occupiers of the development (and managed by the school) and a Grampian condition to secure the exact details of the link at the reserved matters stage and the link to be put in prior to development commencing is appropriate.

3.8 A direct pedestrian access link would be an asset for the development and is likely to reduce vehicle movements from the site during the peak period with the Academy otherwise being a 1.3km walk from the site.

3.9 The scheme would also be improved by arrangements for cyclists to access the site when travelling from the south. Further details and arrangements for how improvements, including any off site works, could be made should be provided at the reserved matters stage and this can be secured by condition.

3.10 Finally, the proposed access arrangements would interrupt the current flow of pedestrians using the footpath along this side of the A34. The HA have indicated that the access arrangements are of a standard design and the final design, including pedestrian safety and crossing points will be secured at the Major Works agreement stage and will require a further stage 2 and 3 safety audit to ensure that the access and egress points are safe for pedestrians. The LPA would not be involved in this process however. Therefore, it is acknowledged that the new vehicle access and egress points will affect the pedestrian flow of users of the pavement but not to a significantly detrimental level.

3.11 In summary the lack of a pedestrian footpath link from the development to the adjoining school and the access arrangements not allowing vehicles travelling north along the A34 to access the site directly are negative aspects of the development and these matters need to be weighed against the proposal and this is considered further sections below.

4.0 Would the proposed development either have a significant adverse impact on the character and form of the area, in particular visually significant trees?

4.1 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.

4.2 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."

4.3 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 range of dwelling types including two story terraced properties, three story semi-detached town houses, and apartments, with a range of off road parking solutions and public open space.

4.4 In terms of housing density the application states that the proposed scheme represents a density of 33 dwellings per hectare which is comparable to similar residential developments in the area.

4.5 The site fronts the A34 and is dominated by a linear group of trees that runs the length of the boundary. Access is for approval and would result in a separate access and egress point along this frontage. Therefore trees on the frontage will be lost to accommodate the proposed access arrangements.

4.6 The applicant has submitted an Arboricultural Impact Assessment (AIA) and a Tree Protection Plan (TPP) which identifies groups of trees within the application site. In terms of the more prominent trees on the site frontage (western boundary), paragraph 3.04, identifies that the trees are early mature ash and beech planted at a high density. The AIA groups the trees on the frontage of the A34 and identifies that approximately 24 trees will need to be felled to accommodate the access and egress arrangements and the remaining trees will need to be protected during construction. Further mitigation measures will also need to be defined within an Arboricultural Method Statement. Following the submission of the AIA and the TPP the Landscape and Development Section (LDS) now raise no objections to the application subject to conditions to protect existing trees and additional planting.

4.7 The applicant has demonstrated that the proposed access arrangements can maintain a high level of trees on the front boundary. Within this group there are a number of trees of better quality, particularly towards the northern boundary near to the access point, and these should be protected where possible.

4.8 The groups of trees that run the length of the northern and southern boundary are likely to be lost but as discussed the layout is only illustrative. These groups of trees are relatively dense and their loss is unfortunate but due to there being limited views of these trees from any main vantage points the impact on visual amenity would not be significant. However, all efforts should be made to maintain as many as possible at the detailed design stage and the scheme should be supplemented with additional replacement planting to compensate loss.

4.9 An indicative plan which shows how a sustainable urban drainage scheme (SuDS) could be accommodated within the development which includes a surface water pumping station, pervious pavements 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.

4.10 Overall, subject to conditions regarding tree protection and mitigation measures it is not considered that the development would have such an adverse impact on the character or quality of the wider landscape or streetscene to justify a refusal.

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

5.1 Certain contributions are required to make the development acceptable. These are, in no particular order, the provision of 25% affordable housing, a contribution of £198,558 towards education provision and a contribution of £474,215 towards public open space. All of the above

figures assume an 85 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.

5.2 The obligations 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.

5.3 It is also necessary to consider whether the financial contribution sought complies with Regulation 123 of the CIL Regulations. 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.

5.4 Staffordshire County Council has requested the education contribution goes towards the provision of primary school spaces only and the Sun Primary Academy is projected to be full for the foreseeable future. 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 no previous planning obligation entered into since April 2010 for a contribution towards the Sun Primary Academy and on this basis, it is considered that the contribution would comply with CIL Regulation 123.

5.5 The Council's Landscape Development Section (LDS) has requested a contribution towards the Bradwell Dingle which is a kilometre from the application site. There is a play area closer to the application site but this is much smaller and has not been identified by LDS in their consultation response. This area of POS is located off Bamber Place and Woodland Crescent which is approximately 350 metres walking distance from the site. Bradwell Dingle is a significant size and would attract use by future occupiers of the development and it is considered that the contribution should be allocated to both of these areas. There have been no previous planning obligations entered into since April 2010 for a contribution towards either of these areas of Public Open Space and on this basis, it is considered that the proposed financial contribution complies with CIL Regulation 123.

5.6 The S106 agreement would also secure a financial contribution towards the residential travel plan monitoring.

6. Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

6.1 In consideration of the above points, the access arrangements do raise concerns, in particular a there being no direct access from vehicles travelling north from the A34. This point weighs against the proposal and make the scheme less sustainable. However, the scheme is still safe from a highway safety perspective and in all other respects the proposal represents sustainable development which would make a sizeable contribution towards addressing the significant undersupply of housing in the Borough. It is considered therefore that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. It is therefore considered that the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted provided the required contributions and obligations are obtained and appropriate conditions are used, as recommended.

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 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 \(NLP\) 2011](#)

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 IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

Other material considerations include:

National Planning Policy

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(PPG\) \(2014\)](#)

[Community Infrastructure Levy Regulations \(2010\)](#) as amended and related statutory guidance

Supplementary Planning Guidance/Documents

[Developer contributions SPD](#) (September 2007)

[Affordable Housing SPD](#) (2009)

Newcastle-under-Lyme Open Space Strategy, adopted March 2017

[Space Around Dwellings SPG \(SAD\)](#) (July 2004)

[Newcastle-under-Lyme Open Space Strategy](#) – adopted March 2017

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

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

Relevant Planning History

16/00635/DEEM4 Outline planning application for the development of up to 87 dwellings and associated access arrangements. - withdrawn

Views of Consultees

The **Environmental Health Division (EHD)** raises no objections to the application subject to conditions regarding the submission and approval of suitable design measures to control internal noise levels, control of construction activity hours; and the submission and approval of a Construction Environmental Management Plan.

The **Highways Authority** raises no objections subject to conditions requiring the submission and approval of full access/ egress works, implementation of a Traffic Regulation Order to prohibit U turns at the A34 Talke Road / Bradwell Lane traffic signal junction, and submission and approval of the following;

- disposition and layout of dwellings and roads,
- provision of parking, turning and servicing within the site curtilage,
- means of surface water drainage,
- surfacing materials,
- a Residential Travel Plan, and
- a construction vehicle management plan.

The proposed Traffic Regulation Order to prohibit U turns at the A34 / Bradwell Lane signalised junction will need to be made on behalf of the developer by Staffordshire County Council at the developer's expense.

The **Education Authority** states that the proposed development falls within the catchments of Sun Primary Academy, Bradwell and Wolstanton High Academy. A development of 85 houses could add 18 Primary School aged pupils, 11 High School aged pupils and 2 Sixth Form aged pupils. Wolstanton High Academy is projected to have sufficient space to accommodate the likely demand from pupils generated by the development but Sun Primary Academy is projected to be full for the foreseeable future. A contribution is required towards Primary School provision only for 18 Primary School places (18 x £11,031 = £198,558).

The **Landscape Development Section** advises that the site has a large number of mature trees of significant value and a tree retention/removal plan, a tree protection plan and retained trees and RPAs all to BS5837:2012, should be indicated on the proposed layout. A long term management plan for the trees on the site frontage should be conditioned, along with the submission of a landscaping plan that includes replacement tree planting. A financial contribution of £474,215 (£5,579 per dwelling) towards the improvement of the equipment on Bradwell Dingle is also advised.

Housing Strategy Section advises that the planning statement. It sets out the position for affordable housing within Paragraph 3.1.5. and states "The development shall not begin until a scheme for the provision of 25% affordable housing as part of the development has been submitted to and approved in writing by the local planning authority." In principle this is acceptable and the details of the affordable housing scheme will be agreed with the local authority based upon the requirements as set out in the Affordable Housing SPD.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** raises no objection to the principle of residential development at this location. Although indicative at this stage, a development constructed along the lines of the illustrative masterplan would be welcomed. Any reserved matters application that comes forward should ensure designing out crime opportunities are maximised within the layout, particularly in terms of natural surveillance (including parking) and well protected rear garden boundaries. External buffer planting can be an attractive and effective means to reinforce rear garden boundaries which abut public space.

The **Coal Authority** raises no objections due to the site being located within a Low Risk Area.

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 and a scheme for the provision and implementation of the method of working and maintenance of the surface water drainage system.

Natural England advises that they have no comments to make on this application.

Severn Trent Water raises no objections subject to conditions which secure the submission and approval of drainage plans for the disposal of foul and implemented before the development is brought into use.

The **Environment Agency** advises that they have assessed this development as having low environmental risk.

The **Waste Management Section, Staffordshire Wildlife Trust** and **The Newcastle East Locality Action Partnership (LAP)** have been consulted on this application and have not responded by the due date and so it is assumed that they have no comments to make on the application.

Representations

No letters of representation have been received.

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/ Master Plan
- Noise Assessment

All of these documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00515/DEEM4>

Background Papers

Planning file
Planning documents referred to

Date report prepared

29th September 2017