

LAND SOUTH OF APEDALE ROAD AND NORTH OF PALATINE DRIVE, CHESTERTON
LANDS IMPROVEMENT HOLDINGS LANDMATCH_ 13/00525/OUT

The application is for outline planning permission for residential development of up to 350 dwellings including open space, new vehicular access, infrastructure, ancillary development and associated earthworks. The site is predominantly a greenfield site (i.e. not previously developed), part of the site has been subject to mineral extraction (this area is un-restored and has renaturalised and is subject to a condition requiring its restoration)

All matters of detail are reserved for subsequent approval with the exception of the means of vehicular access – a single vehicular is being proposed off Apedale Road (an unclassified road).

The application site, of approximately 16.27 hectares in extent, is within an Area of Landscape Regeneration and the Newcastle Urban Neighbourhood and abuts the site of the White Rock Community Facility proposal, and the Green Belt all as indicated on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expired on 4th October 2013.

RECOMMENDATION

A. Subject to

(i) your Officer being satisfied by the District Valuer that it has been demonstrated that the scheme cannot at present provide policy compliant affordable housing provision or Section 106 contributions, that appropriate advice has been received from the District Valuer as to what level of contributions can be sustained, and the Planning Committee's agreement to this approach and to how the available contributions should be divided up

(ii) the applicant entering into a Section 106 obligation by 31st March 2014 to require:-

- 1) A contribution of phased payments towards the Newcastle (urban) Transport and Development Strategy (NTADS) (the level to be agreed following the outcome of (i) above)**
- 2) A contribution of phased payments towards an extended bus service (the level to be agreed following the outcome of (i) above)**
- 3) A contribution of phased payments towards school spaces (the level to be agreed following the outcome of (i) above) and the sum being able to be adjusted should the development as built be for less than the full 350 units**
- 4) Affordable Housing provision (the level of which to be agreed following the outcome of (i) above)**
- 5) EITHER a contribution of £672,000 towards open space maintenance OR the entering into of a Management agreement to secure the long term maintenance of the public open space**
- 6) A Travel Plan monitoring fee of £6,200**
- 7) The review of the financial assessment of the scheme by the District Valuer at the commencement of the second and third phases of the development and appropriate adjustments being made to the sums and numbers referred to in 1), 2), 3), and 4) above, and**
- 8) That the financial viability assessment be independently reviewed by the District Valuer if phase 1 of the development has not been substantially commenced within 18 months of the grant of this outline planning permission and appropriate adjustments be made to the numbers/sums referred to in 1), 2), 3), and 4) above**

Permit the application, subject to conditions concerning the following matters:

- o Condition to reflect outline nature of application**
- o Time limit for submission of any approval of reserved matters and for commencement conditions**
- o Approved plans and documents**
- o Phasing plan to including engineering works, openspace provision, and infrastructure works including non vehicular links**
- o Reserved matter submission to be informed by the principles within the submitted Design and Access Statement**
- o Tree protection measures**
- o Landscaping reserved matters to include replacement tree planting**
- o Reserved matters to include details relating to surface water drainage and road specification**
- o Provision of the new access onto Apedale Road**
- o Off Site traffic management details including new signage**
- o Provision of details relating to movement framework, connection to surrounding areas for all modes of transport, connection for pedestrian and cyclists through the site.**
- o Provision of details of residential street layout and character**
- o Mitigation measures prevent debris being deposited on the Highway**
- o Construction traffic routeing**
- o Site and construction compound details**
- o Contaminated Land Conditions**
- o Construction hours restriction where appropriate**

- **Construction management plan**
- **Dust mitigation measures**
- **Internal noise levels in dwellings**
- **External noise levels**
- **Waste storage and collection arrangements**
- **Archaeological evaluation and subsequent mitigation measures**
- **Ecological mitigation**
- **Flood Risk Assessment**

B. Failing completion by 31st March 2014 of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that in the absence of such obligations the proposal fails to make an appropriate contribution to improve local accessibility and to promote the most sustainable modes of travel; and provide appropriate level of affordable housing which is required to provide a balanced and well functioning housing market, the on-going maintenance of on site open space provision , and an appropriate contribution towards school provision; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

Whilst the site is greenfield, it is in a sustainable location and in the context of the Council's current inability to demonstrate a 5-year supply of deliverable housing sites it is not appropriate to resist the development. The scheme is considered acceptable in terms of impact on landscape, highway safety and trees. 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. A further report will however be required on the issue of the ability of the scheme to fund these contributions, and members should note that it may well be necessary for your Officer to request deferral of a decision on this application as a consequence of information yet to be received.

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

No amendments were considered necessary during the course of the application. Officers of the Local Planning Authority and the Authority's agents have cooperated in an appropriate manner in the financial assessment of the scheme.

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)

Strategic Aim 2 (SA2) – To facilitate delivery of the best of healthy urban living in the development of the conurbation and to ensure that new development makes adequate provision for all necessary community facilities including health care, education, sports and recreation and leisure and that the quality and accessibility of existing facilities are enhanced and retained where they provide for the justified community needs.

Strategic Aim 10 (SA10) - To facilitate development within identified priority regeneration areas of the North Staffordshire conurbation.

Strategic Aim 16 (SA16) - To eliminate poor quality development and establish a culture of excellence in built design by developing design skills and understanding, by requiring good, safe design as a universal baseline and distinctive design excellence in all development proposals, and by promoting procurement methods which facilitate the delivery of good design.

Strategic Aim 17 (SA17) - To minimise the adverse impacts of climate change in the move towards zero carbon growth through energy efficiency, promoting the use of renewable energy sources and green construction methods in accordance with best practice

Strategic Aim 18 (SA18) - To promote mixed use and residential development where it can support city, town and local centres

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 CSP2: Historic Environment
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 T16: Development - General Parking Requirements
Policy C4: Open Space in New Housing Areas
Policy C21: White Rock – Apedale Road
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy N17: Landscape Character – general Considerations
Policy N22: Area of Landscape Regeneration
Policy B3: Other Archaeological Sites
Policy IM1: Provision of essential supporting infrastructure and community facilities.

Other material considerations include:

National Planning Policy

National Planning Policy Framework March 2012. This sets out a presumption in favour of sustainable development where such applications are in accordance with the development plan and unless material considerations indicate otherwise. In seeking to deliver sustainable development it sets out policy under a number of headings including amongst others promoting sustainable transport, delivering a wide choice of high quality homes, and requiring Good Design.

Draft National Planning Practice Guidance August 2013

Circular 11/95 The Use of Conditions in Planning Permissions

CIL Regulations, particularly Section 122

Manual for Streets

Supplementary Planning Guidance/Documents

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

Space Around Dwellings (SpAD) SPG (July 2004)

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

Newcastle (urban) Transport and Development Strategy (NTADS) – first adopted December 2008

North Staffordshire Green Space Strategy – adopted December 2009

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

Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated in 2008/09

Planning for Landscape Change – Supplementary Planning Guidance to the former Staffordshire and Stoke-on-Trent Structure Plan

Views of Consultees

The **Highway Authority** has no objection to the proposal subject to:

- Approval of the reserved matters details
- Approval of the means of surface water drainage and disposal
- Full road construction specifications
- The provision of the new vehicular site access arrangements in accordance with the Safety Audit recommendations.
- The provision of the details of the amendments to the Audley Road/ Apedale Road junction, in accordance with the Safety Audit recommendations.
- The provision of off site traffic management scheme including new signage relating to the routing of Heavy Commercial Vehicle (HCV) traffic accessing and leaving Apedale Business Park.
- Prior approval of site layout plan showing movement framework, connection to the surrounding area for all modes of travel, connection through the site and onto the public highway for pedestrians and cyclists, residential street layout and character and the development phasing.
- Submission of details to prevent the deposit of waste material on the public highway during the construction phase.
- Submission of details of parking of vehicles of site personnel, operatives and visitors, loading and unloading arrangements for plant and materials and storage area for plant and materials.

The Highway Authority is also requesting that financial contributions should be sought in respect of a residential travel plan (£6200) and towards the Newcastle Transport and Development Strategy (£193,313).

The County Council as the **Education Authority** advises the development falls within the catchment of Churchfields Primary School and Chesterton Community Sports College.

They advise a development of the scale proposed could generate an additional 74 Primary School aged pupils, 52 High School aged pupils and 10 Sixth Form aged pupils. They have requested an education contribution for a development of £816,294 based on the primary school places advising that whilst the development would place pressure on High School places, current demographics indicate that the College should be able to accommodate the likely demand from pupils generated by the development.

The comments are made based on the development providing 350 dwellings (25% of which would be affordable units) and if that number increase or the number of affordable housing reduces, a revised calculation will be necessary.

The **Landscape Development Section** has no objection in principle subject to:

- The upgrading/improvement of the buffer between the Country Park and the site to ensure the longevity of this area.
- Protection measure for all retained trees and hedges

They raise concerns regarding the number of higher quality trees that are being proposed to be removed to accommodate the proposed changes to the ground levels (thus prolonging the period of greater visual impact of the development whilst the replacement landscaping scheme establishes).

A maintenance contribution to the value of £672,000 for the 350 dwellings or a management agreement for the long term maintenance of the open space on the site would also be required.

The **Environment Agency** has no objections subject to:

- The development being carried out in accordance with the submitted Flood Risk Assessment
- Submission of details of the sustainable surface water drainage
- Submission of details regarding the extent of the floodplain
- Contaminated land Conditions
- No infiltration of surface water into ground without prior approval, to prevent site contaminants entering into water courses.
- Submission of details controlling Japanese Knotweed

The **Environmental Health Division** has no objections subject to:

- Contaminated Land Conditions
- Restriction of construction hours
- Construction management plan
- Protection of highway from mud and debris
- Dust mitigation measure during the construction period
- Noise Assessment
- Internal noise levels in dwellings
- External (garden and amenity areas) noise levels
- Waste and recyclables storage and collection arrangements

The **Police Architectural Liaison Officer** acknowledging the submitted layout is indicative at this stage request the following matters are taken into consideration in any subsequent detailed submission:-

- Rear gardens would back onto rear gardens providing excellent mutual security;
- There would be a clear distinction between public and private space;
- Defensible space would exist at the front of the properties;
- Active frontages would address public space, road network etc and there is potential for dual aspect corner plots;
- There would be generally good levels of natural surveillance throughout the development including of the country park, residential square and urban park;
- Safe Desire lines would be incorporated into the layout.
- Illustrative linkages and internal footpaths would potentially be overlooked;
- The school boundary would be secured along the north-east edge of the site;
- The opportunity would exist for the private rear gardens to be made secure by placing fencing and gating (as close to the front of the building line as possible) to prevent unauthorised access from the front of the properties;
- There would be good use of integral, garaged and overlooked in-curtilage parking which would be ideal and some overlooked on-street parking.

They recommend that in due course serious consideration is given by the developer to seeking 'Secured by Design' accreditation for this development.

The **Waste Management Service** has no objections to the outline proposal subject to any subsequent detailed submission providing details of the site layout allowing adequate access for refuse vehicles reducing the requirements to reverse long distances together with details of storage of waste and recycling containers.

The **County Council's Archaeologist** advises the submitted archaeological desk based assessment conforms to the Institute for Archaeologists standard and guidance for Historic Environment Desk-Based Assessments (2012). They advise the application site lies within an area of demonstrable archaeological potential due to the proximity of the Roman Fort at Chesterton whose its extent, to date, has not been adequately charted. Given the above they are recommending a condition is attached to any consent requiring an archaeological evaluation be undertaken in advance of groundworks. This work should be carried out sufficiently in advance to inform the need for and

scope of any further archaeological mitigation. This approach is supported by the advice found in the National Planning Policy Framework.

The Coal Authority advises that the site does not fall within the defined Development High Risk Area and as such it recommends that any grant of planning permission is accompanied with The Coal Authority's Standing Advice as an informative note.

The County Council as the **Local Mineral Authority** has no objections to the proposal subject to the Borough Council liaising with the County Council on works to ensure the satisfactory restoration of the whole site, and the safeguarding of protected species and enhancement of their habitats.

The **County Council's Ecologist** initially raised concerns regarding insufficient information and a further submission has been made. The Ecologist makes the following comments on the revised details - The Phase 1 Habit survey report is adequate to inform the ecological mitigation plan; the principles and aims within the submitted Ecological Mitigation Plan are appropriate to the site and the existing assets and in accordance with National Planning Policy Framework and the proposed measure are appropriate to the site. They note the Design and Access Statement Plan conflicts with the Ecological Mitigation Plan and will require amendment prior to any consents to reflect ecological mitigation proposal. They recommend a condition requiring the submission of a detailed ecology and landscape management plan to include protection of habitats and species during site preparation and development together a landscaping scheme incorporating Ecological Mitigation Plan and Natural England requirements.

MADE acknowledges this is an exciting site with the potential to do something spectacular and give people an exceptional place to live. The Panel are supportive of the Urban Park and consider it as an essential part of the scheme adding value to the proposal. The panel are disappointed that the proposal of this size only has one vehicular access but understand there are land ownership issues restricting this but encourage the use of pedestrian links to the south and east of the site. They raise issues in respect of it being undesirable for volume house builder to use their standard house types on this site due to the topography of the site.

In conclusion the Panel acknowledges the proposal are seeking to raise the level of environmental quality and place making in this part of Newcastle but require clarity about how these aspirations for quality are delivered.

Greater Chesterton Locality Action Partnership (LAP), United Utilities, Staffordshire Wildlife Trust and **Natural England** have been consulted on this proposal and have not provided a response and as such it should be assumed they have no comments to make.

Representations

Seven letters of representations together with a petition of objection with 810 signatories organised by the **Chesterton Action Group** have been received raising the following concerns:-

- The increase in traffic movements along Apedale Road
- Construction traffic movements
- Antisocial behaviour from the use of new pedestrian/cycle accesses
- Loss of views
- Devaluation of property
- Construction Noise
- The lack of School spaces
- Loss of Wildlife habitats
- No demand for new housing
- The development will not help the local area
- The loss of access to the existing green spaces
- The increase in demand for medical facilities
- Adverse Impact on the Country Park
- Antisocial Behaviour from the proposed play area and open spaces
- Encroachment into and the urbanisation of this green area.

- The availability of other brownfield sites
- Light and Noise Pollution

Applicant/agent's submission

The application is supported by the following documents:

- Planning Statement
- Statement of Community Involvement
- Design and Access Statement
- Landscape and Visual Appraisal
- Transport Assessment including a Travel Plan
- Flood Risk Assessment
- Air Quality Survey
- Noise Survey
- Protected Species Survey Reports
- Arboriculture Survey
- Phase 1 Desk Study – Land Contamination/ ground conditions
- Site Investigation and Reclamation Strategy
- Geophysical Survey report
- Archaeological Desk based Assessment
- Written Scheme of investigation for an Evaluation by Trial Trenching
- Draft Heads of Terms for Section 106 Planning Obligations
- Extended Phase 1 Habitat survey and ecological mitigation plan (submitted as result of concerns raised by consultees)

Where relevant, reference is made to points made within these documents within the Key Issues section below.

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

KEY ISSUES

1.1 This application is for outline planning permission for residential development for up to 350 dwellings on this predominantly greenfield site. A section of the site was previously used for mineral extraction however this part of the site is un-restored and as re-naturalised since the mineral extraction ceased. The mineral extraction works is subject to a planning condition requiring the restoration of the site.

1.2 The key issues for consideration in the determination of this application are:-

- Is the principle of the development of this site for residential purposes acceptable?
- Is there conflict with development plan policy that seeks the regeneration of the landscape of which the site forms part of, and other landscape policies, and if so, what weight should be given to this?
- 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, does the development promote sustainable transport choices and, if so, how does this need to be secured?
- What impact would the development have upon the local schools in terms of additional pupil numbers and how could this matter be addressed?
- Can adequate provision be made to deliver affordable housing as part of the development?
- What are the ecological implications of the development and are they acceptable?
- What are the implications of the development for archaeological interests and are they acceptable?
- Would there be any issues of flood risk?

- Will appropriate open space provision be made?
- Would some lesser contributions towards the cost of addressing the above issues be justified given issues of viability?
- 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. Is the principle of the development of this site for residential purposes acceptable?

2.1 The site lies within an Area of Landscape Regeneration and the Newcastle Urban Neighbourhood and abuts the site of the White Rock Community Facility proposal and the Green Belt all as indicated on the Local Development Framework Proposals Map. No part of the site meets the definition of previously developed land contained within the NPPF.

2.2 Saved Policy NLP H1 indicates that planning permission for residential development will only be given in certain circumstances – one of these is where the site lies within the urban area of Newcastle – which this site in policy terms does, even though it is the subject of a landscape designation unlike any other similar site. It is expressly not, it should be noted, covered by the policy designation Policy N16 which refers to a “green heritage network”. Sites subject of that particular designation include locations such as Wolstanton Marsh, Wolstanton Golf course, Poolfields, Bradwell Wood Western spur and similar. Residential development of the application site therefore is accordance with policy H1.

2.3 CSS Policy SP1 states that new housing in the Borough will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods within General Renewal Areas and Areas of Major Intervention and within the identified ‘significant urban centres’. It also 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 site here lay within one of the General Renewal Areas and Area of Major Intervention as identified by the former regeneration body RENEW.

2.4 Policy ASP5 of the Core Spatial Strategy (CSS) referring to the Kidsgrove and Newcastle urban neighbourhoods 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 3,200 dwellings within Newcastle Urban Central (which includes Silverdale, Thistleberry, Knutton, Cross Heath, Chesterton and the Town Centre).

2.5 Although not a material consideration in itself in the determination of this application, members may wish to note that the delivery of housing on this site has already been taken into account within the calculation of the Borough’s five year housing supply (Five Year Housing Supply Assessment for Newcastle under Lyme: 1 April 2013 to 31 March 2018 (May 2013)) – within the above calculation 120 dwellings have been already included.

2.6 The Local Planning Authority (LPA), by reason of the NPPF, is required to identify a supply of specific deliverable sites sufficient to provide 5 years worth of housing against its policy requirements (the CSS) with an additional buffer of 5% to ensure choice and competition in the market for land. Where, as in the Borough, there has been a record of persistent underdelivery of housing, the LPA is required to increase the buffer to 20%. The Borough is currently unable to demonstrate a five year supply of specific, deliverable housing sites – the current shortfall being of the order of 949 dwellings and the latest housing land supply figure being 3.27 years..

2.7 Paragraph 49 of the NPPF states:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

The application has therefore to be assessed against the NPPF including paragraph 14 which states:

At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

...For decision-taking this means:

- ...where...relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.”

2.8 The site is greenfield. As indicated SP1 refers to “new development being prioritised in favour of previously developed land”, but given the position indicated above, as a policy on the supply of housing is must be considered to be out of date at least until there is once again a five year housing supply. The location of the application site, relatively close to the District Centre of Chesterton, various services and facilities, and employment locations, all are indicative that this is a location where sustainable development can be achieved, and whilst greenfield development is by definition less sustainable than brownfield development (the latter can be considered to have the merit of involving the recycling of land) the fact that a considerable part of the site is previous mineral workings can be given some weight in this particular context. The issue of the transportation aspect of sustainability is explored further later on in the report, but it is not unreasonable to conclude that there is a presumption in favour of the development at this location, although appropriate weight needs to be given in particular to any conflict with landscape policies contained within the development plan, and any other policies which do not relate to the supply of housing. For this reason the report next considers that first issue.

2.9 Consideration will be given to whether there are any adverse impacts arising from granting planning permission that would outweigh the benefits of the provision of housing land under the headings below and a conclusion reached at the end of the report regarding the acceptability of the proposed development.

3. Is there conflict with development plan policy that seeks the regeneration of the landscape of which the site forms part of, and other landscape policies, and if so, what weight should be given to this?

3.1 The site forms part of the Area of Landscape Regeneration (saved NLP policy N22). This policy states the Council *will support, subject to other plan policies, proposals that would regenerate the landscape appropriate to its urban or rural location, and that where development can be permitted, developers will be expected to use the opportunity provided by the development to make a positive contribution towards landscape regeneration.*

3.2 CSS Policy CSP4 indicates that the location, scale, and nature of all development should avoid and mitigate adverse impacts (on) the area’s distinctive natural assets and landscape character. This policy is considered to be consistent with the NPPF which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

3.3 The NPPF in paragraph 109 advises the planning system should contribute to and enhance the natural and local environment by, amongst other headings, protecting and enhancing valued landscapes. It is considered the above NLP and CSS landscape policies are not in conflict with the more recent advice found within the NPPF.

3.4 Supplementary Planning Guidance on Planning for Landscape Change to the former Staffordshire and Stoke-on-Trent Structure Plan, which was adopted in 2001, identifies the site as being a Coalfield Farmlands landscape character type. It states that the area is characterised by landscapes of sparsely wooded landscapes of former mining villages and small and medium sized hedged fields on undulating plateaux close to large population centres. It states that incongruous landscape feature in these areas include modern urban expansion, electricity pylons, busy roads , golf courses, sewage works and electrified railway lines. The SPG was used in the NLP to set policies for landscape consideration.

3.5 As the NPPF indicates due weight should be given to policies in existing development plans (those adopted prior to the publication of the NPPF in March 2012) according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them).

3.6 The designation of the site as part of an Area of Landscape Regeneration cannot, given the actual wording of the policy, be read as preventing development of the site. Indeed as already indicated whilst the application site is within a landscape designation it is also within the urban area as defined by the NLP and local development framework proposals map, and there is a presumption (within the development plan) in favour of its development for residential purposes.

3.7 That said it is appropriate to consider how the proposal performs in terms of the Landscape policy – does it make a positive contribution towards landscape regeneration?

3.8 The application site is readily seen in virtually its entirety when viewed from the other side of the Apedale valley from within the Country Park, it is also readily seen from other points around the site such as Apedale Road and the existing residential areas to the south and east of the application site. All these views have the backdrop of either the existing urban townscape of Chesterton and beyond or the existing industrial/ commercial uses/paraphernalia along or off Apedale Road together with the existing Brick Works beyond on Audley Road. Abutting the lower part of the application site is the White Rock NLP Policy 21 area which is referred in the section above and to date is undeveloped.

3.9 As stated above the applicants have an indicative layout plan in their submission and whilst this detail does not form part of this outline application it provides the decision maker with a useful reference document to see how the site could be developed.

3.10 The site, subject to approval, would be subject to some major land form alterations across the majority of the site. This would result in the formation of three distinct areas of landscape within the site, namely, an 'Urban Park' which would utilise the existing topography of former mineral workings with grass terraces and a play area; 'Residential Square' located at the southern part of the site again containing a play area; 'Natural Open Space' located the west and south, at the lower parts of the site, providing a more naturalised area with wetland habitats together providing areas for sustainable drainage methods. The remainder of the development would be best described as 'townscape'

3.11 All these proposed landscape areas provide opportunities for landscaping and tree planting within the proposed urban forms, they also provide opportunities for views from within site towards the Country Park.

3.12 The applicants have provided a Landscape and Visual Appraisal. It acknowledges the development will result in the loss of open landscape whilst still retaining and enhancing existing landscape features. The requirement to restore the former mineral extraction site, as required by planning condition, would if pursued result in the removal of some of the existing landscape features on the site. In other areas of the site existing tree cover would be lost as a result of the development, however the development provide opportunities to establish new areas of landscaping, for example the proposed Urban Park. The appraisal highlights the potential for views into and out of the application site and how the development could be designed to maintain the views from the site towards the Country Park and also provide physical link towards the Country Park.

3.13 The Landscape Development Section have no objection in principle to proposed development but they have raised concerns that the land remodelling would result in the loss of higher grade trees on the site.

3.14 Given the existing topography of the site it would be impossible to develop the site in an efficient manner which provides an acceptable level of density such as being proposed here, therefore on balance the loss of the trees, whilst it is unfortunate, is necessary to provide an efficient use of land. It is recommended that in any approval granted appropriate conditions are attached relating to the future landscape of the site which should include a suitable level of tree planting to assist in mitigating the loss of any existing trees together with tree protection measure for those to be retained.

3.15 In conclusion the proposal would have a noticeably impact / encroachment into the surrounding landscape, given it involves the development of a greenfield site which is highly visible when viewed from the adjacent Country Park on the opposite side of the valley, albeit having a backdrop of the existing townscape. Whilst the development would result in the removal of some of the existing landscape features on the site, the development provides the opportunity to create, retain and enhance other landscape features. Overall, subject to conditions regarding proposed landscaping, it is not considered that the proposed development would have such an adverse impact on the character or quality of the wider landscape to justify a refusal.

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

4.1 The site is located on the edge of the existing urban area with a number of existing uses either sharing a boundary with the application site or located in close proximity of the site, including a school and playing fields to the east, existing residential properties to the south, south west and north, Apedale Country Park some 400 metres to the south west and industrial/commercial uses on the opposite side of Apedale Road to the north west. The site abuts, to the south west saved NLP Policy C21 area "White Rock – Apedale Road" which is an area of approximately 13 hectares allocated for community leisure use. That policy advises planning permission may be given for a wide variety of leisure and recreational uses appropriate to the needs of the local community and in keeping with adjoining activity. It also advises that car parking for these uses must be on a limited scale and any application (for that site) should be accompanied by an environmental statement.

4.2 The application site being considered here slopes down from the high point on its eastern boundary to its lowest point western boundary, the ground levels difference between these points is approximately 44 metres over approximately 575 metres. Over parts of the site these level changes are relatively gentle whilst in the areas which were formerly used for mineral extraction the existing ground level changes are more severe.

4.3 If permitted the proposal would involve some major ground level changes to accommodate the residential development, although some of the existing landforms would be retained. For example the proposed urban park in the middle of the site is proposed to be sited on part of the site of the former mineral extraction area.

4.4 In pre application discussions, the applicants' agent advised that this re-profiling of ground levels on the site would not require any material to be either taken off site or imported on to the site although this is not referred in the application submission, clarification on this point has been sought.

4.5 Whilst this proposal seeks outline planning permission for residential development with all matters reserved for subsequent approval with the exception of the means of vehicular access into the site, the applicants have submitted an indicative layout plan and indicative street elevations. The applicants have provided this with their submission to demonstrate how they envisage the development of this challenging site could be achieved and demonstrating that up to 350 dwellings could be provided on the site with an acceptable density. Whilst not forming part of the application to be determined, the indicative layout plan does provide a useful guide to the decision maker.

4.6 Members should note that applicants for outline planning permission are required to include information on the *amount* of development proposed for each use referred to in the application. In the absence of any condition to the contrary any reserved matter would need to comply with and can refer to and draw support from the Design and Access Statement submitted with an application. Where an applicant indicates that the proposal is for up to a certain number of dwellings, in the event of outline planning permission being granted, unless a 'floor' or minimum number of units is imposed by a condition a reserved matters application seeking approval for any number of units up to the specified upper number would be in accordance with the outline planning permission. However if the Authority were to conclude that only a lesser number of dwellings would be appropriate, the appropriate course of action would be to refuse the application detailing the basis for this conclusion.

4.7 The indicative layout shows the proposed vehicular access from Apedale Road serving an indicative internal road network laid out in an irregular 'figure of eight' format with secondary shorter residential roads off both the inner and outer edges of this arrangement and the proposed urban park within the larger loop and a play area adjacent to the smaller loop.

4.8 The indicative layout also shows how the proposed development could connect through pedestrian links with the existing uses around the site including the residential areas to the east and south and the school premises to north, however, some of these links involve land that is owned by third parties and are not to public highways.

4.9 The submission also includes some indicative elevational details for the proposed residential development and whilst not forming part of the formal submission to be considered at this stage it does give the decision maker an opportunity to understand how the site could be developed in the future and how the topography of the site could accommodate residential development showing differing house styles with varying roofscapes and the use of palette of different surface materials finishes.

4.10 Taking all of the above into account it is considered that the site does have the potential to accommodate the number of units which the application seeks consent for, subject to the details being satisfactory.

4.11 The main principles of the proposed design and layout of the site are outlined in the Design and Access Statement. The content of that document is considered appropriate as a basis for the reserved matters submission and therefore, a condition is recommended requiring any subsequent reserved matters applications to be in accordance with the principles of the Design and Access Statement.

5. Would the proposed development have any adverse impact upon highway safety, does the development promote sustainable transport choices and, if so, how does this need to be secured?

5.1 This application is for outline planning permission with all matters of detail reserved for subsequent approval with the exception of the means of vehicular access to the application site from the existing highway network. The internal on site access arrangements are not part of the submission.

5.2 The proposed single vehicular access would be off Apedale Road between the existing terraced properties on that road and its junction with Rowhurst Close. The new highway would be on a gentle curve in effect diverting the existing Apedale Road into the site and providing a spur junction off this curve to continue Apedale Road towards the Country Park, etc.

5.3 The development would obviously increase the useage of Apedale Road and would place demands on its junction with Audley Road (known as the 'Eagle and Child' junction). Improvements to this junction are being proposed, these are relatively straightforward improvements involving the alteration of the position of the Stop Line and changes in road markings.

5.4 Members will be aware that a section of Apedale Road has an existing traffic weight restriction imposed on it which is the subject of various signs. This prohibits the use of the road by vehicles of over 7.5 tonnes other than for access purposes to properties that lie within the frontage covered by the Order. Heavy Commercial vehicles (HCVs) can use Rowhurst Close and Watermills Road to access Audley Road. Some concerns have been expressed regarding the development construction traffic having to use Apedale Road, it is considered this could be adequately controlled by a suitably worded condition relating to the route for HCV construction traffic. A wheel wash or similar to reduce mud and debris being deposited on the public highway could be required by a condition.

5.5 During the determination period of the application discussions and negotiations have taken place which has resulted in the Highway Authority recommending a condition (one of several conditions they are recommending) which relates to an off site traffic management scheme comprising a signage scheme detailing the permitted routeing for HCVs accessing and leaving Apedale Business Park. It is considered the alteration to the proposed re-alignment of Apedale Road together with proposed signage would assist in making the use of the Apedale Road less attractive by HCVs.

5.6 In terms of the sustainability of the site in transport terms, as already indicated it is located immediately adjacent to the existing urban area of Chesterton which has a number of services and facilities which could serve any new development and with a number of public transport links to the major urban areas beyond. Whilst this proposal is for outline planning permission and as such the detail of the final development is to be subsequently approved this submission indicates a number of potential pedestrian/cycle links to the surrounding existing uses. The applicant has advised, within their submission, their wish to extend one of the existing public transport (bus) routes into their site. A travel plan has accompanied the application, as an appendix to the submitted Transport Assessment. The travel plan would promote sustainability of the development including promoting the existing and proposed public transport links and the provision of a “welcome pack” to the new householders on the site which promotes sustainable modes of transports open to new residents.

5.7 It is considered the site is a sustainable location in easy reach of surrounding services and facilities and the proposal would enhance this sustainability by providing an improved bus service together with permeability to, through, and from the site. Conditions would however need to be appropriately worded to ensure that this critical permeability is achieved.

5.8 The Highway Authority supports the extended bus route and travel plan monitoring and they are also recommending an NTADS contribution in the sum of £193,313 should be sought, all of these could be secured by means of a planning obligation.

5.9 It is considered these requests would be fully in line with development plan policy and the Core Strategy. Planning obligations must pass certain statutory tests as set out in the CIL Regulations. It also considered the requested obligations meet the statutory tests and as such should be sought in this case.

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

6.1 Staffordshire County Council as the Education Authority, and the body charged with ensuring sufficient school places, advises the development site falls within the catchment of Churchfields Primary School and Chesterton Community Sports College. They advise a development of the scale proposed could generate an additional 74 Primary School aged pupils, 52 High School aged pupils and 10 Sixth Form aged pupils

6.2 They have requested an education contribution for a development of £816,294 based on the primary school places advising that whilst the development would place pressure on High School places, current demographics indicate that the school should be able to accommodate the likely demand from pupils generated by the development.

6.3 The comments are made based on the development providing 350 dwellings and if that number were to be different or the number of affordable houses change, a revised calculation will be necessary.

6.4 The number of children attributable to the proposed housing and the contribution per pupil place has been calculated using the methodology set out within Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated for 2008/09.

6.5 The statutory tests in the CIL Regulations which planning obligations must pass require that a planning obligation should be:-

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

The calculations have a clear and reasonable rationale and it is considered that the CIL tests are met. Accordingly the education contribution sought is considered reasonable.

7. Can adequate provision be made to deliver affordable housing on the site?

7.1 Policy CSP6 of the CSS states that new residential development within the urban area, on sites or parts of sites proposed to (accommodate), 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. With a maximum of 350 units this would therefore equate to approximately 87 units.

7.2 The Affordable Housing Supplementary Planning Document specifies the detailed requirements of the make up of the units with the following as a general principle,

7.3 Developers would be expected to provide the affordable housing within a development across the same range of housing types as the market housing on a pro rata basis'

7.4 In terms of the tenure mix of the affordable housing, a policy compliant scheme would provide approximately 52 social rented units and approximately 35 shared ownership units (based on 350 units being provided on the site).

7.5 The applicants' agents in their submission advises that, subject to the viability of the proposal, the applicant will enter into an obligation to provide up to 25% of the dwellings for affordable housing in line with the adopted Supplementary Planning Document and Policy CSP6 of the CSS. They also advise the delivery by a registered provider, timing of its provision and nomination requirement would be delivered by a suitable section 106 obligation. The provision of affordable housing provision on the site is discussed further in the viability section of the report.

8. What are the ecological implications of the development and are they acceptable?

8.1 The application is supported by Phase 1 Habitat Survey and Ecological Mitigation Plan. The Habitat Survey identifies a number of protected species and their habitats across the application site. The Mitigation Plan proposes a number of ecological techniques including relocation (under licence) and creation of alternative habitats and habitats sites.

8.2 The County Ecologist does not raise an objection to the proposal subject to conditions and as such there are no sustainable reasons to resist the proposal due to the adverse impact on the ecology of the site.

9. What are the implications of the development for archaeological interests and are they acceptable?

9.1 The application site is located adjacent to a known archaeological feature namely a Roman Fort adjacent to the school premises. The application is accompanied by an Archaeological Desk Based Assessment.

9.2 Staffordshire County Council's Archaeologist has been consulted in this respect and advises the submitted Assessment conforms to the Institute for Archaeologists standard and guidance for Historic Environment Desk-Based Assessments (2012).

9.3 They also advise the application site lies within area of demonstrable archaeological potential due to the proximity of the Roman Fort at Chesterton and its extent has not, to date, been adequately charted.

9.4 Given the above they are recommending a condition is attached to any consent requiring an archaeological evaluation be undertaken in advance of any construction groundworks being undertaken. This work should be carried out sufficiently in advance to inform the need for and scope of any further archaeological mitigation. This approach is supported by the advice found in the National Planning Policy Framework.

9.5 Given the conditional support of the Authority's expert consultee there are no sustainable reasons to resist the proposal due to the impact on any archaeological grounds. The views of CAWP are being obtained and will be reported to the Committee.

10. Would there be any issues of flood risk?

10.1 A Flood Risk Assessment (FRA) submitted to accompany the application advises the majority of the site is within Flood Zone 1 being an area of low probability (of flooding) with the lower lying sections of the site being in Flood Zones 2 and 3 adjacent to the route of the Lyme Brook. The built development proposal would be located in Flood Zone 1 area being the preferable option when considered in context of the sequential test found in the National Planning Policy Framework.

10.2 The development proposes a number of sustainable drainage options including SUDS channels and basin together with permeable surfacing, etc.

10.3 The Environment Agency has no objections to the proposal subject to conditions including a requirement to carry out the development in accordance with the FRA and the mitigation measures included within the FRA. Subject to the imposition of conditions, it is not considered that an objection could be sustained on the grounds of flood risk.

11. Will appropriate open space provision be made?

11.1 The saved NLP Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing, and its maintenance must be secured.

11.2 As stated above three distinct areas are proposed as open space provision. These areas have a variety of formal and informal uses, are located appropriately within the site for the future occupiers of the site and existing residential users surrounding the site.

11.3 The amount of publicly assessable open space being proposed is in compliance with the NLP policy. The Landscape Development section (LDS) have no objection in principle to proposed development advising the submitted details shows the provision of a Local Equipped Area for Play (LEAP) and two Local Area for Play (LAP) which are can be naturally surveyed by the proposed housing and provide links in to the surrounding landscape from the proposed open spaces on the site. The LDS are also recommending either a maintenance contribution is sought to the value of £672,000 payable on transfer of the land after it has been formally laid out and maintained for a 12 month minimum period or alternatively a management agreement is secured for the long term maintenance of the open spaces areas.

11.4 Again the suggested above contribution must pass the statutory test set out in the CIL regulations, as set out in the section above. The calculations have a clear and reasonable rationale and it is considered that the CIL tests are met. Accordingly the open space maintenance contribution sought is considered reasonable. There is no reason not to give the developer the choice of which option to take up.

12. Would some lesser or nil contributions towards the cost of addressing the above issues be justified given issues of viability ?

12.1 As indicated above, to comply with policy, certain contributions would be required to make the development acceptable. These are either financial contributions or ones in kind, but they are all capable of being costed, and they would be considered by a developer to be "additional" costs. These are, in no particular order, the provision of affordable housing (an uncalculated but very significant value relative to the other contributions), financial contributions towards NTADS, extended bus service, travel plan monitoring fee, and provision for additional educational capacity. That for the maintenance of the open space on the site can be considered to fall into a different category – I tis more for the provision of a service (the adoption of the open space within the development).The financial contributions would total up to £2,037,807 (or just over £5800 per unit). This excludes the cost of the affordable housing provision.

12.2 A Viability Assessment has been submitted with the application which concludes that a policy compliant development would not be viable The assessment concludes that the development could support a reduced financial contribution and reduced affordable housing provision.

12.3 The assessment indicates the level of financial contributions the development could provide and still be viable would be approximately 90% of the policy compliant requirement (circa. £1.8 million or

£5,272 per dwelling). The level of affordable housing being offered is 10% of the total number of dwellings (i.e. 35 based on 350 dwellings) – the policy compliant position is 25% of the total number of dwellings (i.e. approximately 87 dwellings).

12.4 It is acknowledged that in some circumstances an applicant may believe that what is being asked for by the Council will render a development unviable. The Developer Contributions SPD, adopted by the Borough Council in September 2007, has a section on the issue of “viability” and it starts with the point that any developer contributions required will need to comply with the tests set out in the circular, which include those of fairness and being reasonably related in scale and kind to the proposed development, and reasonable in all other respects.

12.5 The Council’s position is that in such circumstances, for the Council to be persuaded to reduce its requirements, the onus is upon the applicant to justify why and how special circumstances apply. A list of the type of information which an applicant might consider useful to demonstrate why the Council’s requirements are too onerous is provided and it is indicated that negotiations over the level of and nature of contributions will be assessed on a ‘site by site’ basis, having regard to a financial appraisal (which may be informed by independent advice) and that such negotiations will need to take account of the economics of the development and other national, regional, and local planning objectives that may affect the economic viability of the proposal.

12.6 On request, the applicant in this case has submitted financial information to substantiate their claim that the Council’s requirements as an LPA (of which affordable housing is one part) would render a policy compliant scheme unviable. The information submitted has been sent by your officers to the District Valuer (an independent third party who has the skills required to assess financial information in connection with development proposals) for further advice.

12.7 As indicated above the contributions being sought 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.

12.8 Local Planning Authorities are advised in the NPPF to take account of changes in market conditions over time and, where appropriate, be sufficiently flexible to prevent planned development being stalled. It has been indicated the development, if granted, would be provided in three building stages and with this in mind your officers have discussed with those consultees who have requested contributions the potential of phasing the financial contribution payments over the life of the development.

12.9 The principle underlying the timing of contributions is that payment should be made so that the needs and impacts arising from new development are addressed *before* they arise. As a consequence these contributions are normally required to be paid prior to development commencing, but the Developer Contributions SPD itself recognises that in the case of major phased developments, contributions may be paid in instalments on the commencement of each phase. It is important to note that most contributions are index linked – so as to allow for any inflation – for example in the costs of providing school places. The consultees have not raised an objection to the idea of phasing payments and the general consensus is the payments could be split into thirds – a third paid prior to commencement of the development, a third paid prior to the commencement of the 120th dwelling and a third paid prior to the commencement of the 240th dwelling. This assumes that the development as eventually built is for the full 350 units referred to in the application.

12.10 The contributions for NTADS and the educational provision contribution payment would it is suggested be equally split across the three phases. Whilst the extended bus service contribution could be split across the three phases it is considered that a higher percentage of the payment should be paid earlier in the development period to reflect the greater need to subsidise and support the bus services early on in the development at the point where there can be expected to be the greatest gap between takings and costs. The POS maintenance contribution would be required to be paid on the transfer of these areas after these areas have been laid out and maintained for a minimum of 12 months, thus this timing of this payment, to a degree, would be in the hands of the developer, although early payment should be encouraged or a financial bond be put in place to guarantee this payment. Alternatively the applicant has suggested these areas could be subject to a management

plan /agreement with the future occupiers of the site and as indicated above your Officer considers either option acceptable. It is considered the Travel Plan monitoring fee should be paid prior to any development commencing.

12.11 This flexible approach to the phasing of Section 106 payments has been shared with the applicants, their agent and the District Valuer and will feed into the financial assessment and its appraisal and may result in an increase the level of contributions provided whether those are in kind or financial. .

12.12 At the time of writing the advice of the District Valuer is still awaited (there having been a prolonged exchange of correspondence between the parties over the last couple of months), but your officer now have good reason to believe that within the next week at least draft advice from the District Valuer will have been received. That advice will however need to be properly considered and it may well be necessary for your Officer to seek clarification on its contents, or even to ask the District Valuer to consider new aspects. Accordingly there is a strong possibility that it may be considered necessary to ask the Committee to defer a decision on this application at the meeting on the 28th January. At this stage it is considered premature to give further advice, other than to remind members that it may well be that there is evidence that if the Council were to pursue the policy compliant position relating to affordable housing and the financial contributions the development would simply not happen, and accordingly no contribution would be received. This would mean that much needed housing development would not take place in part of the district where there continues to be a need to pursue the regeneration of the area, and where residential development is likely to bring benefits in terms of increased trade to the local District Centre in Chesterton The Authority is accordingly faced with a dilemma. Your Officer's view is that provided the viability case is established with evidence verified by the District Valuer there are sufficient circumstances here, to justify accepting the development with reduced contributions reflecting the level of contribution which the development can support.

12.13 That said market conditions, and thus viability can change. On this basis it would be quite reasonable and necessary for the LPA to require the independent financial assessment of the scheme to be reviewed (and the level of contributions and affordable housing adjusted to reflect the findings) given the proposal would be delivered in phases. Similarly should there not be a substantial commencement of any phase of the development, as opposed to just a 'commencement', within an appropriate period then equally it would be appropriate to require the same. All of these matters would need to be secured via a Section 106 agreement.

13. 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?

13.1 The development would result in some local impact on the character and appearance of the area specifically the landscape impact. However the proposal represents sustainable development which would make a significant contribution towards addressing the 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. On this basis the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. Evidence validated by the Authority's adviser (the District Valuer) is expected to come forward to demonstrate that a fully policy compliant development would not at this moment in time be viable and what level of contributions it could support. Having regard both to the contribution that the development would make to the supply of housing land, and the further regeneration of Chesterton, it is considered appropriate to grant planning permission for the development on this basis.

Background Papers

Planning file
Planning documents referred to

Date report prepared

17th January, 2014