

**LAND AROUND WILMOT DRIVE ESTATE, LOWER MILEHOUSE LANE  
KIER LIVING LTD**

**17/00281/FUL**

The application is for full planning permission for the erection of 276 dwellings, public open space and associated infrastructure works.

The application site, of approximately 8.73 hectares in extent, is in the Newcastle Urban Central Neighbourhood as indicated on the Local Development Framework Proposals Map.

**The 13 week period for the determination of this application expired on the 3<sup>rd</sup> July 2017.**

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## **RECOMMENDATION**

**(A) Subject to the applicant entering into a Section 106 obligation by 25<sup>th</sup> August 2017 to secure the following:**

- i. A commuted off-site affordable housing contribution of £92,957 (index linked) to be paid in three equal payments which is to be ring-fenced for five years for Aspire Housing Ltd**
- ii. A financial contribution of £60,000 (index linked) for the provision/maintenance of a Multi-Use Games Area (MUGA)**
- iii. A travel plan monitoring fee of £6,430**
- iv. Management agreement for the long-term maintenance of the public open space on the site**
- v. The review of the financial assessment of the scheme, if there is no substantial commencement (which will be defined in the obligation) within a period, yet to be advised, of the grant of planning permission, and additional contributions then being made, up to a policy compliant level, if the scheme is evaluated at that time to be able to support such a contribution.**

**Permit subject to conditions concerning the following matters:**

- 1. Standard time limit**
- 2. Approved plans**
- 3. The reporting of unexpected contamination**
- 4. Controls over the importation of soil/material**
- 5. Submission and implementation of a remediation scheme**
- 6. Construction and Environmental Management Plan (addressing environmental and highway safety)**
- 7. Controls over piling**
- 8. Internal and external noise levels**
- 9. Landscaping scheme to include additional trees, the number of each species of tree, and provision of additional larger growing trees, to mitigate the loss of trees arising from the development.**
- 10. Providing fencing and a gate to the access to the substation.**
- 11. Provision of suitable boundary treatments where gardens back onto the cycle/footpath**
- 12. Off-site improvements to the signalised junction of Lower Milehouse Lane and the Morrisons store.**
- 13. Surfacing of driveways prior to occupation.**
- 14. Travel Plan**
- 15. Prior approval of the rear boundary treatment to plots 163-164**
- 16. Prior approval of a gate to the substation on Breedon Close**
- 17. Prior approval of the precise facing materials**
- 18. Any additional conditions considered appropriate by your Officer to deal with matters of tree protection, surface water drainage and noise mitigation**

**B) Should the matters referred to in (i), (ii), (iii), (iv), and (v) 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 matters being secured the development would fail to secure an appropriate level of affordable housing, the provision and management of public open space, and measures to ensure that the development achieves sustainable development outcomes, and without a review mechanism there would be no up to date justification for a development with no policy compliant affordable housing provision, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.**

## **Reason for Recommendation**

This site is in a highly sustainable location and the principle of residential redevelopment is considered to be acceptable. The development is not fully compliant with policy as set out in the Knutton and Cross Heath Supplementary Planning document; will not provide a policy compliant

amount of affordable housing off site (as such a requirement would render the development unviable) and the recommendation that the off-site commuted sum is ring-fenced for a limited period for Aspire Housings. It will result in the loss of some trees. However it is not considered that such adverse impacts of the development significantly and demonstrably outweigh the benefits identified below. Accordingly permission should be granted provided the affordable housing commuted sum, public open space contribution and management agreement, travel plan monitoring fee, and reappraisal mechanism as indicated in the recommendation are secured.

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

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

### **Key Issues**

1.1 Full planning permission is sought for the demolition of existing buildings, the erection of 276 dwellings, public open space and associated infrastructure works.

1.2 The application site, of approximately 8.73 hectares in extent, is land that has been cleared of housing approximately 10 years ago and is located off Wilmot Drive.

1.3 The Lead Local Flood Authority has requested additional and updated information which, it is understood, has been provided by the applicant and on the basis of the informal comments of the LLFA to date it is not considered that flood risk is a key issue for consideration. The main issues for consideration in the determination of this application are therefore:-

- Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?
- Is the proposed housing mix appropriate for this location, is affordable housing provision required, and if so how should it be delivered?
- Would the proposed development have a significant adverse impact on the character and appearance of the area?
- Does the proposed development have an acceptable relationship with existing properties and does the proposal also provide appropriate standards of residential amenity for the occupiers of the development?
- Will appropriate open space provision be made?
- Would the proposed development have any material adverse impact upon highway safety?
- What planning obligations are considered necessary and lawful?
- Would some lesser or nil 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 this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?**

2.1 Core Spatial Strategy (CSS) Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say 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.

2.2 CSS Policy ASP5 sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and an indicative target of at least 3,200 dwellings within the Newcastle Urban Central Neighbourhood where the site is located.

2.3 Furthermore, NLP Policy H1 only supports housing in limited circumstances - principally within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

2.4 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that, unless material considerations indicate otherwise, where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole.

2.5 The Council is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF). 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.*

2.6 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.

2.7 In terms of sustainability, the site is located close to the Knutton village with the facilities and services it has to offer. In addition the site is relatively close to Newcastle Town Centre and there is a good bus service from close to the site to Newcastle. It is considered that this site represents a sustainable location therefore. As such the starting point is a presumption in favour of the development unless any adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits when assess against the policies in the NPPF taken as a whole.

3. Is the proposed housing mix appropriate for this location, is affordable housing provision required, and if so how should it be delivered?

3.1 The site formerly contained inter-war social housing which, despite benefiting from a number of regeneration initiatives in the past, remained stigmatised and unpopular. The consequence of this was a large number of the houses on the estate were demolished, as part of the Renew Pathfinder Programme, to pave the way for a comprehensive redevelopment scheme.

3.2 The Knutton and Cross Heath Supplementary Planning Document (KCH SPD) identifies the site as a key development site with a unique opportunity for remodelling to create a new family environment with a mix of residential property types and tenures to avoid the recreation of the social issues associated with the area in the past. The KCH SPD indicates that the buildings should largely be domestic in scale with the majority of properties consisting of 3-4 bedroom family houses, but an element of 2 bedroom bungalows and 1-2 bedroom apartments should also be provided.

3.3 The proposed development consists of approximately 73% of 3 and 4 bedroom family homes. The remaining properties within the proposal are 2 bedroom two storey dwellings. As such there are no 2 bedroom bungalows or apartments within the development. Nonetheless it is considered that the mix of house types proposed is acceptable in this location bearing in mind that bungalows have been provided on the housing development opposite this site. The lack of apartments as proposed is not considered to be harmful or unacceptable in this case.

3.4 CSS Policy CSP6 states that residential development within the urban area, on sites of 15 dwellings or more will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided. Within the plan area the affordable housing mix will be negotiated on a site by site basis to reflect the nature of development and local needs.

3.5 This application proposes 276 dwellings and at 25% provision for affordable housing, 69 affordable dwellings would be required. The KCH SPD, however, indicated that developers should include an element of affordable housing within proposals to develop the site but, given the over

dominance of social and rented housing in the area, 10% should be provided (rather than the affordable policy requirement of 25%) as aspirational housing in the form of shared ownership schemes.

3.5 The applicant, supported by their partner Aspire Housing, does not wish to provide any affordable housing within the development indicating that affordable housing need would be met through a financial contribution towards off-site provision. Whilst not in accordance with the KCH SPD, in recognition of the level of affordable housing in the Knutton and Cross Heath Area it is considered that the proposal would be acceptable without any affordable housing provision on site but with affordable housing being provided elsewhere within the Borough through a commuted sum.

3.6 Whilst the Affordable Housing SPD does not advocate such an approach, it is considered that it would be appropriate to ring-fence the off-site affordable housing commuted sum for Aspire Housing so that they can construct additional affordable housing units elsewhere in recognition of the housing stock lost by them as a result of demolitions that took place. It is considered that five years is an appropriate period of time after which time, if Aspire have been unable to spend the money, the Council could then engage with another Registered Social Landlord.

#### 4. Would the proposed development have a significant adverse impact on the character and appearance of the area?

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

4.2 The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered that it is consistent with the NPPF and therefore, can be given weight. At R3 it indicates that new housing should relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

4.3 Prior to the submission of the application the proposal was taken to MADE, an independent Design Review Panel, who considered that a good start had been made in approaching the development of this site and some of the principles that the Panel were looking for were evident, but they had some suggestions as to how the development should be amended. The proposal has been amended and the layout differs from that upon which MADE commented.

4.4 The proposed layout is based around the two existing access points from Lower Milehouse Lane providing a main loop route through the development. This main route is to be aligned with swale verges forming part of the sustainable drainage system. A series of interconnected streets are proposed from the main route around the perimeter of the site and within the centre of the development. Very few dwellings are located on cul-de-sacs (30 in total) within the proposed layout.

4.5 The developer has identified three character areas within the site in the proposed layout.

4.6 The Perimeter Zone runs along the northern boundary which includes trees and hedges that separate the site from the industrial area of Lymedale Cross. The houses within this zone are primarily detached and semi-detached properties.

4.7 The Green Connection Zone runs along the open space on the western boundary which forms part of the Lymedale Industrial Estate structural landscaping. This zone is connected to the cycle-path/footpath that runs along the western boundary at two points towards the northern end of the site. The houses within this zone are primarily detached properties.

4.8 The Village Character Zone is in the heart of the development and connects to the local amenities and existing bus routes along Lower Milehouse Lane. This zone is shown to be more densely developed consisting of primarily semi-detached and terraced properties.

4.9 Overall the density is approximately 32 dwellings per hectare which is compliant with the development density for this site set out in KCH SPD which indicates that the appropriate development density for this site is 30-40 dwellings per hectare.

4.10 A consistent design has been adopted across the development. The proposed dwellings are two storeys in scale of brick and tile construction with some use of render. The design does not replicate the contemporary approach adopted within the residential development opposite (the Collins and Aikman site) but through the use of larger window sizes and dark grey finishes to windows the design links to that development whilst also referencing the more traditional design of the remaining dwellings of the Wilmot Drive estate.

4.11 The design and appearance of the dwellings as proposed is therefore considered to be appropriate for this location.

4.12 The development will result in the loss of some existing trees from within the site but trees along the northern boundary, which soften the appearance of the large industrial buildings adjoining the site, are shown to be retained. The Landscape Development Section (LDS) has raised concern that the Root Protection Areas for these groups of trees on the northern (and western boundaries) are much larger than has been identified and the proposed roads will require the loss of more trees than has been shown. In response to this additional information has been provided and the further comments of the LDS sought. There are, however, opportunities to mitigate any loss of trees with replacement tree planting and as such the impact of the loss of the trees would reduce over time as the replacement trees establish and grow.

5. Does the proposed development have an acceptable relationship with existing properties and does the proposal also provide appropriate standards of residential amenity for the occupiers of the development?

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

5.2 With respect to the interrelationship of the proposed dwellings with the existing properties, it is considered that sufficient distance would be achieved to comply with the Council's Space Around Dwellings SPG.

5.3 The proposed dwellings would generally provide amenity areas which comply with the lengths/areas recommended in the SPG. Although there are a limited number of dwellings that have a garden length or area marginally less than the recommended figures, the level of private amenity space would be sufficient for the family dwellings proposed.

5.4 The site is located close to Lymedale Cross and Lymedale Industrial Estate where there are businesses that operate on a 24 hour basis and in light of this the Environmental Health Division (EHD) have requested an assessment of the noise impact of such operations. As yet EHD has not confirmed that they have been provided with a suitable assessment and that their objection, reported below, has been withdrawn. Notwithstanding this, noise mitigation measures, including the construction of an acoustic bund/fence along the northern boundary, were secured as a requirement of planning permissions granted for such employment development and have been provided. Such mitigation measures were designed to achieve acceptable noise levels and living conditions for the occupiers of the Wilmot Drive estate as it then existed and it is therefore anticipated that this issue can be addressed through suitable design measures secured by condition.

5.5 Overall, the development is considered acceptable having regard to residential amenity.

6. Will appropriate open space provision be made?

6.1 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.

6.2 An area of public open space is proposed along the northern and western boundaries of the site providing a green buffer on the outer edges of the development. In addition an amenity/play area is proposed in the heart of the development in a location where a group of mature trees are located, four of which are currently shown to be retained.

6.3 The Landscape Development Section (LDS) has raised concerns about the proposed play area due to it not being designed to the current standards that the Council apply as set out within the recently adopted Open Space Strategy (which are the 'Fields in Trust' standards). The play area as designed is substandard in respect of the depth of the buffer zone between the activity zone and the habitable façade of nearby dwellings as only 10m rather than 20m is provided given that the play provision is spread across the area around the trees to be retained. In addition play provision doesn't include 5 different types of play 'experience'.

6.4 To address the shortfall the developer has suggested that area where the play experiences are to be located is reduced and sited more centrally within the amenity space. This would achieve a buffer zone of the required depth and still provide a suitably sized area where 'equipment' is provided. In addition, in discussion with the LDS, it is considered that a play area could be provided without further loss of trees (or loss of dwellings). In this regard the proposal is acceptable.

6.5 The LDS have also requested that in addition to the play area to be provided on site it will also be necessary to secure a contribution for the capital development/improvement of off-site green space which is a Multi-Use Games Area. In principle, given the scale of the development, this is considered to be a reasonable request to ensure that the open space needs of the occupiers of the development are met.

6.6 In light of the above it is not considered that an objection could be raised to proposal on the basis of inadequate open space provision provided that an appropriately designed play area is secured through a condition of any planning permission granted.

## 7. Would the proposed development have any material adverse impact upon highway safety?

7.1 The application is supported by a detailed Transport Assessment (TA) considers the site against current guidance and policies. It assesses the proposal that the development is to be access via the two Wilmot Drive junctions and the capacity of additional junctions on the wider highway network to accommodate the traffic generated by the proposed development. The TA concludes that the development is acceptable and will not have any adverse impact on the surrounding network from and capacity and safety perspective. The Highway Authority is generally in agreement with the conclusions of the TA and in accordance with national policy subject to improvements to the signalised junction of Lower Milehouse Lane with the Morrison's access road to improve capacity they have no objections.

7.2 Policy T16 states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on street parking or traffic problem. Maximum parking standards are provided, within table 3.2 of Appendix 3, which sets the level of parking for 2 spaces for 2 or 3 bedroom dwellings and 3 spaces for dwellings with 4 or more bedrooms. The maximum standards are achieved within this development as proposed.

7.3 Overall the development is considered to be acceptable and would not result in any unacceptable highway safety concerns.

## 8. What planning obligations are considered necessary and lawful?

8.1 Section 122 of the Community Infrastructure Levy Regulations states that planning obligations should only be sought where they meet all of the following tests:

- 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

8.2 The applicant has confirmed, subject to consideration of the viability of the development their willingness to agree to the provision of 25% affordable housing off-site through a commuted sum. In addition, the Highway Authority has requested a travel plan monitoring fee of £6,430, the Landscape Development Section (LDS) has requested a contribution of £60,000 towards off-site public open space in the form of a Multi-Use Games Area (MUGA). These are all considered to meet the tests identified in paragraph 204 of the NPPF and are compliant with Section 122 of the Community Infrastructure Levy Regulations. In addition they are considered to be compliant with Regulation 123 of the Regulations as the contributions that are required are not in respect of a specific infrastructure project or a type of infrastructure for which five or more obligations providing for the funding for that project or type of infrastructure have already been entered into since 6 April 2010.

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

9.1 As indicated above, to comply with policy, certain contributions would be required. 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 not fully support financial contributions or affordable housing provision required to satisfy policy.

9.2 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 then circular on planning obligations, which include those of fairness and being reasonably related in scale and kind to the proposed development, and reasonable in all other respects. Although the circular has since been superseded the principles continue to apply.

9.3 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.

9.4 The applicant in this case has submitted financial information to substantiate their claim that the Council's requirements as an LPA would render a policy compliant scheme unviable. The information submitted has been sent by your officers to the District Valuer (DVS) (an independent third party who has the skills required to assess financial information in connection with development proposals) for further advice. There have been discussions between the DVS and the applicants' agents with a range of supporting material being provided.

9.5 As indicated above the contributions and affordable housing being sought are ones which make the development policy compliant and ‘sustainable’.

9.6 The DVS has calculated that the cost of providing the full 25% affordable housing off-site as £2,605,247 and has concluded that the development would be unviable if such a contribution were to be sought and policy compliant contributions were to be secured. The scheme could, however, support £996,000 of contributions in three equal payments at stages of the development, whilst maintaining viability .

9.7 Any consideration of the issue of the level of Section 106 contributions has to be in the context of the National Planning Policy Framework (NPPF) which postdates the Developer Contributions SPD. The NPPF indicates that *“to ensure viability, the costs of any requirement likely to be applied to the development, such as requirements for affordable housing, standards, infrastructure, contributions or other requirements, should, when taking into account of the normal cost of development and*



*mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable (para 173).*

9.8 The NPPF goes on to indicate that *"local authorities should take account of market conditions over time, and where appropriate, be sufficiently flexible to prevent planned development being stalled"* (para 205).

9.9 Every indication is that if the Council were to pursue the full amount of affordable housing and open space and travel plan monitoring contributions the development would not happen. Your Officer's view is that given the advice received from the DVS, there are sufficient circumstances here to justify accepting the development without the obligations that would be required to make the development policy compliant but it will be necessary to decide how the £996,000 should be spent.

9.10 In this case it is considered that in addition to £6,430 for the Travel Plan monitoring fee it is considered appropriate to secure the £60,000 towards the provision and maintenance of the MUGA so that the public open space needs arising from the development are met. This would leave £929,570 for the off-site affordable housing commuted sum which would equate to the provision of approximately 24 dwellings, as opposed to the 69 which 25% provision would represent.

10. 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?

10.1 The proposal represents sustainable development which would make a significant contribution towards addressing the undersupply of housing in the Borough. There are also economic benefits associated with the construction of the dwellings and the expenditure of the new households. The other main benefit is the introduction of open market houses in an area where there has historically, and remains, a high number of social housing which will redress the imbalance in the tenure mix that there currently is and which was the reason for the demolitions that have taken place. Such benefits can be given considerable weight in the determination of the planning application.

10.2 Due to issues of viability it is not possible to secure a commuted sum to provide a policy requirement amount of affordable housing off site. Some provision will be secured, however, and on that basis it is considered that only moderate weight should be given to this adverse impact. The proposal will result in the loss of some trees, but such loss can be mitigated by tree planting within the development site and as such this harm should be attributed little weight. No bungalows or apartments are provided as indicated within the KCH SPD but this is not considered to be harmful.

10.3 Overall it is considered that the adverse impacts that have been identified 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 are obtained and appropriate conditions are used, as recommended.

## APPENDIX

### **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 N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas
Policy IM1	Provision of Essential Supporting Infrastructure and Community Facilities

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

National Planning Policy

National Planning Policy Framework (NPPF) (2012)

Planning Practice Guidance (March 2014)

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

Supplementary Planning Guidance/Documents

Knutton & Cross Heath Development Sites (Phase 1) SPD (2008)

Developer contributions SPD (September 2007)

Affordable Housing SPD (2009)

Space Around Dwellings SPG (SAD) (July 2004)

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

Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan

Waste Management and Recycling Planning Practice Guidance Note approved in 2003 and last updated in February 2016

Relevant Planning History

None

Views of Consultees

The **Environmental Health Division** has no concerns with regard to land contamination. With regard to noise a further noise impact assessment has been requested concerning the activities from the adjoining twenty four hour warehouse and they currently object to the application. In the event that this objection is overcome, the following conditions are requested:

- The reporting of unexpected contamination
- Controls over the importation of soil/material
- Submission and implementation of a remediation scheme
- Construction and Environmental Management Plan
- Controls over piling
- Noise levels

The **Landscape Development Section** has expressed concerns that the Root Protection Areas for trees on the northern and western boundaries of the site, which provide an essential foil to the large industrial buildings adjoining and an important buffer to the cycleway, are larger than shown and that more trees will be lost. They request that measured RPA should be shown and existing and proposed levels provided. There are no objections in principle to the proposed landscaping however it is difficult to determine the number of each species of tree that is proposed and this information is requested. In addition sufficient larger growing species should be planted to mitigate the loss of existing trees and further tree planting should be provided on the western boundary to mitigate the loss of trees adjacent to cycleway. The proposed play area doesn't meet the Fields in Trust LEAP criteria as required in respect the required buffer zones for the adjacent dwellings and amount of play equipment. In addition to the LEAP, a contribution for capital development/improvement of off-site green space at a rate of £2,943 per dwelling is also required, however they have subsequently revised this to a request for £60,000 for the provision and future maintenance of a Multi-Use Games Area (MUGA).

The **Education Authority** advises that this development falls within the catchments of Knutton, St. Mary's C of E Academy and Newcastle Academy.

The development is scheduled to provide 276 dwellings. A development of this size could add 58 Primary School aged pupils, 41 High School aged pupils and 8 Sixth Form aged pupils.

All schools are projected to have sufficient space to accommodate the likely demand from pupils generated by the development.

The **Crime Prevention Design Advisor** welcomes the proposal for the redevelopment of the site for open market sale housing in line with the Local Planning Authority's desire to provide a better balance between owner occupied and social rental housing in the locality. A number of Designing Out Crime attributes are included within the Design and Access Statement and layout but there are a few locations that might lend themselves to anti-social behaviour and the following suggestions are made:-

- Providing fencing and a gate to the access to the substation.
- Avoiding areas unallocated at rear of properties
- Provision of suitable boundary treatments where gardens back onto the cycle/footpath

The **Lead Local Flood Authority** has requested additional information which the applicant is in the process of providing.

**Severn Trent Water** has no objections subject to conditions requiring drainage plans for the disposal of foul and surface water flows.

The **Highway Authority** has no objections subject to conditions relating to the following:

- Off-site improvements to the signalised junction of Lower Milehouse Lane and the Morrisons store.
- Surfacing of driveways prior to occupation.
- Construction Environmental Management Plan.
- Travel Plan

The **Environment Agency** recommends a condition requiring unexpected contamination to be addressed through a remediation strategy.

**National Grid** advised that it has apparatus in the vicinity of the site which may be affected and that they should be informed, as soon as possible, the decision the Authority is likely to make regarding this application so they can provide technical or other information that may be of assistance in the determination of the application.

The views of **Housing Strategy Section**, the **Waste Management Section** and the **Knutton and Cross Heath LAP** were consulted upon the application, any comments received will be reported but if no comments are provided it will be assumed that they have no observations to make given that the date by which their comments were requested has passed.

#### Representations

One letter of representation has been received indicating that it had been agreed prior to the submission of the applicant that it would be beneficial to provide a small access road to the rear of Wilmot Close.

#### Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Planning Statement
- Gas monitoring report
- Flood Risk Assessment
- Noise Impact Assessment
- Air Quality Assessment
- Tree Survey and Schedule
- Ecological Appraisal
- Desk Study and Ground Investigation
- Transport Assessment and Travel Plan
- Road Safety Audit
- Affordable Housing Statement
- Statement of Community Involvement

All of these documents are available for inspection at the Guildhall and as associated documents to the application in the Planning Section of the Council's website via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00281/FUL>

#### Background papers

Planning files referred to  
Planning Documents referred to

#### Date report prepared

5<sup>th</sup> July 2017