

The application is for outline planning permission for 38 residential units, 19 of which are proposed as apartments. All matters at this stage are reserved.

The proposal involves the redevelopment of a brownfield site, approximately 0.7148 hectares on the western side of Cemetery Road, Silverdale, immediately opposite the Walleys Quarry Landfill Site within the major urban area of Newcastle as indicated on the Local Development Framework Proposals Map.

The statutory 13 week determination period for the application expired on 25th September but the applicant has agreed an extension to the statutory period until 11th October 2018.

RECOMMENDATION

- A. Subject to the applicant first entering into a Section 106 agreement by 21st November 2018 to securing the following:**
- i. a contribution of £5,579 per dwellings towards off site public open space at Park Road**
 - ii. In perpetuity, provision of 25% of the dwellings on-site as affordable units.**

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

- 1. Time Limit for submission of reserved matters**
- 2. Approved Plans**
- 3. Construction Environmental Management Plan**
- 4. Existing site access made redundant to be closed and the crossing reinstated to footway**
- 5. Internal and external noise level controls for dwellings**
- 6. Noise assessment of nearby commercial units and implementation of any mitigation measures arising from such an assessment**
- 7. Control of noise impacts arising from noise generating plant within the development**
- 8. Pest Management Plan**
- 9. Air Quality Assessment prior to first use of any combustion appliance**
- 10. Air quality standards to be achieved from combustion plant within or serving the development**
- 11. Contaminated land conditions**
- 12. Prior approval of surface water drainage system**

- B. Should the matters referred to in (i) and (ii) 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 acceptable provision of adequately maintained open space and an appropriate level of affordable housing: or, if he considers it appropriate, to extend the period of time which such obligations can be secured.**

Reason for recommendation

It is considered that the redevelopment of this site for residential purposes is acceptable and would form a sustainable form of development.

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

Pre-application discussions took place with the applicant as well as discussions during the course of the application, taking into account the guidance found within the NPPF on the approach to be adopted.

KEY ISSUES

The application seeks outline consent for 38 residential units on site, with all matters reserved. It is within the major urban area and adjoins, but does not encroach into, the Green Belt.

The key issues in the assessment of the application are as follows;

- Principle of development
- Visual Impact
- Residential amenity (air quality, odour, noise, pests)
- Impact of the development on the adjoining landfill site
- Highway safety
- Planning Obligations

Principle of Residential Development on Site

The site lies in the rural area within the Silverdale Parish area on the edge of the town centre.

CSS Policy SP1 states that new housing 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 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.

Paragraph 117 of the National Planning Policy Framework 2018 states that Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 11 of the Framework states that Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. 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.

This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Paragraph 12 also highlights that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

Whilst a report on the latest five year housing land supply position is to be considered by the Council's Planning Committee on 27th September, the position at the time of writing is that the Borough Council has yet to determine that it is able to demonstrate a supply of deliverable housing sites sufficient to provide a minimum of 5 years' worth of housing against its local housing need. As such whilst policies on the location of housing within the Development Plan are supportive of the proposal, they are out of date and have limited weight. However even if the Council were to determine that it does have such a

supply, and policies on the supply of housing are not out of date, such policies are supportive of the principle of the development given the location.

The application site is a former garage and testing centre, and as such can be considered as previously developed land (PDL).

The principle of residential development on this site by virtue of it representing development of PDL in a sustainable location is considered to comply with policies SP1 and ASP5 of the CSS, policy H1 of the local plan. The starting point is a strong presumption in favour of development unless any adverse impacts of doing so would outweigh the presumption

Visual Impact

The site is prominent in views when approaching the site from Cemetery Road in both directions. The application site currently holds a commercial business use and was formally used as a garage and car sales business. The current site contains a number of vehicles, and a significant amount of white goods that are stored in the open, and therefore the current visual impact of the site can be considered to be adverse in this prominent location on the edge of town. The redevelopment of the site would therefore be visually beneficial to the area.

The design and layout of the development will need to be considered carefully at reserved matters stage but there is no basis upon which to conclude that the site could not accommodate residential development which would be acceptable in visual terms.

Residential Amenity

The application is supported by a number of Assessments relating to residential amenity particularly arising from the site's proximity to the adjacent landfill site and potential land contamination issues on site.

It is known that the landfill site has planning permission until 2042 and that the levels of the fill, as permitted, will exceed the existing land level prior to the final restoration of the site thereby giving rise to amenity issues for a considerable period of time. It is therefore necessary to consider the impact of the landfill site on residential amenity as it is at present and as it will change as ground levels within the site increase as waste is deposited.

The Air Quality Assessment submitted has concluded that there will be no air quality concerns arising as a consequence of the development. It states the proposed use is likely to improve air quality. Mitigation measures are proposed for the construction phase of the development for dust control only.

The Environment Agency (EA) was consulted as part of the application and state that they carried out a study of Ambient Air Quality nearby at Silverdale Road between 6 July 2017 and 14 February 2018. The data from this report concluded that at Silverdale Road odorous gases were detected which may cause amenity issues for residents. These gases were not considered in the air quality assessment carried out for the site in support of the planning application. It is important to note that the study concluded these gases were not considered to be solely originating at the landfill site. There are other sources of these gases in the area, notably to the north west of the landfill site, though the source is currently unknown. Given that the monitoring concluded that the wind in the area blew from 230 - 320° (SW-NW) with for 50% of the time, it is probable that the new housing could also be affected by these odours. It is noted that the landfill operators do seek to address odour concerns from the site.

Whilst there may be an impact with regard to odour, it is of merit to note the appeal decision at the nearby Hamptons Scrap Yard (14/00948/OUT), which concluded that the impact of odour emissions on future occupiers was acceptable, and the appeal was allowed. It was noted that the Landfill's Environmental Permit should seek to address issues with odour caused by the landfill. In light of the appeal decision a refusal due to any adverse impact on the amenity of the occupiers of the properties arising from odours could not be sustained and as such is not recommended.

The Noise Assessment submitted with the application concludes that the impact of road traffic noise and industrial estate noise would be acceptable, however no details of noise from vehicle

movements and daytime operation of plant at the landfill are included. Whilst this is currently not an issue, as the landfill is filled the existing ground level will increase significantly which will increase the impact.

Recommendations have been made regarding glazing and ventilation systems but there has been no consideration of how the premises will be cooled without opening the windows. This issue would need to be addressed at the reserved matters stage, as would the noise from external garden areas.

In a night time assessment noise impacts arising from plant at the landfill has identified a noise rating level that would be a significant adverse impact. As it stands, this could be addressed via careful design and mitigation measures that can be addressed at the reserved matters stage of the application.

This approach is broadly mirrored by the advice from the EA who suggest window opening may not be possible on site.

Due to the proximity of the proposed development to the Walley's Quarry Landfill site and an allotment site there is the potential to be an issue from pests. In order to control pests issues, it is considered necessary to require assessment of the potential impacts of pests and for design measures to be incorporated into the development to deter gulls (such as elimination of potential perching or nesting sites or secure waste storage facilities), or mitigate the potential impacts, where appropriate.

A Phase 1 Contaminated Land Survey was submitted with the application which highlights potential contamination uses on site, and beyond at the Walley's Quarry Landfill site. Further investigation would need to be carried out prior to any Reserved Matters application being granted on the site to ensure mitigation measures are in place prior to any construction on site.

Impact of the development on the adjoining landfill waste site

Policy 2.5 of the adopted Waste Local Plan states that the Waste Planning Authority will not support proposals that would unduly restrict or constrain the activities permitted or allocated to be carried out at any waste management facility, or restrict the future expansion and environmental improvement of existing operational waste management facilities.

Section 2, 8(c) of the newly revised NPPF sustainable development is achieved by minimising waste and pollution. Section 15 (e) states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new and existing development is appropriate for its location.

The proximity of the proposed development, for the reasons outlined above, raises issues of residential amenity; however the impact of odour is considered to be controllable by the EA Permitting System. As such, the proposal would not prejudice the implementation of the Waste Strategy contrary to local and national policy.

Highway safety

The development is likely to be accessed from Cemetery Road, however all details of access remain reserved. The submitted Transport Assessment concludes that the site is supported by public transport and active transportation modes, and as such the site is supported by sustainable transport methods.

The details with regard to access, parking etc, will be addressed within any subsequent reserved matters application.

Planning obligation considerations

The development of 38 units would trigger the requirement for provision of 25% affordable housing, which should be provided at the Reserved Matters stage.

The Education Authority are confident that the existing affected schools have capacity for any increase in students, and as such do not request a financial contribution for places.

A financial contribution of £212 002 towards public open space (POS) has also been requested and is required to make the development acceptable. This would make the development policy compliant and 'sustainable'. It is 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.

It is also necessary to consider whether the financial contribution sought complies with Regulation 123 of the CIL Regulations. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it is in respect of a specific infrastructure project or a type of infrastructure and five or more obligations providing for the funding for that project or type of infrastructure have already been entered into since 6 April 2010.

The Council's Landscape Development Section has requested a contribution towards POS for improvements to playground facilities at the Park Road Play Area which is 750m away from the site. On this basis, it is considered that the contribution sought would comply with CIL Regulation 123.

Conclusion

The proposal is considered to be a sustainable form of development that would provide 38 additional residential units to Housing Land Supply, would reused an previously developed site and whilst there could be some disturbance to future residents in the form of odours from the landfill, it is considered that the level of impact would be acceptable, subject to suitable mitigation measures, such as mechanical ventilation and heating and cooling systems within the units.

It is considered that the benefits arising from granting planning permission; provision of housing land; the benefits to the local economy; and the social benefits of providing family and affordable houses, would outweigh any negative impacts, and as such the presumption is in favour of the proposed development.

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 CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable Housing
Policy CSP10: Planning Obligations

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy N12: Development and the Protection of Trees

Other material considerations include:

[National Planning Policy Framework \(NPPF\) \(2018\)](#)

[Planning Practice Guidance \(PPG\) \(2018\)](#)

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

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

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

[Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010 – 2026](#) (adopted by SCC and SotCC on 22 March 2013)

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

[Affordable Housing SPD \(2009\)](#)

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

Relevant Planning History

13/00559/FUL

Change of use of car sales and repair centre to warehousing and storage. Increase the existing residential accommodation from one to two apartments.

Approved 2013

The site was granted permission for car sales and workshops in the 1970s. Several applications relating to minor changes in relation to this use have been approved between from the 1970s until the mid 1990s.

Views of Consultees

Silverdale Parish Council offered the following comments;

- Should not encroach onto the Green Belt
- Hedgerow to the rear of the site should be protected

- A mix of housing should be offered
- Is there access to local services
- Ensure land is not contaminated.
- Requests traffic calming measures at the nearby waste site
- S106 contributions should be provided for local play facilities.

The **Environment Agency** raises no objections subject to contaminated land conditions.

The **Highway Authority** has no objections to the proposal, subject to conditions relating to the prior approval of a construction management plan; closing of redundant access; provision of weatherproof cycle storage for any dwelling with no garage: garages retained for parking of motor vehicles and bicycles; and provision of adequately sized garages.

The **Environmental Health Division** raises no objections subject to conditions including, noise and vibration, light and air pest management. The submission has not submitted sufficient detail in terms of land contamination; however this can be addressed via condition.

The County **Mineral and Waste Planning Authority** state the site is opposite the Walley's Quarry Landfill which includes an inert waste landfill and land gas processing. The landfill currently has permission until 2026, with restoration works being completed by 2042. No objections are raised.

The **Lead Local Flood Authority** state there are no objections to the proposal subject to a securing a detailed surface water drainage design.

The Council's **Waste Services** comment that further information would be required, including waste information and a sweep path analysis.

The **County Education Authority** notes that the site falls within the catchment area of Silverdale Primary School and the Newcastle Academy. The proposal is likely to generate need for 4 Primary and 3 Secondary places which can be accommodated at present. As such, no request is made for a financial contribution.

The Council's **Housing Section** accepts that the proposal would provide sufficient affordable housing and socially rented to be policy compliant.

The **Landscape Development Section** has no objections subject to permission in accordance with a tree protection to BS5837:2012 for retained trees. They also request a financial contribution of open space of £4,427 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years. Total contribution £5,579 per dwelling. This will be used for improvements to Park Road play area which is approximately 700m away.

The **Staffordshire Police Crime Prevention Officer** states the redevelopment of the site for housing would be welcomed.

Western Power was consulted with regards to the powerlines on site. No official response has been provided, and as such it is assumed that they have no comments to make.

The **Coal Authority** was consulted and offered no comments. It is assumed that they have no comments to make.

Representations

None received during the course of the application.

Applicant/agent's submission

The application is supported by a Planning Application, Plans and Design and Access Statement, Air Quality Assessment, Transport Statement, Flood Risk Assessment and a Contaminated Land Report.

All of the application documents can be viewed at the Guildhall or using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00293/OUT>

Background Papers

Planning File
Development Plan

Date report prepared

25th September 2018