

The application is for full planning permission for a building comprising 10 no. two bedroom self-contained flats with associated parking.

The site lies within the urban area of Chesterton, as indicated on the Local Development Framework Proposals Map. The site extends to approximately 0.12 hectares

The wider site was previously occupied by Chesterton Ex-Servicemen's Club. Planning permission was granted in 2017 for 14 dwellings under planning application 17/00417/FUL on part of that wider site. The proposed development will now occupy the remainder of the site. It takes its access off Sandford Street, utilising the same access as the permitted 14 dwellings.

The statutory 8 week determination period for this application expired on the 13th September but the applicant has agreed an extension of time to the statutory determination period to the 9th November.

RECOMMENDATION

A. Subject to the applicant first entering into a Section 106 agreement by 13th December 2018 to secure a review mechanism of the scheme's ability to provide affordable housing in accordance with policy and to make a policy compliant financial contribution of £33,244 (index linked) towards to public open space, if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such contributions if found financially viable,

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

- 1. Standard Time limit for commencement of development**
- 2. Approved Plans**
- 3. Facing and Roofing Materials**
- 4. Boundary Treatments**
- 5. The access and access road being completed prior to occupation**
- 6. The existing access permanently closed and footway reinstated**
- 7. Parking and Turning areas retained for designated purpose**
- 8. Cycle Parking**
- 9. Contaminated land treatment**
- 10. Design Measures to Secure Noise Levels**
- 11. Construction hours**

B. Failing completion of the above planning obligation by the date referred to in the above recommendation, that the Head of Planning either refuse the application on the grounds that without the obligation being secured, the development would fail to secure affordable housing and an appropriate contribution for off-site public open space which would reflect the infrastructure needs of the development and there would be no provision made to take into account a change in financial circumstances in the event of the development not proceeding promptly; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for recommendation

The development is located within a highly sustainable urban area, which results in the development being considered acceptable in principle. The design of the scheme, highway safety and noise impacts are considered acceptable subject to conditions. It is accepted, following the obtaining of independent financial advice, that the scheme is not viable if policy compliant financial contributions towards affordable housing and public open space are required and whilst it is recommended that these policy compliant requirements are not sought, given the contribution the development makes to

housing supply and the regeneration of this part of Chesterton, a Section 106 agreement is required to secure a review mechanism should substantial commencement not be achieved promptly.

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

The Authority has requested additional information during the consideration of the planning application to address specific concerns, and has arranged for an appraisal of the viability of the scheme.

KEY ISSUES

The application seeks full planning permission for a building comprising 10 no. two bedroom self-contained flats with associated parking.

The site lies within the urban area of Chesterton, as indicated on the Local Development Framework Proposals Map.

The wider site was previously occupied by Chesterton Ex-Servicemen's Club but planning permission was granted in 2017 for 14 dwellings under planning application 17/00417/FUL on part of the site. The proposed development will now occupy the remainder of the site which also takes its access off Sandford Street.

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

- The principle of residential development
- The design and impact on the character and appearance of the area
- Car parking and highway safety
- Residential amenity matters,
- Affordable Housing considerations and
- What financial contributions, if any, are required?

Principle of residential development

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

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (within which the site lies).

Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The Core Strategy goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

Furthermore, Policy H1 of the Newcastle Local Plan (NLP) indicates that planning permission for residential development will only be given in certain circumstances – one of which is that the site is within the urban area of Newcastle or Kidsgrove.

The application site is a vacant piece of land within the urban area of Chesterton.

The National Planning Policy Framework (NPPF) advises, at paragraph 11 that decisions should apply a presumption in favour of sustainable development. It goes on to say that 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 NPPF 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.

Footnote 7 indicates that out-of-date as referred to in the second bullet point 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.

The Council, following the adoption of the latest five year housing land supply statement at Planning Committee on 27th September, can now demonstrate a housing land supply of deliverable housing sites, allowing for the appropriate buffer, of 5.45 years. The policies of the Development Plan referred to can therefore be considered to be up to date and can be given due weight given that they are not inconsistent with the NPPF. Such policies are supportive of a dwelling in this location.

On the basis of all of the above, it is considered that the principle of residential development in this location should be supported.

Design and Impact on the Character and Appearance of the Area

Paragraph 124 of the recently published revised National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the revised framework lists 6 criteria, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy CSP1 of the adopted Newcastle under Lyme and Stoke on Trent Core Spatial Strategy (CSS) details that new development should be well designed to respect the character, identity and context of the area.

The application site is within the urban area of Chesterton. The site is within a mixed area with varying styles of buildings and uses.

As discussed the site was previously occupied by a Workingmen's club but has been cleared for a number of years. Part of the site contains a development of 14 semi-detached houses which are nearing completion. The proposed development would sit in front of these newly constructed dwellings, directly fronting onto Sandford Street.

The proposal involves a two storey building which has an 'L' shaped footprint and would have a similar appearance to other buildings in the immediate locality. Therefore, whilst the proposed building has simple design it would fit comfortably within the street scene.

Subject to conditions that secure appropriate facing materials and boundary treatments it is accepted that the design of the proposed scheme would enhance the appearance of this site and the visual amenity of the area and it is considered to be in accordance with policy CSP1 of the CSS and the guidance and requirements of the NPPF.

Car parking and any highway safety implications

Policy T16 of the Local Plan states that development will not be permitted to provide more parking than the maximum levels specified in the Local Plan Table 3.2. The policy goes on to specify that development which provides significantly less parking than the maximum specified standards will not be permitted if this would create or aggravate a local on street parking or traffic problem. Such a policy is however of limited weight as it not in accordance with the Framework. The Framework indicates at paragraph 106 that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. In a Ministerial Statement of March 2015 the then Secretary of State indicate that the government is keen to ensure that there is adequate parking provision both in new residential developments and around our town centres and high streets.

The site is located within a highly sustainable urban area in close proximity to the services and amenities of Chesterton.

The submitted plans show that 10 off street car parking spaces are proposed which amounts to one space per unit. A covered cycle parking area is also proposed for 10 bicycles. This is less than the a maximum standards set out in Policy T16 of 2 spaces per unit, however in light of national policy and in consideration of that this is a highly sustainable location it is considered that the proposal achieves an acceptable level of car parking.

The access arrangements are also considered acceptable and the Highway Authority has raised no objections subject to conditions.

The proposed development would not lead to significant highway or car parking implications and accords with policy T16 of the local plan and the requirements of the NPPF.

Impact on residential amenity

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on new dwellings including the need for privacy, daylight standards, and environmental considerations.

The site is within a mixed area with varying uses in the locality. It is a busy urban area and the Environmental Health Division has requested a condition which secures design measures to protect the future occupiers of the units. They have also requested a construction hours condition to minimise the impact on neighbouring residential properties. Subject to these conditions the proposal is acceptable and in accordance with the NPPF and the Councils SPG.

Affordable Housing considerations

Policy CSP6 of the CSS states that for new residential development within urban areas, on sites or parts of sites proposed to, 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.

As discussed, the wider site was previously occupied by Chesterton Ex-Servicemen's Club but planning permission was granted in 2017 for 14 dwellings under planning application 17/00417/FUL. The proposed development will now occupy the remainder of the site which also takes its access off Sandford Street.

There was no requirement for an affordable housing contribution as part of the previous application granted under 17/00417/FUL because it fell below the 15 dwelling threshold for seeking such a contribution. However, cumulatively the two sites now result in 24 new dwellings and as such the local policy requirement for 25% affordable housing to be provided on-site is triggered. This would amount to 6 affordable units.

On this basis it is considered that the development should be seeking policy compliant affordable housing of 6 units in order to make the development acceptable and in accordance with policy CSP6 of the CSS and the guidance and requirements of the NPPF.

What financial contributions, if any, are required?

Paragraph 34 of the Framework states that plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

As discussed, the site forms part of a wider site that was previously occupied by Chesterton Ex-Servicemen's Club but planning permission was granted in 2017 for 14 dwellings under planning application 17/00417/FUL. The proposed development will now occupy the remainder of the site which also takes its access off Sandford Street. The two sites are under the same ownership and should be considered as one.

There was no requirement for an affordable housing contribution as part of the previous application granted under 17/00417/FUL because it fell below the 15 dwelling threshold for seeking such a contribution. However, cumulatively the two sites result in 24 new dwellings and as such, and as indicated above, there is a local policy requirement for 25% affordable housing to be provided on-site amounting to 6 units.

The Landscape Development Section (LDS) have indicated that the proposed development would require a contribution of £5,579 per dwelling to be secured for Public Open Space (POS) improvement and maintenance. Given that the accommodation proposed will not be occupied by families an adjustment would need to be made to the level of contribution to deduct the element towards play. The OSS details that £512 of the total £4,427 capital element is for play areas and therefore reducing the required sum by that amount as well as a proportionate amount for the maintenance element which equates to £134, the reduced amount would be £4,933 for each of the ten additional units proposed which amounts to £49,330

The sum, it is proposed would be applied to upgrade playground equipment at Crackley Play Area, which is a 470m walk away. Although this is some distance, it is within the recognised acceptable walking distances referred to above. For the avoidance of doubt, it is confirmed that the requirements of Sections 122 and 123 of the CIL Regulations in respect of this contribution are considered to be met.

The new NPPF marks a significant change in the approach to be adopted to viability in planning decisions. It indicates that where up-to-date policies have set out the contributions expected from the development, planning applications that comply with them should be assumed to be viable, and it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policies about contributions and the level of affordable housing need however to be realistic and not undermine the deliverability of the Plan. In the Borough it is not presently the case that up-to-date development plan policies, which have been subject of a viability appraisal at plan-making stage, have set out the contributions expected from development, so the presumption against viability appraisals at application stage does not apply. That will not be the case until the Joint Local Plan is finalised. The scheme does provide benefits which include the redevelopment of a site that has been left undeveloped for a number of years and has offered no visual merit within the street scene. The development would also contribute to housing supply in the Borough and assist in particular in the regeneration of the Chesterton area where there have been a number of "stalled" housing sites in recent years. These benefits are considered to outweigh the harm caused by the lack of affordable housing provision and the additional demand created by the development on the infrastructure of the area that would be the result were no financial contribution made to adding to that infrastructure.

The applicant has stated that the scheme cannot support the requested policy compliant contributions towards affordable housing and POS and the District Valuer's (DV) advice has been obtained by the Authority. This concludes that the scheme is not viable with policy compliant financial contributions

towards POS and when asked to confirm what, if any, financial contributions the scheme could support, the DV has confirmed that the scheme would be unviable if any level of POS contribution is required, even if the payment of such a contribution is deferred. The assessment undertaken by the DV should, however, have also factored in the need for affordable housing but it has not. In consideration that both the 14 dwelling scheme and the 10 unit building now proposed were/are unviable without affordable housing it can be anticipated that the introduction of the requirement to provide affordable housing could not be supported either. In light of this your officer has not sought further advice on this matter from the DVS.

The application will still need to be the subject of a planning obligation which would secure a financial viability reappraisal mechanism, should a substantial commencement of the development not occur within 12 months of the date of any decision on the application, and then payment of an appropriate contribution/ provision of on-site affordable housing, if the site were to found capable of financially supporting these features. It is suggested that in such an event any such residual land value if it equates to the value of less than either one, or two affordable housing units on sites should be allocated in equal proportions to offsite affordable housing and public open space improvements.

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](#)

Strategic Aim 16: To eliminate poor quality development;

Policy SP1: Spatial Principles of Targeted Regeneration
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 CSP10: Planning Obligations

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

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy C4: Open Space in New Housing Areas
Policy IM1: Provision of Essential supporting Infrastructure

Other material considerations include:

[National Planning Policy Framework](#) (July 2018)

[Planning Practice Guidance](#) (March 2014, as updated)

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

[Supplementary Planning Guidance/Documents](#)

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

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

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

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

[Waste Management and Recycling Planning Practice Guidance Note](#) approved in 2003 and last updated in February 2016

Relevant Planning History

Outline planning permission was granted in 2008 under reference 07/00620/OUT for a mixed use development including new clubhouse, dwellings and commercial unit on a wider site including the current one. A subsequent reserved matters application (ref 08/00800/REM) was permitted later in 2008 for the residential development element only which was for 19 dwellings. A material commencement of the development occurred and this permission is still extant.

A further full planning permission was granted in 2017 for part of the site for the erection of 14 dwellings, ref 17/00417/FUL

Views of Consultees

The **Environmental Health Division** raises no objections subject to conditions regarding construction hours, contaminated land and design measures to minimise noise impact on future occupiers.

The **Highways Authority** raises no objections subject to conditions which secure access, the existing access reinstated to footway, parking and turning areas retained at all times and the cycle parking facilities being provided prior to occupation of any of the units

The **Landscape and Development Section** requests a S106 contribution by the developer for capital development/improvement of off-site 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 unit. This contribution would be used to upgrade playground equipment at Crackley Play Area which is a 470m walk away improvements to surfacing at Lyme Valley Parkway playground which is directly opposite the site.

The **Mineral and Waste Planning Authority** indicate that they have no comments on this application as the site is not within or near to any permitted waste management facility; and is exempt from the requirements of Policy 3 – Mineral Safeguarding in the Minerals Local Plan for Staffordshire 2015 – 2030 (site is within the village boundary).

Representations

No letters of representation have been received.

Applicant/agent's submission

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/17/00417/FUL>

Background Papers

Planning File

Development Plan

Date report prepared

23rd October 2018