

LAND AT BIRCH HOUSE ROAD, CHESTERTON
ASPIRE HOUSING GROUP

17/01033/FUL

The application seeks full planning permission for the demolition of a former community centre and construction of 30 dwellings

The site is located off Birch House Road, Holly Road and Whitethorne Way within the urban area of Chesterton, as indicated on the Local Development Framework Proposals Map. The site extends to approximately 0.57 hectares

The statutory 13 week determination period for this application expired on the 28th August but the applicant has agreed an extension of time to the statutory determination period to the 11th December 2018.

RECOMMENDATIONS

- A. Subject to the applicant first entering into a Section 106 agreement by 1st February 2019 to secure a review mechanism of the scheme's ability to make a policy compliant financial contribution of £167,370 (index linked) towards public open space at Crackley Recreation Ground (Hazel Road), if the development is not substantially commenced within 12 months from the date of the the grant of the planning permission , and the payment of such contribution if then 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. Prior approval of a scheme for the provision of 8 affordable housing units within the development. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity of prospective and successive occupiers of such units and the means by which such occupancy will be enforced.**
- 4. Facing and Roofing Materials**
- 5. Boundary Treatments**
- 6. Proposed finished ground levels and first floor levels**
- 7. Landscaping scheme, including replacement tree planting**
- 8. Widening of Laburnum Place and off-site car parking provision**
- 9. Provision of road, parking and turning areas**
- 10. Surfacing, surface water drainage and delineation of car parking spaces**
- 11. Gradient of access drives**
- 12. Upgrading of two existing bus stops on Holly Road**
- 13. Visibility Splays**
- 14. Existing site accesses (on Whitethorne Way and Holly Road) made redundant and the crossing reinstated**
- 15. Construction management plan**
- 16. Restriction on construction and demolition hours**
- 17. Land contamination**
- 18. Flood Risk Assessment (FRA)/Drainage Strategy mitigation measures**
- 19. Refuse and recycling collection arrangements**
- 20. Bat and bird boxes**

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, there would be no provision made to take into account a change in financial circumstances in the event of the development not proceeding promptly and the potential payment of an appropriate policy compliant contribution for off site open space should financial circumstances then permit; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for recommendations

The development is located within a highly sustainable urban area, on previously developed land, and there is a strong presumption in favour of sustainable development, which results in the development being considered acceptable in principle. The design of the scheme, highway safety and residential amenity levels 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 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, particularly to affordable housing 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

1.1 The application seeks full planning permission for the demolition of a former community centre and the construction of 30 dwellings.

1.2 The site was previously occupied by the Hulston Public House and a parade of shops which have since been demolished but the community centre still remains on the land.

1.3 The site is located off Birch House Road, Holly Road and Whitethorne Way within the urban area of Chesterton, as indicated on the Local Development Framework Proposals Map. The site extends to approximately 0.57 hectares.

1.4 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
- Residential amenity matters
- Car parking and highway safety
- Planning obligation considerations

2.0 The principle of residential development

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

2.2 Saved Newcastle Local Plan (NLP) policy H1 supports new housing in the urban area of Newcastle and Kidsgrove with policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - setting a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026.

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

2.4 The NPPF seeks to support the Government's objective of significantly boosting the supply of homes. It also sets out that there is a presumption in favour of sustainable development.

2.5 The land is located in an urban residential area, which is considered to represent a sustainable location for housing development by virtue of its close proximity to services, amenities and employment opportunities.

2.6 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.

2.7 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.

2.8 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 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 residential development in this location.

2.9 The proposed development complies with local and national planning policy guidance. The construction of 30 dwellings would contribute to the area's housing supply and the principle of residential development on this site is considered acceptable.

3.0 The design and impact on the character and appearance of the area?

3.1 Paragraph 124 of the NPPF 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. Furthermore, paragraph 127 of the 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.

3.2 The site has been undeveloped following the demolition of a public house and parade of shops. The proposal therefore seeks to redevelop the site as a mechanism for the regeneration of the site and the applicant describes the proposed development as a 'mini landmark' for the neighbourhood.

3.3 The proposal is for 30 dwellings consisting of a mixture of 10 two-bedroom houses, 12 three bedroom houses, 2 two-bedroom bungalows and 6 one bedroom walk up flats which will all be offered as affordable housing.

3.4 The site is characterised by the steep gradient (approximately 1:10) which rises from Birch House Road, towards the south west, to the rear boundaries of existing properties on Maple Avenue, towards the north east.

3.5 The proposed development represents a relatively dense housing scheme within the urban area. The proposal seeks to re-establish a street frontage on Holly Road, Birch House Road and Whitethorne Way, which is considered appropriate but frontage car parking would have some level of impact on the street scene.

3.6 The submitted plans indicate that each dwelling will be constructed using two different facing bricks – a red brick on the ground floor elevations and a brown brick on the first floor elevations. Your officers do have significant concerns about this choice of feature and remain to be convinced that it is appropriate. Therefore, appropriate facing materials will still need to be secured by condition.

3.7 Notwithstanding the level of frontage car parking, it is considered that the proposed house types are acceptable and the scheme would enhance the character and appearance of the area, subject to conditions which secure appropriate facing materials, boundary treatments, hardstandings and soft landscaping.

3.8 The submitted flood risk assessment (FRA) and drainage strategy indicate that the site topography and proposed density of the development make surface SuDS features impractical and it is proposed that a new adoptable storm drainage system will be constructed beneath the new access road to the site with attenuation provided at each plot via permeable paving and a storage system.

3.9 Whilst surface water SuDS features within the development would have been preferable it has to be acknowledged that the topography of the land and the level of housing provision result in this being unrealistic in this instance. The LLFA have also raised no objections to the proposed drainage strategy subject to conditions.

3.10 The Waste Management section have raised concerns about the access arrangements to certain plots and the potential issues that this would create for waste collection. In response, the applicant has submitted revised information, which addresses the specific concerns, but a condition regarding waste/recyclables collection arrangements is still necessary to ensure that the development can function appropriately.

3.11 Subject to the recommended conditions, the proposal is considered to be in accordance with policy CSP1 of the CSS and the guidance and requirements of the NPPF.

4.0 Residential amenity matters

4.1 Paragraph 127 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.2 As discussed, a constraint of the site is the steep gradient and the proposed dwellings that front Birch House Road towards the south west of the site would be approximately 8 metres lower than the proposed dwellings located close to the rear boundaries of existing properties on Maple Avenue towards the north east of the site.

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

4.4 Properties on the adjacent Maple Avenue are positioned on a higher level than the proposed dwellings but there would only be one instance whereby principal windows would face one another, this being between plots 1 & 2 and 16 & 18 Maple Avenue. The separation distances are between 21 and 23 metres and when taking into consideration the difference in ground levels there would be a slight shortfall in the required separation, which could lead to a potential loss of privacy for the future occupiers of plots 1 & 2. The installation of a solid boundary treatment on the rear elevation would assist in protecting residential amenity levels and on balance it is considered that the loss of amenity would not be so severe that a reason for refusal would be justified.

4.5 Acceptable levels of private amenity space would be achieved for the houses and there would also be an area of shared amenity space for the flats.

4.6 In conclusion, it is considered that subject, to suitable boundary treatments and landscaping which can be secured through suitably worded conditions, a good standard of amenity for all existing and future occupants of land and buildings, as required by the NPPF, could be achieved.

5.0 Car parking and highway safety

5.1 The proposed development has two parking courts but many of the proposed dwellings would take their access drives off the road frontage. Therefore, access will be achieved off Holly Road, Birch House Road, Whitethorne Way and Laburnum Place. The two parking courts would be taken off Laburnum Place and Whitethorne Way.

5.2 NLP 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. The NPPF sets out that there should be a presumption in favour of

sustainable development and that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

5.3 The Highways Authority has no objections subject to a number of conditions, in particular the widening of Laburnum Place that has existing parking problems and the upgrade of two existing bus stops on Holly Road. Further, off-site highway works are also proposed with car parking spaces being created for existing properties on Laburnum Place to further improve access arrangements for one of the proposed parking courts.

5.4 The proposed development is for a mix of one, two and three bedroom properties and proposed development demonstrates that 52 spaces can be provided within the site. This is considered to represent an acceptable level of car parking for the number of units proposed in this location, which is within walking distance of shops, employment opportunities and education facilities. The off-site upgrade of the two bus stops would also be a benefit which would seek to encourage and improve public transport use in accordance with the new NPPF. Therefore, the proposal would provide opportunities for other modes of travel other than the use of a private motor vehicle.

5.5 Subject to the advised conditions the proposed development is considered unlikely to lead to significant highway safety implications because an acceptable level of off street car parking is proposed and the access arrangements are acceptable. The development would therefore meet the guidance and requirements of the NPPF.

6.0 Planning obligation considerations

6.1 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.

6.2 In this case, irrespective of the planning policy requirements outlined above Aspire as a Registered Social Landlord (RSL) have applied for development where all of the 30 units proposed are to be affordable. As such the policy requirements would be met.

6.3 Affordable Housing is usually secured by a S106 agreement but in the past applications by Aspire (where all units are to be affordable) a condition has been considered acceptable. On the basis of the number of dwellings proposed, the policy compliant affordable housing requirement for this site would be 8 units and whilst the proposal is 100% affordable housing it remains necessary for this number of units to be secured for that purposed in perpetuity to comply with policy. It is considered that this could be achieved through an appropriately worded condition, rather through a S106 planning obligation which would create difficulties in the Registered Provider obtaining funding from the Homes England.

6.4 The Education Authority has not requested a financial contribution towards education places in the locality because there is existing capacity. However, the Landscape Development Section (LDS) have requested a financial contribution of £167,370 towards the improvement and maintenance of public open space (POS). The contribution towards POS is sought for improvements at Crackley Recreation Ground on Hazel Road, in particular improvements to the teen play elements of the site, which is approximately 80m away from the application site. The applicant has contested the request stating that it is not justified, in particular they indicate that it has not been demonstrated how the contribution would help to mitigate the perceived impact of 30 units and the impact on the specified open space. Your officers however are satisfied that the impact of 30 units in this location would put additional pressure on the infrastructure of the area and the contribution would secure improvements to a specified project and its longer term maintenance to mitigate the impact. It is considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, to be directly related to the development and fairly and reasonably related in scale and kind to the development.

6.5 It is also necessary to consider whether the financial contributions sought comply 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. Regulation 123 would be complied with in this instance.

6.6 The applicant stated that the scheme cannot support the requested policy compliant contributions towards POS and independent financial advice has now been received by the Authority. The report of Butters John Bee (BJB) concludes that the scheme is unviable with any level of financial contributions and the deferment of the payments would also not alter this conclusion. BJB have also confirmed that even if the scheme was not proposing 100% affordable housing, and was just proposing the policy complaint 25%, then it would not change the conclusions of the financial viability of the scheme.

6.7 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. The development would also contribute to housing supply in the Borough and assist in particular in the regeneration of the Chesterton area and provide 30 affordable houses. These benefits are considered to outweigh the harm caused by 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.

6.8 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 towards POS, if the site were to be found capable of financially supporting these features.

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 C4	Open Space in New Housing Areas

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)

Affordable Housing SPD (2009)

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

16/00194/DEM Application for prior notification of proposed demolition of buildings (Public House)
Deemed Permitted

Views of Consultees

The **Education Authority** states that the proposed development falls within the catchments of Crackley Bank Primary School and Chesterton Community Sports College. The development is scheduled to provide 30 dwellings all of which are RSL dwellings. RSL dwellings are discounted from secondary school aged calculations only. A development of this size could add 5 primary school aged children. Crackley Bank Primary is projected to have sufficient space to accommodate the likely demand of the pupils generated by the development and a financial contribution towards education places in this instance is not sought.

The **Highway Authority** raises no objections subject to conditions that secure the following;

- Off-site highway works - the widening of Laburnum Place, improvement to the turning head and provision of four off road parking spaces;
- No occupation of the dwellings until the road, parking and turning areas have been provided;
- The private drives shall have a gradient not exceeding 1:10;
- Submission and approval of surfacing, surface water drainage and delineation of car parking spaces;
- The upgrade of two bus stops on Holly Road;
- Submission and approval of visibility splays onto Whitethorn Way;
- Existing site accesses made redundant and the crossings reinstated; and
- Submission and approval of a construction management plan.

The **Environmental Health Division** raises no objections subject to pre commencement land contamination conditions and a condition which restricts construction and demolition hours.

The **Landscape Development Section** express their disappointment that the most significant trees have been removed from the site prior to consideration of the application. They therefore request a landscaping scheme which should secure replacement tree planting.

They also request a financial contribution for capital development/improvement of offsite open space of £4,427 in addition to £1,152 (per dwelling) for 60% of maintenance costs for 10 years. Total contribution £5,579 (per dwelling). The money to be used for improvements at the Crackley Recreation Ground Hazel Road), which has been identified as needing improvements to the teen play element of the site, and is approximately 80m away.

Housing Strategy raises no objections subject a condition to secure Affordable Housing.

Staffordshire County Council Flood Risk Team (LLFA) raises no objections subject to a condition which secures acceptable mitigation measures in accordance with the submitted flood risk assessment and additional measures to limit surface water run off flows, attenuation volume, finished floor levels, maintenance of the surface water system, and water treatment elements.

The **Mineral and Waste Planning Authority** concludes that the development would not lead to the significant sterilisation of an important mineral resource and therefore raises no objections.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** welcomes the proposed redevelopment of this redundant site, which over the years has attracted anti-social behaviour. They advise that the layout appears to be very sound and would deter crime and anti-social behaviour where possible. However, a number of further security recommendations are advised which includes; fencing and gating should be positioned as close as possible to the front of the building line as possible and the addition of some external defensive hedge planting.

The **Waste Management Section** raises concerns regarding waste collection arrangements for a third of the plots which has the potential to mean that containers are left at the collection point between collections. A shared bin store at the point where the highway becomes unadopted, or adoption of the new length of highway is recommended.

Cadent (National Grid) advises that searches have identified that there is apparatus in the vicinity of the site which may be affected by the activities specified. They therefore provide a number of advisory notes/ recommendations prior to works commencing on site.

Comments were also invited from the **Greater Chesterton Locality Action Partnership** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

Representations

One letter of representation has been received raising concerns about on street car parking issues being exacerbated and possible loss of privacy from overlooking.

Applicant/agent's submission

All of the application documents can be viewed on the Councils website using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/01033/FUL>

Background Papers

Planning File

Development Plan

Date report prepared

21st November 2018