

The application is for full planning permission for 67 dwellings.

The site as shown on the Local Development Framework Proposals Map lies within the Newcastle Urban Neighbourhood in an area covered by Policy E9 (Renewal of Planning Permissions for Employment Development) of the Newcastle-under-Lyme Local Plan.

The site measures approximately 1.42 hectares.

The 13 week period for the determination of this application expired on 17th September but the applicant has agreed an extension to the statutory period until 13th November.

RECOMMENDATION

A. Subject to the applicant first entering into a Section 106 agreement by 18th December to require:

- i. In perpetuity, the provision of 25% of the dwellings as affordable units**
- ii. A financial contribution of £373,793.00 towards the enhancement of public open space nearby**

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

- 1. Time limit for commencement of development**
- 2. Approved plans**
- 3. Construction environmental management plan**
- 4. Prior approval of noise mitigation measures**
- 5. Permanent closure of windows facing Ibstock Brickworks**
- 6. Details of facing and roofing materials**
- 7. Boundary treatments**
- 8. Drainage plans for the disposal of foul and surface water flows**
- 9. Retention of trees as shown in Arboricultural Report**
- 10. Prior approval of a tree protection plan**
- 11. Landscaping proposals**
- 12. Submission and approval of a sustainable drainage strategy**
- 13. Electric vehicle charging**
- 14. Land contamination**
- 15. Remediation strategy regarding controlled waters**
- 16. Revised details showing removal of traffic calming scheme and provision of bin collection areas**
- 17. Provision of visibility splays**
- 18. Provision of access, internal roads and private drives**
- 19. Parking spaces to be a minimum of 5m x 2.5m**
- 20. Details of surfacing materials for private drives and parking areas**

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 make an appropriate contribution towards the development, improvement and maintenance of public open space and an appropriate level of affordable housing; or, if he considers it appropriate, to extend the period of time within which such obligations can be secured.

Reason for Recommendation

Given the highly sustainable location of the site, it is considered that the principle of residential development on this site is acceptable. The design and appearance of the dwellings, and their siting,

is considered to be acceptable in this location and subject to conditions, it is not considered that there would be any adverse impact on residential amenity, highway safety, drainage issues, trees or protected species.

Subject to a number of conditions and a S106 agreement to secure affordable housing and a contribution to Public Open Space, the development represents a sustainable form of development and should be supported.

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

Amendments and additional information have been sought where necessary to progress the determination of the application and this is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

Key Issues

The Application is for full planning permission for 67 dwellings. The site as shown on the Local Development Framework Proposals Map lies within the Newcastle Urban Neighbourhood in an area covered by Policy E9 (Renewal of Planning Permissions for Employment Development) of the Newcastle-under-Lyme Local Plan.

Outline planning permission for up to 65 dwellings was allowed at appeal in 2015 (Ref. 13/00974/OUT) but a subsequent application for the approval of reserved matters for 60 dwellings was subsequently refused and an appeal dismissed in 2019 (Ref. 18/00017/REM). The period for submission of reserved matters has now ended.

The issues for consideration are:-

- Is the principle of the development acceptable?
- Is the proposal acceptable in terms of its design and impact on the form and character of the area?
- Would an acceptable level of residential amenity be achieved?
- Car parking and highway safety
- Is the amount, type and location of the affordable housing acceptable?
- Is the proposed landscaping and open space provision acceptable?
- Surface water drainage matters
- Would there be any adverse impact on minerals extraction?
- Would there be any significant impact upon any protected species?

Is the principle of residential development acceptable?

The site is within an area covered by Policy E9 of the Local Plan which relates to the renewal of planning permissions for employment development. That policy states that on a number of sites (including Rowhurst), for which planning permission has already been granted for employment development, it is the Council's policy that permission would be renewed during the plan period, broadly in the same terms as currently given, unless new factors or other material considerations indicate otherwise. Policy E9 also states that in the case of Rowhurst any viable reserves of Etruria Marl underlying the site should be proved and provision made for their extraction prior to development occurring in accordance with Mineral Local Plan policies 4 & 5.

Policy E11 of the Local Plan refers to the development of employment land for other uses. It states that development that would lead to the loss of good quality business and general industrial land and buildings will be resisted where this would limit the range and quality of sites and premises available. The policy outlines the criteria for considering what constitutes 'good quality' including accessibility, size, condition, location and relationship to adjoining uses. The supporting text to the policy states that the overriding priority is to preserve the stock of land and buildings attractive to Class B users, so that opportunities for inward investment and for the modernisation of existing local businesses can be maximised.

CSS Policy SP2 states that the spatial principles of economic development include improvement in the levels of productivity, modernisation and competitiveness of existing economic activities, whilst attracting new functions to the conurbation, especially in terms of service-based industries. These policies are considered to be consistent with the NPPF.

Paragraph 120 of the NPPF states that planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

In relation to residential development, Policy H1 supports new housing in the urban area of Newcastle and Kidsgrove with Policy ASP5 of the Core Spatial Strategy (CSS) setting a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026.

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.

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.

The Council is currently able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 7.3 years as at the 31st March 2019. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan.

The Council refused the original outline application for residential development on this site (Ref. 13/00974/OUT) on the grounds that in the context of the shortage of employment land in the Borough and in the absence of any convincing evidence to demonstrate that it is unlikely that the site will be developed for employment, the loss of this good quality employment site would have an adverse impact upon the economic growth of the Borough. In allowing the appeal against that decision, the Inspector concluded as follows:

The site has been available for employment purposes for a considerable period of time, including both periods of significant economic growth as well as periods of recession. During this time extensive marketing of the site has taken place. Notwithstanding this the site has remained undeveloped. Given this I am satisfied that there is no reasonable prospect of it being used for employment purposes.

In terms of sustainability, the site is located within 500m of the District Centre of Chesterton which has a number of shops and services, and bus stops are located at the junction of Audley Road and Watermills Road. Chesterton has a number of public transport links to the major urban areas beyond. It is considered that this site represents a sustainable location therefore.

Notwithstanding that the Council is currently able to demonstrate a 5 year supply of housing, given the conclusions of the Inspector and given the highly sustainable location of the site, it is considered that the principle of residential development on this site should be supported.

Is the proposal acceptable in terms of its design and impact on the form and character of the area?

Section 12 of the NPPF sets out policy which aims to achieve well-designed places. Paragraph 124 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 criterion, 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. Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Policy CSP1 of the CSS lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the NPPF.

Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it. R12 of that same document (in the section dealing with residential design) states that residential development should be designed to contribute towards improving the character and quality of the area. Proposals will be required to demonstrate the appropriateness of their approach in each case. R13 states that the assessment of an appropriate site density must be design-led and should consider massing, height and bulk as well as density. R14 states that developments must provide an appropriate balance of variety and consistency.

67 dwellings are proposed which would give a density of approximately 47 dwellings per hectare. There is a mix of dwelling size and style in the area and the density proposed appropriately reflects the character of the locality. A mix of 2 and 3-bed dwellings are proposed comprising detached, semi-detached and townhouses. All the dwellings would be 2-storey. The site is separated from Audley Road by a substantial landscaped bund but the dwellings on the north eastern side of Audley Road are the closest reference and they are predominantly semi-detached or terraced and it is considered that the layout proposed would respect local character in terms of housing type and density.

The previous reserved matters scheme for this site (Ref. 18/00017/REM) was refused partly on the grounds that to achieve appropriate noise mitigation due to the proximity to Ibstock Brickworks, a substantial bund and acoustic fence was required along the boundary of the site with the road and the dwellings fronting Watermills Road were inward-facing. It was considered that the scheme would have a significant adverse impact on the character and appearance of the area.

Alternative noise mitigation has now been incorporated resulting in the removal of the bund and the dwellings along Watermills Road now front the highway.

The materials would comprise render, timber larch cladding and cement board cladding resulting in a contemporary, simple and unfussy design. Properties would generally be set back from the pavement to allow for limited frontage landscaping. Parking would be provided in front of the majority of dwellings although the dwellings fronting Watermills Road would have their parking to the rear of the dwellings.

The design and appearance of the dwellings, and their siting, is considered to be acceptable in this location.

Would the level of residential amenity achieved be acceptable?

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.

Supplementary Planning Guidance (SPG) Space about Dwellings provides advice on environmental considerations such as light, privacy and outlook.

Sufficient distances are proposed between dwellings to ensure an acceptable level of privacy for the occupiers and the amount of private amenity space proposed for the dwellings would be sufficient for the small family dwellings proposed.

As referred to above, the site is opposite Ibstock Brickworks. The application is supported by a Noise Assessment and various other noise models, communications and calculations relating to noise at the development. The Environmental Health Division (EHD) states that it is unclear as to what exactly is proposed at the site and what the noise levels and BS4142 rating arising from the operation of Ibstock Brick Ltd would be and therefore a number of conditions are recommended to require provision of the specification of the glazing and ventilation systems to be used.

Subject to the imposition of appropriate conditions, it is not considered that an objection could be sustained on the grounds of noise impact.

Car Parking and Highway Safety

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 indicated 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 NPPF, at paragraph 109, states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

The proposed access to the site is in the same location as in the previously approved outline scheme. The application is accompanied by a Transport Statement which concludes that traffic generated by this development will have no significant impact upon the highway network. The level of parking provision is considered to be sufficient.

The Highway Authority has no objections to the scheme subject to conditions and the proposal is considered acceptable in terms of impact on highway safety.

Is the amount, type and location of the affordable housing acceptable?

Policy CSP6 of the CSS states that for new residential development within the urban area, 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.

The affordable units would be a mix of 2-bed and 3-bed properties and in terms of the nature of the affordable housing, 10 would be affordable/discounted rent and 6 would be shared ownership. This accords with the requirements of both the Section 106 and the Council's Affordable Housing SPD.

In terms of design and layout requirements, the SPD states that to ensure the creation of mixed and integrated communities the affordable housing should be seamlessly integrated and distributed throughout the development scheme consisting of only small groups. It should not be distinguishable from market housing in terms of location, appearance, levels of amenity space, privacy and build quality and materials. It states that there should generally be no more than 10 affordable units in one

cluster but states that there will be a certain degree of flexibility and that the Council will negotiate the distribution of the affordable dwellings across the site to ensure the creation of balanced and sustainable communities whilst also taking into account housing management and overall site development issues.

The affordable units are proposed in several small groups across the site and your Officer's view is that they are sufficiently distributed across the site to ensure that the layout achieves an acceptable level of integration and is satisfactory with regard to affordable housing provision. The Housing Strategy Section raises no objections.

Is the proposed landscaping and open space within the site acceptable?

The Landscape Development Section (LDS) is satisfied that subject to conditions, the site can be developed without harm to any existing trees.

An area of open space is proposed in the southern corner of the site but it is very small and not centrally located and therefore the LDS advises that a contribution for off-site public open space is required. The financial contribution would be used for improvements to facilities at either Waterhayes (Audley Road Site) which is 715m away, or Crackley Play Area which is 435m away. This requirement is considered to meet the tests set out in Section 122 of the CIL Regulations (i.e. it is 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). This could be secured by a planning obligation.

Surface water drainage matters

Paragraph 165 of the NPPF advises that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the lead local flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

The application is supported by a Drainage and Flood Risk Assessment but Lead Local Flood Authority (LLFA) has indicated that the submission does not provide sufficient information to fully demonstrate that the proposed development will meet the technical standards for sustainable urban drainage.

The applicant has submitted further information to address the concerns of the LLFA and their further comments are awaited. It is anticipated that the matters will be resolved prior to the committee meeting. However, a condition which secures acceptable details can be imposed that would ensure that an acceptable sustainable drainage strategy for the site is achieved prior to development commencing.

Would there be any adverse impact on minerals extraction?

One of the considerations of LP Policy E9 is that any viable reserves of Etruria Marl should be proved and provision made for their extraction prior to development occurring, in accordance with Mineral Local Plan Policies 4 and 5. Only Policy 5 has been saved and therefore remains relevant. During consideration of the previous applications for this site, the Council's Property Section confirmed that there were no remaining clay deposits as they were extracted at the time of the reclamation of the land and therefore the conclusion reached then was that there was no conflict with Policy E9 in this regard. It is not considered that there is any reason to reconsider this issue now.

Would there be any significant impact upon any protected species?

An Ecological Assessment that accompanies the application concludes that the habitat of the site is of low/moderate ecological value. Mitigation measures are recommended and should be secured via an appropriate condition.

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 SP2: Spatial Principles of Economic Development
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 E9: Renewal of Planning Permissions for Employment Development
Policy E11: Development of Employment Land for Other Uses
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](#) (2019)

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

[Supplementary Planning Guidance/Documents](#)

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

[Affordable Housing SPD](#) (2009)

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

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

[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

18/00017/REM	Reserved matters application for the scale, layout, appearance and landscaping for 60 dwellings (Amended description and plans) – Dismissed at appeal July 2019
13/00974/OUT	Residential development of up to 65 dwellings including means of access – Allowed at appeal January 2015

Views of Consultees

Staffordshire County Council as **Minerals and Waste Planning Authority** has no objection.

Staffordshire County Council Flood Risk Team currently objects on the grounds that the submitted information does not provide sufficient information to fully demonstrate that the proposed development will meet the technical standards for SuDS.

The **Highway Authority** has no objections subject to conditions regarding removal of traffic calming measures, provision of bin collection areas, visibility splays, provision of the access, internal roads and private drives, parking spaces, surfacing and drainage for the private drives and parking areas and a Construction Environmental Management Plan.

The **Environmental Health Division** has no objections subject to conditions regarding contaminated land, a Construction Environmental Management Plan, electric charging points, prior approval of noise mitigation measures and permanent closure of windows facing Ibstock Bricks.

Staffordshire County Council as the **Rights of Way Authority** states that no Public Rights of Way cross the application site and that no application has been received to add or modify the Definitive Map of Public Rights of Way which affects the land in question.

The **Education Authority** states that no education contribution is required as there are projected to be a sufficient number of school places to mitigate the impact of this development at both primary and secondary phases of education.

The **Crime Prevention Design Advisor** is concerned regarding security but recommends a number of measures to reduce vulnerabilities. These include additional windows to overlook parking areas and open space, lighting and robust boundary treatments.

The **Landscape Development Section** states that the new development has no linear/woodland walkway, village green space or on site play provision. A commuted sum of £373,793.00 (£5,579 per dwelling) is sought for off-site open space. Either Waterhayes (Audley Road site) or Crackley Play Area could benefit. Conditions regarding retention of trees, a Tree protection plan, landscaping proposals and boundary treatment are recommended.

The **Housing Strategy Section** has no objections.

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

The **Environment Agency** has no objections subject to a condition requiring a remediation strategy regarding controlled waters.

The **Coal Authority** has no objections.

The **Waste Management Section** states that in locations where properties do not face directly onto the highway, containers are frequently left out between collections causing long term visual blight and leading to complaints and neighbourhood disputes. The layout also designs in two sets of reverses at cul-de-sac ends and the Health and Safety Executive requires these to be designed out wherever possible in favour of safer circulatory designs.

Representations

None

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design, Planning & Access Statement
- Highway Access & Transport Statement
- Drainage and Flood Risk Assessment
- Noise Report
- Phase II Geoenvironmental Site Assessment
- Arboricultural Report
- Tree Planting and Management Report

All of the application documents can be viewed on the Council's website using the following link:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/00463/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

22 October 2020